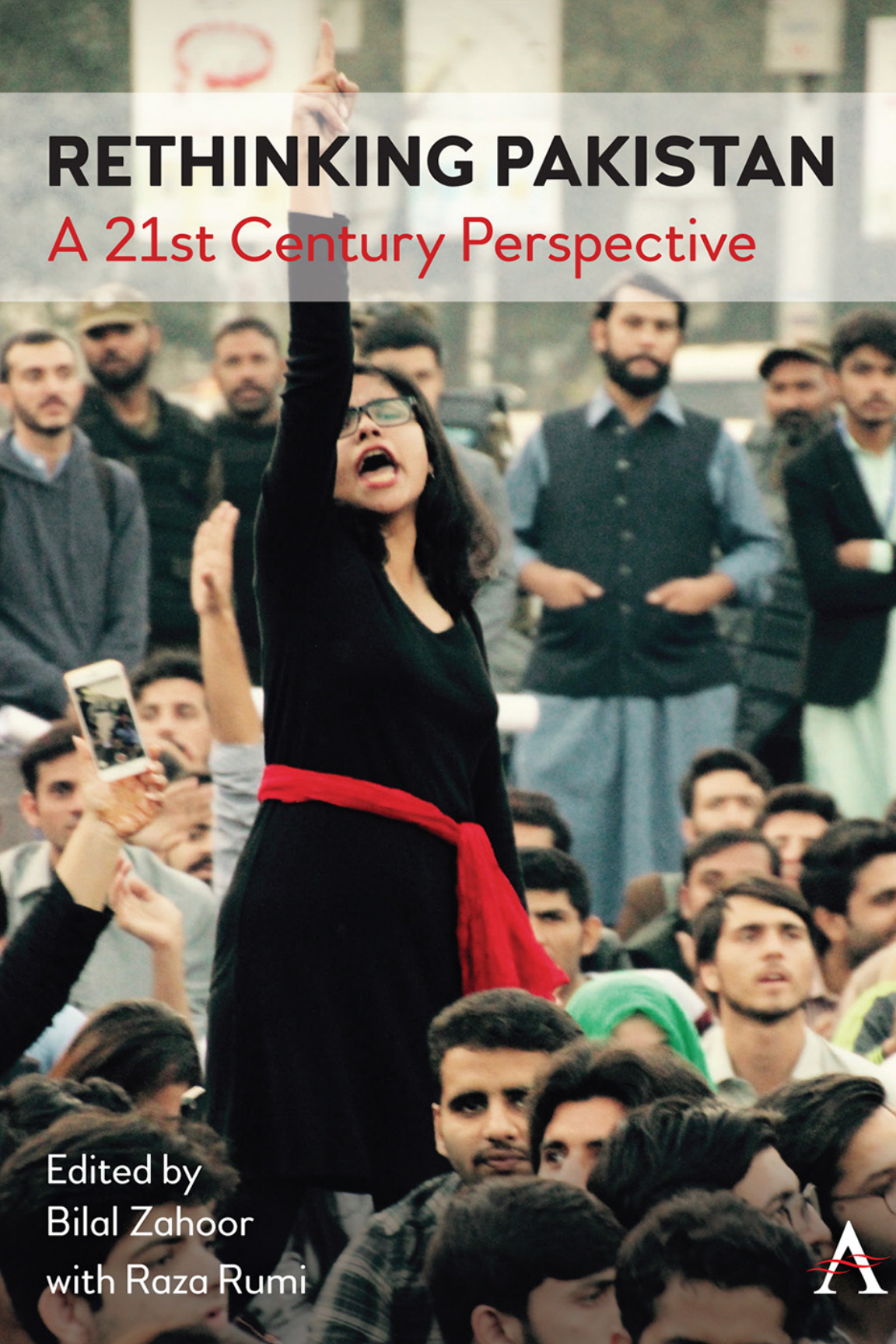
RETHINKING PAKISTAN

A 21st Century Perspective



Edited by
Bilal Zahoor
with Raza Rumi

Blurbs – Rethinking Pakistan

Rethinking Pakistan brings together some of the best minds of the country and invites them to reflect upon the most pressing issues that it is facing in all spheres – including politics, external relations, environment, human rights, gender relations, religious fundamentalism, education, freedom of expression … It is a most valuable collection that is highly accessible to everyone.

Christophe Jaffrelot, Professor, Sciences Po;
Author, *The Pakistan Paradox*

This book brings together the leading contemporary currents of thought from a galaxy of established scholars and intellectuals of Pakistan. It is a monumental contribution to the national debate on a series of crises and lingering issues that need attention of the stakeholders all around. The book covers three major areas of investigation into public life of the country. One, it delves into the historical, sociological and cultural causes of various political conflicts, ranging from the negative role of the educational curricula for national harmony to cultural violence and persistent militarism to the curse of enforced disappearances. There are highly analytical contributions that define the conflict-resolution nexus. Two, the book is a source of inspiration on the liberal agenda of creating a scientific frame of mind, setting the feminist debate in a global context, challenging the shrinking space for media and focusing on the largely forgotten area of industrial relations. One finds ample issue-orientation in the analysis and policy-orientation in the deliberations. Three, we enter a domain of hope, planning for a bright future and focusing on some longer-term issues couched in comprehensive new approaches to development, environment, energy, foreign policy and feminism. The scope of the book is amazingly wide, the analysis is rich with conceptual references and empirical findings, and the scholarly idiom is comprehensible for both the articulate section of the population and the scholarly community per se.

Mohammad Waseem, Professor, LUMS;
Author, *Politics and the State in Pakistan*

Each of the essays depicts Pakistan's current social, political and economic challenges with analysis that makes this publication one of the few credible works on Pakistan available in recent times. The contributors are some of the most respected experts in the field on which they have expounded their thoughts, laying bare the malaise that have stunted social progress, democratic development and economic stability in the country. The essays also show a way forward making this a must-read for all generations of Pakistanis who wish to understand and contribute to the elimination of existing threats to peace, security and respect for human rights.

Hina Jilani, Advocate, Supreme Court of Pakistan;
Co-founder, Human Rights Commission of Pakistan

Rethinking Pakistan is a wide-ranging analytical dissection of the Pakistani polity and offers a well-meaning, progressive prescription for present-day Pakistan, stitched together by an eclectic list of experts spanning diverse backgrounds and subjects. From energy self-sufficiency and scientific development to freedom of the press and the essential question of the dominance of the military over civilian affairs, this compendium offers a suitable guide for anyone who seeks to understand the striking mix of contemporary and historic challenges faced by Pakistan in the twenty-first century. A must-read on Pakistan's contemporary realities and future prospects.

Shashi Tharoor, Ex-Foreign Minister, India;
Author, *An Era of Darkness*

The book sets up an unfamiliar but authentic diagnostic mosaic of Pakistan that the state prefers ignoring. It collects and presents the genius that Pakistan sets aside, stretched out on its ideological bed of repeated blunders. What emerges is an intensely original view from the marginalised intellect the world recognises as Pakistan's survival kit.

Khaled Ahmed, Consulting Editor, *Newsweek* Pakistan;
Author, *Pakistan: The State in Crisis*

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Dedicated to the memory of Asma Jahangir (1952–2018)

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ACKNOWLEDGEMENTS

Rethinking Pakistan originated in a conversation between Babar Sahib Din, a friend and a cousin, and me in Lahore in January 2018. Over the months, a number of friends, comrades and academics helped me grapple with issues typical to editing a volume involving some kind of *rethinking*, in this case, of a country in need of radical transformation at most fronts. First and foremost, I am deeply grateful to the contributors who took out time for this project despite their numerous other commitments.

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Bilal Zahoor
February 2019

Introduction

PAKISTAN: TOWARDS NEW BEGINNINGS

Bilal Zahoor

Muhammad Hasan Askari, leading Urdu literary critic, wrote in an article in 1946 that "[Pakistan] would be the first populist and socialist state in the Indian subcontinent. As such, it would serve the interests not just of the Muslims but also of the Hindu masses, since it would assist in uprooting capitalism […] and in the establishment of a permanent peace and security."[1] While this might sound like a bloated expectation from a country created in the name of Islam, many of the prominent developments in the months preceding and following the Partition confirm the inevitability of this confusion. The economic proposal drawn up at the Karachi Muslim League in 1943 to set up a Planning Committee spoke vehemently of state-led industrialisation in the Pakistan areas, free primary education, land reforms, security of tenure to farmers and improvement in the social and economic condition of the proletariat.[2] The manifestos of Punjab Muslim League (1944) and Bengal Muslim League (1945) were equally radical and contained similar promises, besides speaking of civil liberties, nationalisation of key industries and banks, strict enforcement of international conventions concerning labour, reduction in working hours and significant increase in minimum wage.[3] Jinnah himself alluded to capitalism as a "vicious" and "wicked"[4] system exploiting the poor masses, though he spoke rarely in economic terms.

While these developments might have led some to believe that an anti-capitalist state was in the making, this was not to be. Jinnah's opposition to Western-style capitalism emanated primarily from his commitment to the democratic principles of egalitarianism and social justice, rather than from socialism per se. And just as the radical manifestos of provincial leagues and Jinnah's anti-capitalism statements do not imply that he wanted a socialist Pakistan, the likelihood is that his consistent reference to Islam and intent to "take inspiration from the holy Quran"[5] does not mean he envisioned a theocratic state either, however outweighing the "evidence" compared to the former is. One of the most credible scholarly voices suggesting the same idea is that of Muhammad Qasim Zaman, arguing that by *sharīʿah* Jinnah only meant the "Muslim laws of personal status governing matters such as marriage, divorce, and inheritance" and *not* "that the state should commit itself to Islamic law in its fullness".[6] Jinnah's own speeches around the Partition period validate the argument.

In February 1948, in a speech addressing the American audience, Jinnah made it clear that "Pakistan is not going to be a theocratic State, that is, rule of or by priests with divine mission. We have many non-Muslims such as Hindus, Christians, Parsis. But they

are all Pakistanis and equal citizens with equal rights and privileges and every right to play their part in the affairs of Pakistan national state."[7] In another interview with Doon Campbell[8] of Reuters in May 1947, three months before the Partition, Jinnah not only asserted that the minorities will "enjoy all the rights […] without any distinction" but also exploded the myth of Pan-Islamism and exhibited a strong desire to have friendly relations with India, much in line with the aspirations of the progressives. The famous 11 August speech to the constituent assembly affirms this notion, indicating that Pakistan was supposed to be a modern, pluralist democratic state, with religion having "nothing to do with the business of the state", and a federation allowing for the complete autonomy of its provinces.

The narrative that dominated after the demise of Jinnah was, however, different and over time assumed an Islamist character. Both Islamists and Jinnah's modernist successors continued to use him and the Pakistan Movement as an instrument for advancing their religious and political agendas. The first major manifestation of this came in the form of Objectives Resolution in March 1949 when the foundation for constitution was laid hastily "and passed 'in a snap' at a meeting of the Muslim League Party".[9] The resolution declared that "sovereignty over the entire universe belongs to God Almighty alone and the authority which He has delegated to the State of Pakistan […] is a sacred trust." Not only that the expression of God's sovereignty in the rest of the world was unspecified, but the resolution failed to elucidate how the liberal values of democracy, freedom, equality and social justice that it embraced would "be guided by Islam and what that would mean for non-Muslims".[10] Yet, the modernist successors of Jinnah were convinced that there was no conflict between Islam and liberal values and that by embracing Islam as the guiding light of the constitution they would not just be true to Islam but also to the framework of modern rights. The secularists and non-Muslims, however, disagreed; the most striking demonstration of this came from a Hindu member of the assembly saying that "every milkman calls his curd the best" and that Hindus too believe that their "religion is superior to the primitive religion of Muslims".[11]

The resolution influenced all the three constitutions the country adopted during the next 26 years. The only constitution that sought to diverge from the resolution in terms of redefining sovereignty had to capitulate to Islamists and the country had to be abruptly renamed Islamic Republic of Pakistan in less than two years after being denominated Republic of Pakistan in 1962. Over the years, the state kept distancing itself from Jinnah's vision with each dictatorial and political regime introducing its own form of appeasement to Islamists. Even the modernist regime of General Ayub Khan had to succumb to the pressure from *ulema* and reinforce all the Islamic provisions of 1956 constitution that Ayub's constitution of 1962 had initially lacked.

A decade later, the Bhutto government had an overwhelming obsession to do away with their "socialist" image and undertook the ambitious experiment of mixing Islam with socialism. While the project of Islamisation had very well started during Bhutto's period – with the declaration of Ahmedis as non-Muslims, ban on alcohol and changing weekly holiday to Friday from Sunday being a few examples – General Zia ul Haq took the project up and drove Islamisation to new heights, the effects of which are very much alive even to this day.

Pakistan, today, has reached a point where the most outstanding memories of the country's evolution echo failure, fissures and bloodshed. During its 70-year history, the country has seen

> four full-fledged wars, one alleged genocide, loss of half the country's land area in conflict, secession of the majority population, several proxy or civil wars, four direct military coups, multiple constitutions, long periods without constitutional rule, frequent religious and sectarian discord, repeated economic failures, numerous political assassinations, unremitting terrorism, continued external dependence and chronic social underdevelopment.[12]

In terms of economy, the country has failed to raise one-third of its population out of poverty (a number that rises to 60 per cent[13] if government's poverty line of Rs. 101 per day[14] is replaced by international poverty line of $ 2 per day); has taken 12 conditional loan packages from IMF[15] (each marked with artificial improvement in macroeconomic indicators and the imposition of harmful conditions to ensure repayment, resulting in worse conditions for the labour and the poor[16]); has been unable to reduce inter-personal and inter-regional inequality with ex-FATA[17] and Balochistan being the worst victims[18]; has seen a huge influx of "war-dollars" causing artificial increase in economic growth both in the military dictatorships of 1980s and 2000s; and has not been able to provide quality health, education and safe drinking water to large swathes of population. In 2018, Pakistan was the second-worst country in terms of gender parity.[19] The country continues to be rated abysmally low in almost all economic, social and human development indicators.

Clearly, the situation calls for nothing less than a radical transformation of the society, economy and polity. Such a transformation would entail the painful process of de-Islamisation of the state and reinstatement of Jinnah's vision of Pakistan as a modern democratic state – a vision that doesn't keep a Hindu from being the finance minister and an Ahmedi from being the foreign minister of the state. The process, as expected, is likely to hit several roadblocks: resistance from the clergy proposing seventh-century *sharī'ah* law, Islamist parties exploiting religion as a political tool and the military viewing itself as the custodian of "the ideological frontiers"[20] of the state. The army fulfils this "responsibility" through "indoctrination of the officers and men" and exploits the concept of "motivation through religion". The political and territorial disputes with enemies, such as India, are thus painted as eternal "*Kafir vs Muslim*" conflicts. The indoctrination, subsequently, permeates into large factions of society, with the effect that Pakistan being the citadel of Islam is an enduringly popular idea and victory over India is viewed as the victory of Islam.

This edited volume attempts to present the key challenges that Pakistan faces in the twenty-first century. Organised from a progressive standpoint, this book hopes to inform the readers about the seemingly intractable national and local issues that affect the lives and futures of 210 million populace. In doing so, the essays in this volume also outline the forward movement. From perspectives on how to address Pakistan's vulnerability to climate change to fixing the curricula and education system in the country, and from identifying the lacunae in our fight against terror to preparing for a water-scarce future,

this compendium suggests a variety of initiatives – legal, political, economic – required to make Pakistan a progressive state and society.

It is important to note that, in recent years, scholarship on Pakistan, by and large, has been the preserve of experts, journalists and academicians based abroad. The considerable surge in "pro-Pakistan" books in the post-9/11 era is reflective of the necessity of imagining a country important for the Western security imperatives. These books, among other things, include a generous view of the military and give a celebratory account of the resilience of Pakistani state and society. While some of them play an instrumental role in countering the terrorist-state image of Pakistan and expose the world to the resilience, philanthropy and hospitality of Pakistanis, most of them inexorably tend to take the attention away from the structural problems causing perennial instability to begin with. These works may also unconsciously infiltrate the idea that things are not too bad. Moreover, in their pursuit of exploding banalities, they may end up creating new, or reinforcing old, myths. For example, the cliché-busting attempt of Anatol Lieven (in his book *Pakistan: A Hard Country*) that Barelvi theology is "an immense obstacle to the spread of sectarian extremism" and "Islamist politics in general"[21] quashed in 2018 with the horror created by Tehreek-e-Labbaik in Rawalpindi, Karachi, Lahore and other cities.

This volume, however, has the ambition to be different. The contributors, besides exploring the problems and offering solutions, realise the severity of the crises plaguing Pakistan and do not shy away from busting constructed myths. One such myth that Muslim scholars do not categorically condemn terrorism is deflated in the opening chapter of this volume by Tariq Rahman. He analyses the works of three Muslim scholars – Maulana Waḥīduddīn Khān, Jāved Ahmad Ghāmidī and Ṭāhirul Qādrī – who reinterpreted and contextualised the Quranic verses pertaining to jihad by either devising new hermeneutical devices or grounding their reading in Islamic history. Rahman laments the fact that the writings of these scholars, refuting the radicals, are not widely known and calls for the incorporation of these edicts into the national counterterrorism discourse.

Contesting the received narratives about the roots of Muslim modernism in the subcontinent, Tahir Kamran debunks the myth of Barelvi eclecticism, discussed above, through historical evidence. He elucidates the much-ignored political and militant dimension of the Sufi movements with a specific focus on the influential Chishti order. Kamran demonstrates how, by the early twentieth century, puritan tendencies had started to creep into the inner core of Chishtiyya Sufi beliefs and practices, and how the modern Barelvi creed is in direct opposition to its predecessors in its reliance on the text-centric approach and emphasis on the Islamic legal code.

Dealing with the same question of Muslim modernism, but in relation to Pakistan's identity as a state, Nadeem Farooq Paracha traces its roots from the time of Mughal emperor Akbar. Paracha's most significant observation, perhaps, is that in Pakistan's early history the modernist project has largely been carried by non-parliamentary means, through judicial rulings and ordinances, and that is one of the reasons it was dismantled by the theocratic forces with little resistance. The theocratic project was bound to produce such maladies as religious extremism, the subject to which we now turn.

Raheem ul Haque contends that Pakistani youth's drift towards extremism is a result of two factors: a closed or exclusive Islamic identity and a reactive Islamic movement that

preys upon this closed identity to radicalise young blood. Muhammad Abrahim Zaka and Fasi Zaka, on the other hand, deal with the narrative sources of religious extremism and present an analysis of hate speech in the cyberspace. They identify the mechanism through which random hate speech becomes "dangerous speech" and acquires the possibility of translating into violence. For Rubina Saigol, the curriculum is reflective of the distribution of power in the society and a driver of spreading extremist messages across the society. Saigol prescribes a combination of social studies, political science and civics to be taught at primary and secondary levels, so as to apprise the students of the core conflicts of the society and make them aware of their rights.

The second section of this volume explores the questions of development, reform and governance. Charles Amjad-Ali and Karamat Ali trace the history of labour policies in Pakistan and highlight how the state has made a conscious effort throughout Pakistan's history to suppress labour movements. This anti-labour approach is tied to the skewed power structure in Pakistan and to how capitalist and feudal interests have dominated the state apparatus since 1947. The authors also shed light on how progressive and just labour policies are essential for economic growth and social equality in the country. They also call for a thorough implementation of Pakistan's international obligations on labour reform, ignoring which can have detrimental effects on the country.

Dealing with one of the most critical human resources, that is land, I. A. Rehman's chapter maps the current landscape of land ownership in Pakistan and traces various denied attempts at land reforms throughout the country's history before establishing a causal link between existing land ownership pattern and "money-driven politics". Rehman also builds an economic case for land reforms and offers tangible policy proposals aimed at distributing land among the landless and integrating them into the economy through access to education, markets and credit.

Akmal Hussain explores endemic poverty from a unique angle and argues that the roots of poverty lie in an institutional structure that rewards rent-seeking behaviour and stifles competition and innovation. He dismantles the oft-repeated myth that Pakistan cannot afford to be a welfare state at this stage of economic development. He cites the examples of countries such as Germany, Norway, Sweden and Japan that, in the latter half of the nineteenth century, made a policy commitment to the universal provision of health, education and social security; this commitment was made at a time when their GDP per capita was far lower than that of Pakistan in 2010.

Writing on water governance, Erum Sattar questions the rationale behind operationalising inter-provincial water accords in a deeply opaque manner and builds a compelling case for making all forms of water sharing and water usage open to legal contestation, so as to involve the stakeholders and arrive at better arrangements, policy frameworks and principles that respond to the challenges of the present and the future.

Carrying the thread of institutional reform, Naveed Arshad and Fiaz Chaudhry call for a reorganisation of Pakistan's power sector after identifying its basic contradiction: short-term excess capacity followed by long-term energy shortage. Their solution for tackling excess power generation consists of shifting both transportation and kitchen-related household usage to electric power, thus absorbing excess power generation in these two sectors. Long-term shortages, on the other hand, can be overcome by improving

demand forecast through accurate accumulation of data, which can be accomplished by measuring power demand in different regions separately, taking intra-day load variations into account and installing smart meters on both production and consumption sites.

The theme of restructuring the state institutions to achieve policy goals is also visible in Tariq Banuri's proposed climate agenda for Pakistan. Banuri argues that climate considerations should become the *central* component of such ministries and departments as water, power, health, agriculture, forestry, defence, urbanisation and disaster management, instead of being the province of a "weak and marginalised" Ministry of Climate Change. Perhaps more significantly, Banuri demonstrates that climate-related problems are not to be confused with environmental problems; environmental issues are like an affliction that can and should be cured, but climate change is something much larger – best understood as a new reality to which we must adjust and in which we must learn to grow and prosper.

This forceful call for fundamentally recasting the public view of a phenomenon also finds a manifestation in Pervez Hoodbhoy's chapter on science. Hoodbhoy laments the bureaucratisation of science in Pakistan wherein the development funds are spent on building more "science centres" and acquiring expensive laboratory equipment rather than broadening the horizons of the students and creating a space for curiosity, free inquiry and doubt. This conservative, utilitarian mindset views pure science as an "idle pursuit" and instead focuses on applied science, much of which is limited to the agriculture and defence sector. The solution, according to Hoodbhoy, lies in reforming school-level education, curing the country's "mathematical disability", ensuring meritocracy and keeping science and religion in separate compartments.

A series of chapters in the next section on rights, repression and resistance deals with the exclusionary nature of the state and its skewed relationship with religious and ethnic minorities as well as dissenting voices. Zohra Yusuf's write-up documents the various forms of persecution being endured by Pakistani religious and sectarian minorities, be they Christians, Hindus, Sikhs, Ahmedis, Shias or Hazaras. Among one of her proposed solutions is the training of senior judicial and police officers, so as to counter the effects of deep-seated prejudices and sensitise the state personnel.

Reema Omer deals with the horrific and inhumane practice of enforced disappearances in Pakistan. She demonstrates that the country's national legal framework fails to recognise enforced disappearance as a distinct, well-defined crime and goes on to highlight international legal precedence that Pakistan can follow, if it seeks to end this crisis of impunity and bring the unnamed and unamenable perpetrators to justice.

For Ayesha Siddiqa, the roots of such injustices ultimately lie in the country's civil-military imbalance which, she contends, has *not* shifted in the favour of civilians, despite three general elections and two successive episodes of transfer of power since the last military regime ended in 2007. Siddiqa's argument is that the military is too modern and organised an institution to allow the development of any rival civilian institution, and elections alone will not do much to dent its hegemony.

Writing about the state of press freedom in Pakistan, Umar Cheema emphasises the need for journalists to unionise and collaborate on multiple levels if they wish to fight back against state censorship. Cheema provides a detailed account of the systematic

targeting of media groups that refused to be dictated by the security apparatus of the country. Among his solutions are *simultaneous* publishing of the censored news item and strengthening of the institution of the editor.

Rafiullah Kakar examines the centre-province relations with respect to Balochistan and posits authoritarianism and centralisation to be the fundamental drivers of the ongoing Baloch insurgency. He also discusses the aftermath of the 18th amendment and the lack of preparation on the part of local ethnic political parties that were found wanting in skills, resources and experience when given the reins of power. Other than dissidents, journalists and minorities, one social group that continues to be stifled by both the state and the society is women. Afiya Shehrbano Zia in her chapter argues that, in Pakistan's current dynamics, the pursuit of love and expressions of sexuality have become political acts. She goes on to show that Qandeel Baloch's explosive mix of sex and politics made her the most potent threat to patriarchal structures, and that sexual politics is the next frontier in the fight against religiously defined gendered order. Bina Shah's mediation on feminism, meanwhile, seeks to quell misconceptions and to answer accusations levelled against it. Shah builds her argument around personal testimony and elaborates the "*purdah* system" that is hardwired into our psyche and that acts as an invisible wall, limiting women's mobility in every sense of the word.

Finally, in terms of foreign policy, Raza Rumi's chapter provides a comprehensive account of the chequered history of Pakistan-India relations and identifies the Kashmir issue as the ultimate roadblock. Rumi stresses the need to initiate an "uninterrupted and uninterruptible" dialogue process that can withstand the inevitable pressures of domestic political opposition, power groups such as the military as well as the jingoistic media.

Ismail Khan, on the other hand, makes a case for Pakistan to get out of the "trap of Indo-centrism" and view its relations with the United States, China and Afghanistan from a lens that is not coloured by the spectre of India. Khan also calls for channelising the country's internal diversity in the making of its foreign policy, by which he means that all competing domestic voices should be granted some representation in the foreign policy – an instance of which can be addressing Baloch concerns vis-à-vis the China Pakistan Economic Corridor (CPEC).

The volume is an even mix of academic and popular voices viewing the problems from progressive and forward-looking standpoints. The style and tone vary, but what is consistent is the overwhelming accessibility for both scholarly and general audiences. The desire is to discover what progressive Pakistan should look like in the twenty-first century.

Notes

1 Quoted, from a May 1946 article, in Aftab Ahmad, *Muhammad Hasan `Askari, aik mutala`a: Zati khutut ki rawshani main* (Lahore: Sang-e-Meel Publications, 1994), 37.

2 Sharif-Al Mujahid, "Economic Ideas of the Quaid-i-Azam." *The Pakistan Development Review* 40, no. 4 (2001): 1155–65.

3 Ibid.

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5 Muhammad Qasim Zaman, *Islam in Pakistan: A History*. Vol. 68 (New Jersey: Princeton University Press, 2018), 55.
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17 The erstwhile Federally Administered Tribal Areas that merged with the province of Kyber Pakhtunkhwa after the 25th amendment in May 2018.
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21 Anatol Lieven, *Pakistan: A Hard Country* (London: Allen Lane, 2012), 148.

Part I

Identity, Religion and Radicalisation

Chapter One

REFUTING THE RADICALS

Tariq Rahman

There is a common perception that Muslim scholars, clerics and academics do not aggressively condemn bombings and suicide attacks on civilians. However, such attacks have been condemned and the ideas thought to have legitimised them have, in fact, been challenged and refuted by Muslims. The Shaikh al-Aẓhar Jadd al-Ḥaqq (1917–1996), regarded by many as the highest authority of Sunni Islam, gave a long and detailed *fatwā* against ʻAbd al-Salām Farāj's *Farīḍah al-Ghaibah* arguing that the ruler is the representative of the people (*wakīl al-ummah*) and does not become an infidel simply by not applying the *sharīʻah*. Ḥaqq goes on to argue that only by renouncing the *sharīʻah* in its entirety does the ruler, or anyone for that matter, become an infidel. Thus, he rules out rebellion against the rulers of Muslim countries which is one of the main arguments of *Farīḍah* as well as the other works of other radical Islamists and militants.[1]

John Esposito, taking notice of this assumption, refutes it in his preface to Ṭāhirul Qādrī's *fatwā* against such violent acts. He reminds the readers that, in fact, the attacks of September 11 were condemned by Yūsuf Al-Qaraḍāwī (12 September 2001), though he is better remembered for having approved of such measures in the case of Israel. Moreover, Saudi Arabia's grand mufti, Shaikh ʻAbdul ʻAzīz bin Bāz condemned these attacks on 15 September. Al-Qaraḍāwī's monumental book on jihad titled *Fiqh al-jihād* refutes the arguments of the radical Islamists and asserts that Muslims should live in peaceful coexistence with all those who are at peace with them.[2] Nor is this all: the Amman message which delegitimised the arguments of the radical Islamists in July 2005 came from figures as eminent as Shaikh Sayyid Ṭanṭāwī, Rector of Al-Aẓhar (1928–2010), the Shīʻa Grand Ayatollah Al-Ḥusainīʻalī al-Sīstānī (b. 1930) and, once again, Yūsuf Al-Qaraḍāwī himself. Then came the 2007 open letter from 138 prominent Muslim leaders who reached out in friendship and understanding to other faiths. This was highly welcomed by the Archbishop of Canterbury Rowan Williams (b. 1950 and archbishop from 2002 to 2012); Pope Benedict XVI (b. 1927 and pope from 2005 to 2013); the Orthodox Patriarch Alexei II of Russia (1928–2008 and patriarch from 1990 to 2008) and Mark Hanson (b. 1946), the presiding bishop of the Lutheran World Federation from 2003 to 2010.[3] Afifi al-Akiti, a scholar of the Oxford Centre of Islamic Studies, also refuted what he described as the "*fitnah*" of Islamist radicalism. In his *fatwā*, he points out that "no Muslim authority has declared war" and any Muslim who fights in such a war "becomes a murderer and not a martyr or a hero".[4] He also condemns suicide bombings and the killing of non-combatants pointing out that an Israeli woman, even

if militarised, cannot be killed unless "she herself (and not someone else from her army) is engaged in direct combat".[5] In India and Pakistan too, a number of Muslim scholars, some at the cost of their lives, have spoken out against such acts. This chapter is about the interpretations of jihad offered by these scholars.

The Modernist Refutation of Radicalism

The modernist tradition, beginning from the nineteenth century in the interpretations of Sir Sayyid Aḥmad Khān and others, interprets Islam in ways which rule out militancy. Although a number of writers continued with this tradition in South Asia, this chapter is concerned only with those writers on jihad who tried to refute the Islamist militants who advocated armed conflict with "the West" in general as well as India since the rise of the Taliban and other Islamist militant movements in Afghanistan, Pakistan and India.

Among the South Asians from the diaspora now resident in Britain is Ziauddin Sardar (b. 1951). His work seems to have much appeal for the youth among the Muslim diaspora in Britain which is susceptible to radical Islamist influences. In his book *Reading the Qur'an*, he presents a thematic exegesis of the first two chapters of the Book. The verses about jihad, 2:190–95 (see Annexure A for all relevant verses of the Qur'an), are the subject of a chapter entitled "War and Peace".[6] Sardar employs the hermeneutical devices of using the occasions of revelation (*asbāb al-nuzūl*) to determine the historical context of the text. This is then juxtaposed to contemporary times and interpreted "in terms of their spirit rather than as specific injunctions".[7] This is very much in the spirit of Fazlur Rahman's "twofold movement"– take concrete cases in the Qur'an and deduce a principle; apply this to contemporary cases.[8] Sardar begins his commentary on the above-mentioned verses by putting them in the historical context. The nascent Muslim community was in danger of being grievously harmed, even wiped out of existence, as the Quraysh were preparing for the Battle of Badar (624 CE). These verses justify fighting in self-defence. However, this does not allow aggression. Thus, the major battles – Badar, Uḥud and Khandaq – were all defensive. Fighting, therefore, is to resist *fitnah* which Sardar defines as "persecution, suffering, slaughter, sedition and constant distress. It is synonymous with hindering people from practising their faith."[9] The verse 2:193 – fight till *fitnah* comes to an end and religion is all for God – means ending "persecution and oppression" and not "the domination of Islam and the subjugation of non-believers". It ensures freedom of conscience for all and not only for Muslims. Here he specifically rejects Sayyid Quṭb's interpretation that it means making Islam dominant and approvingly quotes Abul Mawdūdī who believes that everybody can hold on to their beliefs. Of course, Mawdūdī makes this conditional to their being politically subservient to Muslims and never to exercise sovereignty in their own right but this Sardar does not point out here.[10]

Although Sardar's commentary of the Qur'an is only about Q.2, he also refers to the "sword" verse 9:5 and 3:149. He interprets the first by using the device of specification which is quite common among exegetes who deny that jihad necessarily means fighting against all non-Muslims for ever. Like others he says that "it is a specific instruction to those in the thick of battle" and concludes that the breakers of treaties, the pagan Arabs

of that period with whom there was an ongoing war, were "the specific people to whom this verse refers".[11] As for the verse of *Āl Imrān* (Q.3) – do not follow the unbelievers who would turn you back to unbelief (3:149) – he explains it with reference to the occasion of its revelation, the Battle of Uḥud, in which the Muslims again faced existential danger. In this context, he says, God encouraged Muslims since a battle was imminent but this does not mean that it is valid for ever. Such context-bound verses, specifically meant for the people they addressed, are not eternal or universal general commands, though, laments Sardar, they have "a strong appeal for some disillusioned Muslim youth".[12] These are the youth who bombed the London underground system and precipitated the twenty-first century's greatest crisis involving Muslims so far – the attacks of September 11.

Progressive Islamic Scholars in India

This event provoked South Asian thinkers, including some *'ulamā*, to distance themselves from the narratives adduced by radical Islamists to justify violence. In India, Mawlānā Waḥīduddīn Khān (b. 1925), who was then the president of the Islamic Centre in New Delhi, took the lead in refuting radical Islam. Khān expressed his ideas about jihad in many of his publications –*The True Jihad*, *Dīn aur Sharī'at*, and accessible pamphlets.[13] In his brief monograph, *The True Jihad*, written in English to disseminate his ideas outside South Asia, he sums up all that he had previously written in Urdu. Beginning with the ideological assumption that all Islam's wars were defensive, he chooses the most appropriate hermeneutical devices to interpret the canonical texts. As for the commands in the Qur'an urging Muslims to "kill them wherever you find them" (2:191; 9:5), he uses specification (*takhsīs al-zaman wal makān*) saying: "such verses relate in a restricted sense, to those who have unilaterally attacked the Muslims" but are not permanent, general commands. He points out that the Bhagwat Gita, the holy book of the Hindus, urges Arjun to fight his kinsmen since at that time it was a duty. In the same way, Christ said "do not think that I came to bring peace on earth. I did not come to bring peace, but a sword" (Matthew, chapter 10). But such statements are contextual and do not make Hinduism or Christianity religions of war.[14] The implication is that Islam should not be judged on the basis of contextual statements of an aggressive kind. What is permanent is that the Prophet "has been termed a 'mercy for all mankind'" in *Al-Anbiyyā* (Q.21) – "We have sent thee as a Mercy for the worlds" (21:107).[15] He also explains verse 2:193, which commands fighting until *fitnah* comes to an end, using both semantic expansion as an interpretive device as well as the argument of change according to circumstances (*tataghayyar al-aḥkām bataghyyar al-zamān wal al-makān*). The term *fitnah* is defined as a "coercive system which had reached the extremes of religious persecution".[16] He argues that, since people can preach Islam peacefully now, the duty of ending *fitnah* by force of arms has also ceased to exist. As for the dominance of Islam, *izhār al-dīn*, it has, indeed, been prognosticated and promised in the Qur'an in *Al-Tawbah* (Q.9) – "the unbelievers want God's radiance to be extinguished but God will not allow it" (9:32); "God has sent his Messenger to make his religion dominant (9:33)" – but it refers to peaceful propagation of faith, a moral revolution.[17] Since the fall of Communism, there is an intellectual vacuum and "the place is vacant for an ideological superpower, and that, potentially

belongs to Islam".[18] So the only jihad left for Muslims is to establish peace through non-violent means.

In short, by using semantic expansion, specification, abrogation, and change of rules according to circumstances for the Quranic verses about *qitāl* and questioning the authenticity of certain *aḥādīth*, Khān abolishes aggressive wars in the name of jihad, insurrections against rulers, suicide attacks and all that radical, militant Islamists stand for. He concludes that "violence has been practically abandoned" and that it was "an abrogated command in the language of the *shariah*".[19] In this context, presumably because he lives in India, he gives the example of Gandhi who adopted the principle of non-violence in his struggle for Indian freedom. In his interpretation of jihad, non-combatants cannot be harmed and non-violence is the norm except when actually attacked by the enemy. Here the Mawlānā gives the specific example of the September 11 attacks and suicide attacks, making it clear that neither of them is allowed in Islamic law.[20]

Waḥīduddīn Khān's interpretations were sharply refuted by critics who argued that he had abolished jihad as fighting (*qitāl*). One such critic was Muḥammad Rashīd, a Pakistani scholar of Islam, who wrote a trenchant critique of an article by Khān called "*Jihād kā taṣawwur Islām mẽ*" (The Idea of Jihad in Islam). Khān's article was published as a chapter in his book entitled *Dīn awr sharī'at* mentioned above and summed up his views about jihad spread in many of his writings. Rashīd vehemently objects to Khān's distinction between peaceful struggle (*pur amn jad-ō-jahad*) and violent struggle (*pur tashaddud jad-ō-jahad*) made in this article. In Rashīd's view, such a distinction could not be made. Jihad was a combination of both to which the battles called jihad in the classical period of Islam testify. And this remains a model of behaviour for Muslims forever. He also objects to Khān's use of the hermeneutical device of "change in laws as a consequence of change of circumstances" mentioned above to justify the abolition of aggressive jihad.[21] While Khān asserts that the world has become much more peaceful than when the Arab tribes of the seventh century existed, Rashīd argues that it has not. He points to Western colonialism, the world wars, Israel, Vietnam, Afghanistan, Bosnia, Chechnya, Kashmir and Iraq to argue that *fasād* still exists. Moreover, the struggle of Muslims against their oppressors – the familiar list follows – is delegitimised by Khān since it comes under his definition of *fasād*.[22] Most of Rashīd's arguments are political and emotional rather than theological but his conclusion, that Khān had abolished jihad and thus facilitated the further domination of the West over the Muslim world, resonates with many Muslims and not just the radical ones.

Progressive Interpretation of Jihad in Pakistan

Perhaps the most powerful voice against radical Islamist interpretations is that of Jāved Ahmad Ghāmidī (b. 1948), a liberal Islamic scholar who has been forced to leave Pakistan because of the threats to his life. Ghāmidī's organisation, *Al-Mawrid*, carries out research on Islam, publishing a journal entitled *Renaissance*, which is managed by his son. *Al-Mawrid* has branches in the United Kingdom, United States and Australia, and its main function is to keep the issue of interpretation of Islam alive in accordance with the

broad principles laid down by its pioneer. It has recently published English translations of both the Qur'an (*Al-Bayān*) and his book *Mīzān*.

Ghāmidī's interpretive approach is based on an emphasis on language and the literary appreciation of the Qur'an. According to Asif Iftikhar, "contrary to the general assumption of the classical/medieval exegetes Ghāmidī believes that the Qur'ān primarily addresses the Ishmaelites, Israelites, and the Nazarites of Arabia in the Prophet's times".[23] This makes it possible to consider its verses, especially those relating to aggressive war, as being specific rather than universal in their application.

Ghāmidī presents his theories through his essays, lectures, talks and his book entitled *Mīzān*. This book covers all aspects of Islamic thought and behaviour. The chapter on jihad [24] is especially relevant for us. He starts by stating clearly that there are two kinds of jihad. The first, which is defensive, is only permitted to resist *fitnah* which is defined as cruel persecution of Muslims and effort to alienate them from their religion. Subsumed under this is cruelty, exploitation and antagonism, Muslims facing these conditions are permitted to fight by the orders in *Sūrah al-Ḥajj* (Q.22) – those against whom war is going on and they are being oppressed are allowed to fight (22:39); these are those who have been expelled from their homes, and if God does not confront such people through others, then mosques, churches and other places of worship would have become desolate (22:40). More detailed orders for this kind of defensive war are given in 2:190–92 as quoted above. As noted earlier, the operational issue is the elimination of *fitnah*. However, two conditions should be met: first, this is an order for the whole Muslim community, not individuals or groups acting upon their own.[25] Second, armed resistance should be undertaken only when one's military power has reached a certain necessary level.[26]

The second type of jihad is aggressive. This is given in 9:5 and 9:29. Here Ghāmidī begins by determining the addressees of the Qur'an, which, as has been noted above, are the Ishmaelite polytheists, Israelites and the Nazarites of Arabia in the seventh century. Thus, many of the actions consequent upon these people's rejection of the Prophetic message are particular to them and not relevant for later peoples. While this is the familiar use of the hermeneutical device of specification, Ghāmidī brings in the theory of God's own tradition (*sunan Ilāhiya*) in support of it. According to him, God has an unalterable law which is His own prerogative. When He sends a prophet (*rusūl*) to guide a group of people and they do not obey, God punishes them as in the case of the people of Lot and others.[27] The verse 9:5, about giving no quarter to the non-believers after four months, is divine punishment and is reserved only for the Arab polytheists but is not to be inflicted upon any other people. Similarly, the Jews and Christians who were to be subjugated after aggressive warfare and made to pay the poll tax by the orders in 9:29 were those who had rejected the Prophet's message and this was, again, divine punishment. These orders are not valid anymore and hence Muslims cannot fight aggressive wars nor force people to pay *jizyah*. The only jihad they can undertake now is defensive.[28]

The gist of these arguments is that Ghāmidī uses two major interpretive devices – theories about divine punishment (ideological assumption) and restriction of aggressive war to a particular people and period (specification) – resulting in his final pronouncement that aggressive warfare in the name of jihad is completely banned. Moreover, he also refutes the arguments of radical Islamists for fighting on their own initiative despite

disparity of military power that exists between them and the enemy. In addition, he emphasises that neither non-combatants should not be killed nor anyone burnt to death. For both, he cites *aḥādīth* (see Annexure B). It was probably because of such clear refutation of the ideas of the radical Islamists that Ghāmidī is seen as a threat by them.

Another scholar whose interpretations were modernist, and therefore abhorred by the Islamist militants, was Fārūq Khān (d. 2010). He was a student of Ghāmidī and therefore, in matters central to the Islamic creed, he follows the ideological rationale given by his mentor. He had been nominated as the vice chancellor of the newly established University of Swat when he was murdered by militants on 2 October 2010. He expressed his views in a number of speeches, accessible articles and in a book called *J̌ihād ō qitāl* which details his principal thoughts concerning jihad.[29] He announces seven general rules about jihad: only legitimate governments can declare war; non-state actors cannot be used to fight; suicide attacks are not permitted; non-combatants cannot be harmed; international treaties ought to be respected; the risk of fighting should be undertaken only if there is a reasonable possibility of victory; if the enemy sues for peace this should be accepted unless it is a ruse; there should be no initiation of fighting during the sacred months; and last, there should be reciprocity in response.[30]

In this context, Fārūq Khān mentions wars from Islamic history arguing that they were not without the permission of rulers. Sayyid Aḥmad, for instance, established a state in the tribal areas and the jihad of 1857 took place under the Mughal rule.[31] In this context, he condemns Zia ul Haq's (1924–1988 and r. 1977–88) policy of launching a covert war against the Soviet Union in Afghanistan. This was unannounced; hence, a deviation from the Islamic law of war. Zia ul Haq could have formed a government in exile as India did in the case of Bangladesh in 1971, and this government could have announced a war – but this was not done.[32] As Osama bin Laden was the hero of the radical Islamists in Pakistan in the 1990s, Fārūq Khān singles out his *fatwā* permitting the killing and robbing of non-Muslim non-combatants. He argues that bin Laden was not a ruler and hence he could not order jihad nor, indeed, violate the law of war by killing non-combatants. Bin Laden's interpretation of 9:5, that it permitted perpetual warfare against non-Muslims, was also wrong since the verse was applicable only to the Arab polytheists of the seventh century.[33] More importantly, he denies that America has declared a war against Islam, thus refuting the radical Islamists' main argument that their attacks are defensive and that such warfare is a duty for all Muslims (*farḍul 'ayn*).

In his highly accessible writings in Urdu as well as in his speeches and sermons, Fārūq Khān kept refuting the ideas justifying jihad among Pakistani militants. He presents the argument that international treaties with India were not revoked openly nor was war declared; as a result, the pre-requisites of waging a jihad have not been met. This, of course, was Mawdūdī's argument for the 1948 war about Kashmir. Moreover, he adds to it that this war is unlikely to be won in any case and so that is further ground for considering it illegal.[34] Since Pakistani Islamists often justify aggression against India with reference to *aḥādīth* about the war with India (*ghazwah-i-hind*), he examines their authenticity. He argues that these traditions are weak since their narrators are not reliable. Moreover, he points out that the areas called Hind and Sind are not to be confused with

modern India. The former included all Eastern Asia and the latter was coterminous with present-day Pakistan. Thus, to attack India on the basis of this hadith is not permissible.[35]

Khān also interprets verses of the Qur'an as well as the traditions used to justify perpetual warfare differently from the radical Islamists. The interpretive devices he uses for 9:5 and 9:29 are the same as Ghāmidī's, namely that the first is specifically meant for the Arab polytheists since it is God's punishment. Likewise, fights with Jews and Christians are not permitted nowadays as they are allowed only with contemporaries of the Prophet who had denied His message. Subsequently, he takes up the *aḥādīth* about jihad being eternal invoked by the radicals. Two of these are that jihad is for ever till everyone converts to Islam and that paradise is under the shadow of swords (for texts of the traditions, see Annexure B). Fārūq Khān interprets the former to refer to defensive wars which will be intermittent, while the latter stops Muslims from seeking war and exhorts them not to show cowardice if it is forced upon them.[36] Lastly, he mentions the relations of Muslims with non-Muslim states. These depend upon whether these states are friendly, indifferent or inimical. For the first, there should be friendship; for the second, working relations should prevail; and for the last category, there are no special orders except that enemy attacks may be repulsed.[37] Khān's clear refutation of the interpretations of jihad by the Taliban and other Islamic militants finally cost him his life – he was killed on 2 October 2010. But his views are still disseminated through electronic media and websites.

The Deobandi Response to Islamist Militancy

Most clerics belonging to the Deobandi and Ahl-i-Hadith schools remained equivocal about the terrorist attacks of the Taliban. The problem seemed to be that they could not deviate so much from the traditional doctrines of the *ulamā* they had guarded through the centuries, as to argue that jihad was only defensive. One prominent case in point is that of Mufti Taqī'Uthmānī (b. 1943), son of Mufti Muḥammad Shafī (1897–1976), a prominent *'ālim* of the Deobandi school. A correspondent of his, 'Abdul Shakūr Lakhnawī, had written to him that jihad was only for the oppressed, that is, purely in self-defence. 'Uthmānī rebutted this view spiritedly, saying that it was for "the exaltation of the word of God" and to establish the dominance of Islam.[38] When this created something of a storm, 'Uthmānī replied that whatever he had said earlier was about a formal Islamic state and quoted verses enjoining peaceful coexistence with the non-believers: 8:61 (if they incline towards peace so should you); 2:190 (if they desist from aggression so should you); and 60:8 (you can live in amity with those who have not been hostile to you).[39] In short, he was torn between adhering to the interpretations of his tradition and, in response to the necessity of the time, giving a peaceful image of Islam.

But despite this dilemma, the original seminary, the Darul Ulum at Deoband in India, did give a *fatwā* against all forms of violence in the name of Islam. This was done by Mufti Habīb ur Raḥmān, the grand mufti of the seminary, with great fanfare in Delhi on 31 May 2008. About 40,000 people were in attendance including representatives from other sects. The *fatwā* used the arguments in favour of peace presented above. The Deobandi edict was welcomed by all major parties and the public in India. Even the Bharatiya Janata Party (BJP), seen as anti-Muslim, welcomed it. Indian Muslims are said

to be greatly influenced by it because of the prestige of Deoband. It is, as one author has put it, "the first dramatic sign that Indian Muslims did not want to be branded as a community sympathetic to terrorism".[40] In Pakistan, too, nearly 150 Deobandi *'ulamā* did issue a statement against terrorism in April 2010. This statement was drafted by Taqī 'Uthmānī himself, and it repeated the above arguments emphasising that suicide attacks were illegal. However, the statement was not altogether a liberal document. It mentioned that suicide attacks are a result of extreme frustration and disillusionment; criticised America for its attacks on Muslims; and condemned General Musharraf's policy of joining America's war in Afghanistan.[41] However, in Pakistan, the kind of show of strength witnessed in India was not in evidence possibly because the risk of being killed was much higher.

The Refutation of Radicalism by Pakistani Clerics

However, a few individual clerics did muster up the courage to speak out against the Taliban. One of them was Mawlānā Ḥasan Jān (1938–2007), president of the group of Deobandi seminaries called Wifāq al-Madāris, who did issue a *fatwā* against suicide bombings and was killed for it. The Mawlānā had had a brilliant clerical career having studied at the Islamic University of Medina as well as at Peshawar University from where he obtained an MA with distinction. He was also elected as a member of the National Assembly of Pakistan from the Deobandi political party, the Jamī'at ul 'Ulamā of Mawlānā Faḍlur Raḥmān (spelled as Fazlur Rahman in the literature) (b.1953). The story of his assassination, as narrated in the press, is that he was requested by some men ostensibly to solemnise a marriage on 17 September 2007. He went out with them and his dead body was found the next day in the suburbs of Peshawar.[42]

While the Taliban studied in Deobandi seminaries and were inspired by an extreme and locally modified form of the Deobandi ideology which disapproved of visiting shrines with a view to praying to the great *ṣūfī* saints who were buried there to intercede for them with God, the Barēlwīs were upholders of an interpretation of Islam in which the shrines had a central significance. The Taliban often attacked these shrines on the ground that this was a form of associating someone (the saints in this case) with God. Thus, they were more exposed to the fury of the Taliban. One *'ālim* who invited their wrath was Sarfarāz Aḥmad Na'īmī (1948–2009). He had defied the Islamist militants by condemning suicide bombings and other terrorist activities. He was the head of the *Taḥaffuz-i-Nāmūs-i-Risālat Maḥādh* (TNRM), a conglomeration of about 20 parties whose main agenda was to prevent any disrespect to the Prophet. Na'īmī was killed in his seminary in Lahore on Friday, 12 June 2009, when a youth came in and detonated his suicide jacket killing five people, one being the Mawlānā. The Tehrik-i-Taliban Pakistan (TTP) claimed responsibility for his murder.[43]

Perhaps the most detailed *fatwā* against the radical Islamists is by Ṭāhir ul Qādrī (b. 1951), head of the Minhāj ul Qur'ān, an organisation which has offices in many countries across the world. Published in English as *Fatwa on Terrorism and Suicide Bombings* in 2010 in London, the book has 17 chapters.[44] The first two chapters describe the basic beliefs and rituals of Islam, while the subsequent chapters are about the ideas and conduct of radical

Islamists. Qādrī argues that not only Muslims, but also non-Muslims, cannot be killed indiscriminately through terrorist methods. Nor, indeed, can non-combatants be harmed through suicide attacks, which are completely taboo no matter what the provocation may be. He also inveighs against rebelling against one's rulers quoting *aḥādīth* to support his point of view. For instance:

> On the authority of 'Ubada b. al-Ṣāmit: He (the Prophet, Peace be Upon Him) said: "do not come into conflict with the leaders that are over you unless you witness manifest disbelief for which you have proof with God".[45]

Another hadith to the same effect is as follows:

> The Prophet (Peace be Upon Him) said: "Indeed, the best jihad is a just word in the presence of an unjust ruler."[46]

This he interprets as the use of constitutional and legal ways of opposing rulers for grievous wrong but even then, armed resistance is not permitted. In addition to the selective use of *aḥādīth*, Qādrī also marshals an impressive list of people, both from the classical and contemporary periods, to condemn armed rebellion. Among those who are referred to are some Indian scholars such as the reformer of the Ahl-i-Hadith movement, Naẓīr Ḥusain of Delhi (1805–1902).[47] Qādrī lays down the rules of jihad which, having been covered already, need not be repeated. One point, however, deserves notice. In his discussion on the necessity of having sufficient military strength to undertake a jihad, Qādrī, similar to what some others have noted, lays down its exact proportion which, according to him, should be at least half of the strength of the enemy's army.[48] Perhaps the most unique aspect of his book is that he equates the radicals with the Kharijites. He spends five chapters (13 to 17) to prove, through *aḥādīth* and books of history, that there are similarities between the ideas of both groups: the apparent piety, fanaticism and cruelty. One of the *aḥādīth* he uses is as follows:

> Reported from Abū Salaman and 'Ata b. Yasār, they both went to Abu Sa' īd al-Khudrī who said that the Prophet (Peace be Upon Him) said: "There shall appear a folk in this Umma," and he did not say "from it" and you will be little in your prayers in comparison to theirs; they will read the Qur' ān but it shall not pass their throats and larynxes. They shall pass through the religion just as an arrow passes through a hunted game.[49]

He sums up his views about the radical Islamists by saying that "their characteristics are similar to those of the Kharijites" and concludes that the judgement of the Caliph 'Alī against them "is equally applicable to their modern counterparts".[50] In short, Qādrī is unequivocal in his view that the militants attacking civilian targets in Pakistan, India and Afghanistan must be fought with and eliminated. In support of this view he refers to many Islamic scholars including Shāh 'Abdul 'Azīz, Shaikh 'Abdur Raḥmān Mubārakpūrī (1876–1925), who was a famous Ahl-i-Hadith scholar of India; Anwar Shāh Kashmīrī (1875–1933), who was one of Deoband's famous teachers of Hadith; and Shabbīr Aḥmad 'Uthmānī (1887–1949), the famous Deobandi scholar who supported Pakistan.[51]

Qādrī's whole case rests on the alleged similarities, especially the extreme cruelty and intolerance, between the radical Islamists and the Kharijites.

In this context, it should be mentioned that the Pakistan Institute of Peace Studies (PIPS) organised a seminar on the subject of rebellion (*khurūj*) and excommunication (*takfīr*) in Islamabad. A number of scholars of Islam, both traditional *'ulamā* and academics, came together and were asked specific questions. The claims of the radical Islamists that both were permissible, indeed necessary, considering that the rulers of the Islamic world were not ruling according to the *sharī'ah*, were examined. The consensus of opinion which emerged was that both were not permissible unless a ruler had committed an open and public confession of unbelief. But even in such cases, rebellion, especially that which had little chance of success and transition to peaceful rule, was not justified.[52] The participants, however, did not agree to call those who had indulged in what they called *khurūj* in Pakistan by the execrable name of Kharijites as Ṭāhir ul Qādrī had done.

Qādrī charge of Kharijism is not unique as it has been the theme of several political commentators and clerics. Jeffrey Kenny tells us how the Egyptian state chose, among other things, to counter the Islamic threat by delegitimising it theologically. However, "in its social reality, [it] was more of a loose-fitting garment of protest that could be donned or cast off as the circumstances warranted".[53] Though the debate about Kharijism raged in Egypt, Kenny concludes in the end that modern conditions are entirely different from that of the seventh-century Arabia and, therefore, the theological foundations of the phenomenon of militancy in question are not the same. Indeed, he points out that he refused to be used in a military-inspired idea to dub the Islamist militants as Kharijites in order to turn public opinion against them.[54] He goes on to say that this tactic will not succeed even if it is used against Osama bin Laden. "There will always be questions," he continues, "about why he turned to violence, about the corruption of the Saudi system that produced him, about the legitimacy of the causes that he claims to defend (however cynically), and about his willingness to stand up to the West (unlike the current band of Arab leaders)".[55]

Meanwhile, *fatwās* – both for and against radical Islam – keep proliferating in Pakistan and elsewhere. On 27 May 2017, at the conclusion of a seminar on the reconstruction of Pakistani society in the light of the Medina Charter which promises peace and compassion, 31 scholars of Islam issued a unanimous *fatwā* to condemn terrorism and extremism.[56] This *fatwā* was opposed by Mawlānā Samī'ul Ḥaqq, a politician and head of the Deobandi seminary at Akora, Khattak, where a number of Taliban were trained (he is dubbed "the father of the Taliban"). In his criticism, he said that Muslim rulers were puppets of the West and were unable to carry out jihad. Commenting on Samī'ul Ḥaqq's objections, Amir Rana, the journalist and specialist on Islamic militancy in Pakistan, wrote: "perhaps what irritates Maulana Samī'ul Ḥaqq is that the fatwa does not specifically exclude Afghanistan, where Taliban are killing fellow Muslims".[57] For the radical Islamists, the crucial questions, as Rana points out are: can force be the last resort to establish an Islamic state given that democracy will not do it? Is it valid to fight rulers who follow the West? Is leaderless jihad justified? Can the non-Muslims be attacked in their own countries?

Conclusion

These questions remain valid all over the world, and Pakistan is no exception. However, unlike Egypt, Pakistan was ambiguous about countering militant interpretations of jihad. The public was fed with so many myths that it was never clear just who the enemy was. For instance, one Pakistani discourse about the militancy before December 2014, when the militants attacked and brutally massacred the students and teachers of the Army Public School (APS), Peshawar, was that "Muslims do not kill Muslims". Thus, every attack was blamed on the proverbial "foreign hand" which was a code word for India, though sometimes also the United States and even Israel. The United States, it may be pointed out, was actually fighting the Taliban in Afghanistan, India is intermittently attacked by radical Islamists and there is no proof that Israel is even remotely involved in such kind of militancy in Pakistan. As for India, although there is proof that India helps Baloch separatists, any help which they might have given to the Islamist militants could only be minimal and probably part of the perverse games which intelligence agencies play with adversaries. Any serious help of this kind could jeopardise India itself since Islamists regard Hindus as the enemies of Islam, and it would not be in India's long-term interest to encourage them in a serious way. After the APS incident, however, General Raheel Sharif's (b. 1956) military action against the Taliban, code named Zarb-e-Azb (meaning sharp strike) which began in June 2014, gained significant intensity; it still continues in the form of Radd-ul-Fasād (the elimination of evil) under the present commander of the Pakistan Army, General Qamar Javed Bajwa (b. 1960). So far the militant groups which kill Shīʿas and attack India have not been targeted by the army which either still uses them as proxy fighters for Kashmir or remains sympathetic towards them for other reasons.

Possibly because of the deeply divided, even schizophrenic, responses of the Pakistani state and the public to Islamic militancy, the writings attempting to refute their narrative are not widely known. The thesis that since being dubbed Kharijites did not succeed in Egypt, the fact that it would not have similar results in Pakistan is untenable. It is possible that in Pakistan the labels of *khārijī* and assassins (*fidāyīn*) may have greater resonance with the public than they had elsewhere. However, a theological response would have to be considered seriously by Islamic scholars and by other stakeholders to be successful.

Annexure A

Al-Baqarah 2 (The Cow)

2: 190 Fight in the way of Allah against those who fight you, but begin not hostilities. Lo! Allah loveth not aggressors.

2: 191 And slay them wherever ye find them and drive them out of the places whence they drove you out, for persecution is worse than slaughter. And fight not with them at the inviolable places of worship until they first attack you there, but if they attack you (there) then slay them. Such is the reward of the disbelievers.

2: 193 And fight them until persecution is no more and religion is for Allah. But if they desist, then let there be no hostility except against wrongdoers.

Al-Anfāl 8 (Spoils of War)

8: 39 And fight them until persecution is no more, and religion is all for Allah. But if they cease, then Lo! Allah is Seer of what they do.

8: 61 And if the incline to peace incline thou also to it, and trust in Allah […] (part left out).

Al-Tawbah 9

9: 5 Then, when the sacred months have passed, slay the idolaters wherever ye find them, and take them (captive), and besiege them, and prepare for them each ambush. But if they repent and establish worship and pay the poor due, then leave their way free. Lo! Allah is Forgiving, Merciful.

9: 29 Fight against such of those who have been given the Scripture as believe not in the Allah nor the Last Day, and forbid not that which Allah has forbidden by His messenger, and follow not the Religion of Truth, until they pay the tribute readily, being brought low.

Al-Mumtaḥina 60 (She That Is to Be Examined)

60: 8 Allah forbiddeth you not those who warred not against you on account of religion and drove you not out from your homes, that ye show them kindness and deal justly with them. Lo! Allah loveth the just dealers.

Source: English translation from Marmaduke Pickthall, *The Holy Qur'ān: Arabic Texts with Transliteration in Roman and English Translation* (Revised. ed. based on the Hyderabad, 1930 edition).

Annexure B

The *aḥādīth* on jihad referred to in this article are as under:

1. That jihad will go on for ever or till everyone accepts Islam.
   [list of names] […] narrate on the authority of Haḍrat Abū Hurayra that the Prophet (On whom be Peace) said I have been ordered that I do jihad with the people till they say "there is no diety except God". Then whoso says "there is no deity except God" his life and wealth will be protected in exchange for the Truth. His salvation is then with God. This has also been reported by Haḍrat 'Umar and Ibn 'Umar' (*Bukhārī* Item 204; *Abū Dāwūd* Vol. 4, item 2484, "Kitab al-jihad", he says it will go on till the war with the Dajjal (*Ṣaḥīḥ*); Item 2532 to the same effect is classified *ḍaīf*; *Nïsaī* Vol. 2 Items 3092, 3093, 3094, 3095 and 3097).
2. That non-combatants such as women, children old men, hermits and those who cannot fight will not be killed.
   Ishāq bin Ibrahīm, Abū 'Usāmah, 'Ubaidullāh, Nāfe' narrate on the authority of Haḍrat Ibn 'Umar (May God be pleased with Him) that the Prophet (Peace be

> Upon Him) saw a woman killed in a jihad and forbade the killing of women and children (*Bukhārī* item 267; also item 266; *Ibn Mājah* Items 2841 and 2842; *Muslim* Item 4047 Vol. 5 *"Kitāb al-jihād was Sīr"; Tirmidhī* Item 1569, Vol. 3 *"Abwab us Siyār"*).

The militant Islamists quote another *hadith* to counter this one which is:

> [List of names] […] narrate on the authority of Sa'b bin Jithāma that in the place called Abwa' or Wadwān the Prophet (Peace be Upon Him) passed by and was asked about the polytheists who were hostile. The question was that when they were raided at night their [the polytheists'] women and children are also killed, so he replied "they are of them also". (*Bukhārī* Item 265; *Ibn Mājah* Item 2839; *Muslim* Item 4049 adds that it should be in a nocturnal raid and not deliberate; *Tirmidhī* Item 1570)

A *hadith* often quoted in militant circles especially in Pakistan is about attacking India (*Ghazwah-i-Hind*):

> Abū Hurayrah (May God be Pleased with him) said that the Prophet (Upon whom be Peace) promised us Muslims that India would be attacked by us. If it happened in my lifetime [Abū Hurayrah's] then I will join it with my life and wealth. If I die I will be among the best of martyrs. If I come back I will be the SAVED. (*Nisaī* Vol. 2 Items 3174 and 3176 both *ḍaīf*)

Another version is:

> Thaubān (May God be pleased with him) reported that the Prophet (Peace be Upon Him) said: In my Ummah there are two groups whom God has saved from fire. One which attacks Hind and the other which will be with "Isā Ibn Maryam". (*Nisaī* Vol. 2 Item 3177, *Ṣaḥīḥ*)

The *hadith* often quoted by those who consider jihad primarily as moral improvement is as follows:

> When returning from a war the Prophet (Upon whom be Peace) said: "we are returning from the smaller jihad (*al-jihād al-sughrā*) and going towards the greater one (*al-jihād al-akbar*)". The Companions asked: "which is the greater Jihad?". He (PBUH) replied "the jihad of the heart" (*qāla jihād al-qalb*). (*Mashara' al-ashwaq*)

Surprisingly, the hadith in *Muslim*, which is considered authentic by Sunnis– "*al mujāhid min jāhid nafsahū"* (the struggler is one who struggles against the self) –is not quoted by those who quote the hadith given above. It does not seem to be known to people who tend to use the above tradition in defence of jihad as self-improvement.

Notes

1 Johannes Jansen, *The Neglected Duty: The Creed of Sadat's Assassins and Islamic Resurgence in the Middle East*. Trans. from 'Abd al-Salam Faraj. c. 1970s. *Al Jihād: al-Farīḍah al-Ghaibah* (New York: Macmillan Publishing Company, 1986), 159–234. For others, see R. Peters (Comp.), *Jihad: A History in Documents* (Princeton: Markus Weiner Publishers, 1996; 3rd updated ed. 2016), 165–66.

2 For the book see Yūsuf Al- Qaraḍāwī, *Fiqh al-jihād* [The Law of Jihad] (Cairo: Wahba Bookstore, 2009). English summary in Sheikh Rachid al-Ghannouchi, "What Is New about al-Qaraḍāwī's Jihād." In Elisabeth Kendall and Ewan Stein (eds), *Twenty-First Century Jihād: Law, Society and Military Action* (London and New York: I.B. Tauris, 2015), 334–50. Also see http://zulfkiflihasan-files.wordpress.com/2008/06/jihad-in-islam-by-qaradawi.pdf. Retrieved on 13 September 2017. The *fatwā* is summarised as follows: Yūsuf Al- Qaraḍāwī, along with Ṭāriq al-Bishrī (judge), Dr Muhammad S. al-Awā (professor of Comparative Law and Sharī'a in Egypt), Dr Haytham al-Khayyāt (Islamic scholar from Syria), Fahmi Houaydi (Islamic scholar and columnist from Egypt) and Sheikh Ṭāhā Jābir al-'Alwānī (chairman of the North America Fiqh Council), issued a *fatwā* against 9/11 in response to a question by Abdul Rashīd, the senior most chaplain in the American armed forces. The question was as to what were the duties of Muslims in American uniform in the war on terror. The answer was that indiscriminate slaughter is forbidden (killing even one person is like killing all humanity in Qur'an 5:32). Indeed, the terrorist acts in the United States were "waging war against society" (*hirābah*), punishable by death by crucifixion, cutting off hands and feet or exile (5:33–34). Thus, Muslims in the American armed forces are duty bound to fight the terrorists. However, the *fatwā* goes on, Muslims are uneasy because when the US forces go out to fight Muslims in other countries, innocent people will also be killed along with the offenders. Such a predicament should cause unease in situations where people are free in their choices. But since members of the armed forces cannot choose not to fight when ordered to do so, they must fight despite "discomfort spiritually or psychologically". Even postings to non-combatant roles need not be requested since that too will "harm their future careers, shed misgivings on their patriotism, or similar sentiments" (Yūsuf Al-Qaraḍāwī et al., "Qaradawi et al. Fatwa Against 9/11." http//www.fatwa.qardawi.2011. Retrieved on 21 March 2017).

3 John Esposito, "Foreword." In Ṭāhirul Qādrī (ed.), *Fatwā on Terrorism and Suicide Bombings* (London: Minhāj ul Qur'ān International, 2010), xxiii–xxviii.

4 Muhammad Afifi Al-Akiti, *Defending the Transgressed by Censuring the Reckless against the Killing of Civilians* (United Kingdom: WARDA Publications, 2005), 19.

5 Ibid., 32.

6 Ziauddin Sardar, *Reading the Qur'an: The Contemporary Relevance of the Sacred Text of Islam* (London: Hurst & Company, 2011), 135–41.

7 Ibid., xix.

8 Fazlur Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition* (Chicago: University of Chicago Press, 1982), 20.

9 Sardar, *Reading the Qur'an*, 138.

10 Ibid., 138 and 139. For Quṭb, see Sayyid Quṭb, *Fī Ẓilāl al-Qur' ān: In the Shade of the Qur' ān* (Arabic/English) Trans. into English and ed. M. A. Salahi and A. A. Shamis. Vol. 1 (Leicester: The Islamic Foundation, 2000), 213. For Mawdūdī's views, see his *Tafhīm al-Qur'ān*. Vol. 2 [Understanding of the Quran] (Lahore: Jamā 'at-e-Islāmī, 1942). Explanation 28 of 2:29, see pages 188–89.

11 Sardar, *Reading the Qur'an,* 139 and 140.

12 Ibid.,140.

13 Waḥīduddīn Khān, *The True Jihād: The Concepts of Peace, Tolerance and Non-Violence in Islam* (New Delhi: Goodward Giftbook, 2002). Also W. Khān, "*Jihād kā taṣawwur Islām mẽ*" [The Concept of Jihad in Islam]. In Waḥīduddīn Khān (ed.), *Dīn aur sharī'at: Dīn-ē-Islām kā ēk fikrī mutāla'ā* [Religion and the Law] (New Delhi: Goodward Books, 2004), 251–61.

14 Khān, *The True Jihad*, 41–42.

15 Ibid., 43.

16 Ibid., 61.

17 Ibid., 71–75.

18 Ibid., 83.

19 Ibid., 22.

20 Ibid., 36–37.
21 Mohammad Rashid, "'*Pur amn tarīqa-e kār' ba muqābalah 'pur tashaddud tarīqa-e kār'*" [Peaceful Ways Contrasted with Violent Ways], *Al-Sharī'ah* 23, no. 3 (March 2012): 341–59, quoted from 343.
22 Ibid., 357.
23 Asif Iftikhar, "Jihād and the Establishment of Islamic Global Order: A Comparative Study of the Worldviews and Interpretative Approaches of Abū al-A'lā Mawdūdī and Jāved Ahmad Ghāmidī" (Unpublished MA Thesis, McGill University, Canada, 2004), 62.
24 Jāved Ahmad Ghāmidī, *Mīzān* [Balance] (Lahore: al-Mawrid, 1990; 2010). The chapter on jihad is from pp. 577–607. English translation by Shehzad Saleem, *Islam: A Comprehensive Introduction* (Lahore: Al-Mawrid, 1990). Page references are to the Urdu original.
25 Ghāmidī, *Mīzān*, 579.
26 Ibid., 584.
27 Ibid., 597–99.
28 Ibid., 599. As explained by Iftikhar, "Interpretative Approaches of Abū al-A'lā Mawdūdī and Jāved Ahmad Ghāmidī," 79–89. Also see Ammār Khān Nāṣir, "*Jihād: ēk muṭāla'ah*" [Jihad: A Study], *Al-Sharī'ah* 23, no. 3 (March 2012), 109–340, quoted from 301.
29 Muḥammad Fārūq Khān, *Jihād aur qitāl: chānd aham mabāhith* [Striving and Fighting: Some Important Debates] (Mardan: Agahi Barae Aitidal, 2010).
30 Ibid., 27–41.
31 Ibid., 136–37.
32 Ibid., 43–44.
33 Ibid., 119–20.
34 Ibid., 142.
35 Ibid., 121–30.
36 Ibid., 50–52.
37 Ibid., 83–84.
38 Taqī Uthmānī, *'Iqdāmī aor difā 'ī jihād: ēk maktūb aor uskā jawāb'* [Aggressive and Defensive Jihad: A Letter and Its Reply]. In *Islām aur jiddat pasandī* [Islam and Modernity] (Karachi: Maktaba-I Dar al-'ulum, 1999), 97–109. In http://www.muftitaqiusmani.com/NewsEvents.aspx?ID=14. Retrieved on 11 October 2017, English version as cited in M. Qasim Zaman, *Modern Islamic Thought in a Radical Age: Religious Authority and Internal Criticism* (Cambridge: Cambridge University Press, 2012), 284.
39 Zaman, *Modern Islamic Thought in a Radical Age*, 286.
40 Kamala Kanta Dash, "The Fatwa against Terrorism: Indian Deobandis Renounce Violence but Policing Remains Unchanged." International Conference on Radicalisation Crossing Borders, *Global Terrorism Research Centre* (GTReC), Monash University, 2008, 26–27. 'Conclusion'. http://artsonline.monash.edu.au/gtrec/files/2012/08/gtrec-proceedings-2008-10-kamala-dash.pdf. Retrieved on 11 October 2017.
41 Zaman, *Modern Islamic Thought in a Radical Age*, 289.
42 Abdul Nīshāpūrī, "Maulana Hasan Jan: An Unsung Hero," 2012. https://worldshiaforum.wordpress.com/2012/07131/maulana-hasan-jan-an-unsung-hero-by-abdul-nishapuri/. Retrieved on 11 October 2017.
43 *The News (Daily)*, Rawalpindi, Pakistan, 12 June 2009.
44 Qādrī, *Fatwā on Terrorism and Suicide Bombings.*
45 *Bukhārī* in *Kītāb al-fitān* as quoted by Qādrī, *Fatwā on Terrorism and Suicide Bombings*, 247.
46 Tirmidhī in *Kītāb al-fitān* as quoted in Qādrī, *Fatwā on Terrorism and Suicide Bombings*, 247.
47 Qādrī, *Fatwā on Terrorism and Suicide Bombings*, 241–47.
48 Ibid., 247–48.
49 *Bukharī* in *al-Ṣaḥīḥ: Kītāb Istitāba al-Murtadīn wa 'l-Mu'ānidin was qitālihim* (the book on Demanding the Repentance of the Apostates and Reprobates, and Fighting them) 62:2540. As quoted by Qādrī, *Fatwā on Terrorism and Suicide Bombings.*

50 Qādrī, *Fatwā on Terrorism and Suicide Bombings*, 190.
51 Ibid., 373–82.
52 *Mu'aṣir muslim riyasatõ kē khilāf khurūj kā mas'alah* [The Problem of Rebellion against Contemporary Muslim States], PIPS Seminar, Proceedings. In *Al-Sharī'ah* 23, no. 3 (March 2012), 366–651.
53 Jeffrey T. Kenny, *Muslim Rebels: Kharijites and the Politics of Extremism in Egypt* (New York: Oxford University Press, 2006), 45.
54 Ibid., 179–80.
55 Ibid., 183.
56 '"Fatwa Against Terrorism." *Dawn,*1 June 2017.
57 Amir Rana, "Going Beyond Edicts." *Dawn*, 2017. https://www.dawn.com/news/1337286.

Chapter Two

UNPACKING THE MYTH OF BARELVI ECLECTICISM: A HISTORICAL APPRAISAL

Tahir Kamran

Generally, the creation of Pakistan is attributed to the political struggle launched by the All India Muslim League under the leadership of Quaid-e-Azam Muhammad Ali Jinnah (1876–1948). Among serious academics, Muslim League and Quaid-e-Azam both represented Muslim modernism, inaugurated by the Aligarh Movement during the second half of the nineteenth century.[1] Sir Syed Ahmed Khan (1817–1898) was the harbinger of Muslim modernism which was largely anchored in changed circumstances wrought by the colonial modernity. I have argued in some of my write-ups that soon after Pakistan's establishment, its foundational story was rescripted in the light of fundamentalist ideology which contravened in a big way the very essence of Muslim modernism. The waning space for Sir Syed Ahmed Khan in our national narrative provides testimony to the creeping influence of exclusionary and fundamentalist streak drawn from religion.

Books like *Ulema in Politics* (1985) by Prof. Ishtiaq Hussain Qureshi have specifically highlighted the role of such clerics, who were steeped in literalist interpretation of religion.[2] Qureshi's book identifies those individuals from among the Deobandi clerics who were positively disposed towards the idea of a separate state for the Muslims of the subcontinent. By doing so, Qureshi tried to put to rest the narrative insinuating Deobandis (like Jamiat Ulema-e-Hind and Majlis-i-Ahrar) as anti-Pakistan. Thus, the political instrument of Muslim separatism, as projected in our national narrative, has either been the Muslim modernists or the literalist *ulema* like Shabbir Ahmed Usmani, Mufti Muhammad Shafi and Zafar Ahmad Ansari. Subsequent to the secession of East Pakistan, Maulana Maududi too was added to the coterie of such people. From 1949 onwards, these clerics started asserting themselves, the impact of which resonates to this day.

What remains to be properly investigated, even to this day, is the role of supposedly more "eclectic" and "inclusive" section of the *ulema* with *Sufi* overtones in an extremely complex process of securing a separate state for the Muslims of North India. In this particular regard, Mujib Ahmad's work *Jamiyyat Ulama-i-Pakistan: 1948–1979* is a commendable effort, which sheds light on the role of such section of the Sunni *ulema* in the earlier part of his book; however, far more research is required to properly bring their contribution into a scholarly focus. Ahmad does not deal with the Sufis per se.[3] Much of the scholarship on Sufism tends to study it from an anthropological prism, thereby discounting their political contribution towards pushing the separatist agenda. David

Gilmartin's magnum opus, *Empire and Islam: Punjab and the Making of Pakistan* (1988), is the first, and undoubtedly the foremost, scholarly venture that investigates the sociocultural influence of Sufis and Mashaikhs on the separatist ideology of Muslim leadership.[4] From the particular perspective of Sindh, Sara Ansari's widely cited book *Sufi Saints and State Power* (1992) rivets its attention on the scarcely studied political role of the Sufis.[5] Like Gilmartin, Ansari has opened up a new vista of scholarship by entwining sociocultural currents with the politics.

Chishti Sufis and Religious Syncretism

Generally, Chishtiyya Sufis such as Moeenud Din Chishti Ajmiri, Khawaja Qutb-ud-Din Bakhtiyar Kaki, Sheikh Farid-ud-Din Ganj Shakar and Sheikh Nizam-ud-Din Auliya subscribed to inclusive and syncretic religious tradition, making that order popular among all shades of religious communities. The *silsila* (Sufi order) attained its zenith in fourteenth-century Delhi with the rise of Nizam-ud-Din Auliya.[6]

In the Punjab, however, Chishtiyya teaching acquired the momentum of an organised mystic movement through striving and *karamaat* of Sheikh Farid-ud-Din Ganj Shakar. The force of his charisma and elevation of Pakpattan to the *silsila*'s epicentre attracted people from far and wide. With Farid's demise in 1265, Nizam-ud-Din Auliya became its principal protagonist. After Nizam-ud-Din Auliya, Chishti influence in the Punjab suffered an apparent decline until the eighteenth century.

Throughout these centuries, the Punjab witnessed the waxing influence of the Qadiriyya and Suharwardiyya orders. The resurgence of the Chishtiyya *silsila* in the region is coterminous with the decline of the Mughal Empire in the region, the emergence of Sikh Kingdom and the arrival of the British from the eighteenth century onwards.

In the resurgent Chishtiyya order, the emphasis was on the strict following of the *sharīʿah* and re-establishment of the Muslim political rule, either by reviving religious practices among Muslims or jihad. In the eighteenth- and nineteenth-century South Asia, Sufis' involvement in politics and war, and in influencing the social and cultural practices based on the *sharīʿah*, significantly redefined relations among different Muslim communities. One such relationship was between the *Sunni* and *Shia* communities.

Importantly enough, Chishtiyya revival came about in the Punjab through Noor Muhammad Muharvi (1730–1791), who established a *khanqah* in a small town of Muhar near Bahawalpur. The Chishtiyya revitalisation subsequently reached its culmination in Taunsa, Golra and Sial Sharif. Muharvi's teachings accorded primacy to "ethical ideals and standards of Islam"[7] in the code of conduct and rules of behaviour. Thus, Muharvi's teachings reconciled Sufis with the *ulema* by preferring devotional Islam over the literal one and professed strict adherence to the *sharīʿah* as a prerequisite for entering the fold of the *Tariqa*. This neo-Sufi pattern was followed by Muharvi's successors such as Salman Taunsvi (1770–1850) and Shams-ud-Din Sialvi (1799–1883). It was this context in which Shams-ud-Din Sialvi, Muharvi's illustrious successor and the spiritual preceptor of Shah Salman Taunsvi, established his *khanqah* in Sial Sharif and directed Muslims "to cling tenaciously to the path of the shariat, and reform their manners and morals". He also

exhorted the Muslims to rescind practices such as *Samaa* (Qawwali) with music and *Chilla Kashi* (40-day spiritual penance) which were presumed to be in violation of the edicts of *sharīʿah*. I will dilate on Sialvis later in this chapter because Sialvi pir has assumed significance in the recent times.

The myth that ceases to be sustainable is the inclusive and peaceful disposition of the Sufis and *dargah* as the site of mystic spirituality. As they are demonstrated in these texts, Sufis had been politically oriented with separatist tendencies, and at times they resorted to violence. That is true not only of the Sufis belonging to the Naqshbandia Order, which is considered prone to religious literalism, but also of the Chishti Sufis who are taken to be peaceful and eclectic in their ideology.

Neo-Sufism and Militancy

Hussain Ahmad Khan employs the term neo-Sufism to make sense of "the tendencies among nineteenth-century Sufis in Punjab".[8] To them, politically ascendant Sikhs, and subsequently the British, posed a threat to the very existence of Islam. In the conditions of Mughal political decline, the Sufis assumed the role of moral reformers and propounded the notion of Khalifa or Imam for the Muslims. They also resorted to purify the religion as they, like the *ulema*, believed that deviation from the righteous path had caused that political decline. Thus, the separatist identity of the Indian Muslims had its initiation among the Sufis by "othering" the non-Muslims. Strangely enough, no commonality could be struck even with the Sikhs, the creed embedded in the local Sufi tradition represented in the poetic articulations of Baba Farid Ganj Shakar. Khan also argues that hagiographic literature mentions several reasons for the violence that Sufis resorted to, but, importantly enough, the Sikhs were suspicious of Sufi circles because of their close nexus with the Muslim power centres. In the late eighteenth and early nineteenth centuries, Hafiz Jamal and his followers fought against the Sikhs along with the army of Nawab Muzaffar Khan, the ruler of Multan. Similarly, a Sufi, Mian Muhammad Afzal, spearheaded the revolt against Sikhs and was killed along with scores of his followers.[9]

One may argue here that Sufis, despite the inclusive nature of their message, could not come to reconcile with the situation in which they had no political patronage from the rulers. Was their existence contingent on the royal patronage? Another question worth asking is the amenability of the Sufis towards non-Muslims. The much-trumpeted goodwill that Sufis had enjoyed from non-Muslims stands contested if not entirely destroyed. One can quote Shah Ghulam Ali (1743–1824) of Shahjahanabad (Delhi) and Fazl-e-Haq Khairabadi (1797–1861) to prove the point. The latter was a Sufi scholar from Awadh. He waged jihad against the British in 1857. Haji Imdadullah Makki (1817–1899) is yet another Sufi who fought against the British and, when defeated, fled to Arabia into self-exile. By that time, neo-Sufism seemed to have taken the centre stage.[10] Religious literalism, the primacy of the text and aggressive methods of proselytisation became the principal features of a religious discourse, of which the traditional Sufism was merely an appendage. The fact, however, remains that the general impression about Sufis and Sufism must correspond with historical reality and that contravenes the former.

For its opponents, usually representing denominations like that of the Deobandis and the Ahl-i-Hadith, shrine-centred devotion, demonstrated by shrine-going Sunnis, was in stark repudiation to its claim of being "reformist", therefore rendering it "backward" and "ignorant". For Sunni (read Barelvi) luminaries, following the Prophet's prescribed path (Sunna) with the help of saintly intermediaries "provided a template for the behaviour in the modern world".[11] According to Usha Sanyal, "in its self-consciousness the movement was based on a sense of individual responsibility, not on attachment to ancient custom (rawaj) as its detractors alleged".[12] At this juncture, two points are to be teased out from the whole debate around Barelvi denomination and its evolution over the years: the validation of shrine-based practices through text (or interpretation of the text) and the question of it being historically embedded.

Modernity and the Emergence of the Barelvi Creed

In many ways, the last quarter of the nineteenth century saw a few important changes coming into play in the Muslim world, and the subcontinent was no exception. The emergence of a text-centred approach to religion was the most significant development in religious epistemology. The obvious outcome of this development was the renewed importance of exegesis (*tafsir*) of the Holy Quran and interpretation of *hadith* according to the contemporary situation. The emphasis on hadith in such seminaries as Dar ul Uloom Deoband enhanced the importance of "text" even further.[13] The "text" came to be the standard-bearer for ascertaining the authenticity of any ritual or religious practice(s) prevalent in the contemporary era. Here it would not be out of place to mention Barbara Metcalf's assessment of the nineteenth-century Punjab where religious consciousness increased among the *ulema* as well as the Chishtiyya, Nizamiyah Sheikhs, and the latter came to be known for the teaching of Islamic law that was once the specialty of Deoband. Thus, the literalist version of Islam came into vogue, and emphasis on scripture found acceptance.

Consequently, shrine-centred practices became the subject of interrogation. Such practices had not only connected Islam with the local cultural ethos underscoring "unity in diversity" but had also made shrine a site for socio-religious inclusion, in which plurality could become possible. However, in the wake of colonial modernity and the advent of pan-Islamism (which too resulted from the phenomenon of modernity), the validity of "Sufi and Shrine" became questionable. The specificity of Ahmad Raza Khan's reformist zeal, as opposed to that of Rashid Ahmad Gangohi or Muhammad Qasim Nanautawi, is the former's unflinching support to the time-honoured practice(s) performed at the shrine; instead of castigating them, he tried to bring them legitimacy through "text".

In simpler terms, in Ahmad Raza's endeavours, we see an Islam entwined with local cultural moorings evolve through the historical process. It is equally important to note the change in the nature of the *Pir-Murid* relationship as closer contacts between the Sufi and the hadith scholars resulted in "more stress being placed on the doctrinal aspects of Sufism".[14] The point that Francis Robinson propounds pertains to the Holy Prophet "as the perfect model for human life" which became the focal point of "South Asian Muslim piety".

For Barelvi piety, the Prophet was even more central, and Ahmad Raza Khan's *wujudi* formulation of *noor-i-Muhammadi* cemented the Holy Prophet's centrality in the religious sensibility of South Asian Muslims. Thus, the personality of the Prophet and emphasis on hadith as an important part of the foundational text created a new Islamic oeuvre in which the significance of the saint and shrine substantially receded.[15]

What Ahmad Raza failed to guard against was the exclusion and *takfir*. In his famous *fatwā Husam al-Haramain ala Manhar al-Kufr wa'l Main* (The Sword of the Haramain at the Throat of *Kufr* and Falsehood), which was written in 1902 but became public in 1906, Ahmed Raza denounced several individuals in the early twentieth-century India. Mirza Ghulam Ahmad of Qadian was the first on Ahmad Raza's lists of *kafirs* (infidels). He was followed by some eminent *ulema* from Deoband denomination such as Rashid Ahmad Gangohi, Muhammad Qasim Nanautawi, Ashraf Ali Thanvi and Khalil Ahmad Ambethwi whom he described as Wahabbis. Among the Twelver Shias and the organisation of the *ulema* known as the Nadwat al-Ulama, he accused some specific people of *kufr*.

This is the kind of situation that emerged in the start of 2018 when two Sunni factions traded *fatwās*, calling each other *kafir*. One shudders to think about the prevalent situation invested with the possible likelihood of subsectarian violence among the Sunnis. Much afterwards, in independent Pakistan, Deobandi-Barelvi contestation came to a head. From 1980s onwards, Barelvis became a target of Deobandi aggression. Since 1986, 671 Barelvi and Sufi leaders were assassinated just because of doctrinal reasons. Saleem Qadri, the chief of Sunni Tehrik, was killed by Lashkar-i-Jhangvi (LeJ). LeJ eliminated the entire leadership of Sunni Tehrik in Nishtar Park, Karachi, in 2006. Allama Sarfraz Naeemi, a noted Barelvi scholar, who denounced the Pakistani Taliban and their extremist tendencies, was killed by a TTP (Tehrik-i-Taliban Pakistan) suicide bomber in Jamia Naeemia, Lahore, in 2009. [16]

Coming back to the historical analysis of Barelvis, in a bid to strike equilibrium between the "text" and shrine-centric practices, the Barelvi version of Islam appeared to have severed its link with the historical continuum. The practice of seeking authenticity of the rituals and religious practices from the *ulema* of Arabia was the principal cause of that continuum having been snapped. Therefore, Barelvi denomination got stuck in ambivalence with a culture entwined with religion on one hand and spawning puritanical tendencies punctuated with the primacy of text on the other. These trends have riddled the Barelvi sect with contradictions. As a result, its constituency is facing steady erosion.

Ahl-e-Sunnat wal Jamaat and the British

Another important aspect is the role of Ahl-e-Sunnat wal Jamaat movement under the British, which was conciliatory towards the latter. In the Khilafat Movement (1919–22), members of the *ulema*, influenced by Jamaluddin Afghani's pan-Islamic message, forged an alliance with the Indian National Congress.[17] M. K. Gandhi, top leader of the Indian National Congress, lent support to the *ulema* in their demand for British recognition of the Turkish Sultan as Caliph. *Ulema*, in turn, supported the Indian nationalist struggle against the British rule. These decisions were made after threadbare debate in

the meetings of Jamiat al-Ulama-e Hind, the religio-political party comprising Deobandi clerics.

Ahmad Raza Khan, who by that time had become a well-established leader of the Ahl-e-Sunnat movement, balked at supporting the Khilafat Movement or the pan-Islamic idea. Ahmad Raza was anti-Hindu which was one of the main reasons that Barelvis threw in their lot with the All Indian Muslim League. The role of Barelvi organisation(s) and various Mashaikhs like the Pir of Golra Sharif or Jama'at Ali Shah in Pakistan is well-documented.[18]

When Ahmed Raza Khan passed away in 1921, the mantle to lead Ahl-e-Sunnat fell on Naeemud Din Muradabadi when he started a monthly journal *Al Sawad E Azam* (literally the great, that is to say the Sunni majority). Before proceeding further on the subject, a brief introduction of Naeemud Din Muradabadi will not be out of place. Born in 1882 in Muradabad, UP, he got early religious instruction along with Persian, Arabic and *yunani* (Greek) medicine along with a good part of Dars-i-Nizami syllabus from his father. At the age of 14, he joined Muradabad Madrassa-e-Imdadiyya where he studied logic, philosophy and hadith from Syed Gul Muhammad Shah. He graduated from the same madrassah at the age of 20 and took an oath of allegiance at the hand of his erstwhile teacher Syed Gul Muhammad.

The details of his intellectual development point to the fact that his loyalty to the Ahl-e-Sunnat cause developed only gradually. Strangely, his father Moeenud Din had been a disciple of Muhammad Qasim Nanautawi, one of the founders of Dar ul Uloom Deoband. Gradually, however, Naeemud Din exhibited his prominence as a debater; he entered into *manazra* with Deobandies, Ahl-i-Hadith, Shias, Christians and Arya Samajis and emerged victorious in these disputations. In these debates, his proclivity smacked of the influences drawn from the Barelvi denomination.

It was then that he caught Ahmed Raza Khan's eye and became his close companion. Attendant on his skill as a persuader and debater were his organisational abilities, and he excelled in establishing and managing institutions. His foremost contribution was the establishment of the Jamia Naeemia around 1920. In 1925, he also put together a new body by the name of All India Sunni Conference. The very name of the new organisation indicates that it was intended to reach Ahl-e-Sunnat nationwide. It was supposedly the answer to the Jamiat Ulema-e-Hind and the Khilafat Committee, which were the main *ulema* organisations at the national level at that time. The biographical account of Naeemud Din (*Hayat I Sadr Al Afazil*) reveals that the All India Sunni Conference emanated from his awareness of "an increasing anti-Muslim attitude among Hindus",[19] exemplified not only in the Arya Samaj-led Shuddi movement but also in Hindu assertiveness over the issue of cow slaughter.

Politics of Exclusion

The All India Sunni Conference, from the very outset, rejected the principle of Hindu-Muslim unity as a means of achieving freedom. In the welcome address of that meeting, Ahmed Raza's eldest son Hamid Raza Khan rejected the goal of freedom itself, asserting that Swaraj would amount to Hindu Raj; therefore, lending support to that cause would

not be of any use to Muslims at large. He along with other speakers emphasised the need to work for the educational and economic amelioration of the Muslims of the subcontinent. Hamid Raza in his address outlined a range of activities which the conference would undertake, *Tabligh* against the Shuddi movement being the foremost among them. He also outlined a detailed hierarchy of madrassahs to be established throughout India, from the national level going all the way down to the villages.

The All India Sunni Conference attained great success in a relatively short period of time. The 1925 meeting of the All India Sunni Conference was attended by over 250 *ulema* from all over India. One of the most important supporters of the organisation from Punjab was Pir Jamaat Ali Shah (1841–1951). In his *khutbat*, he lent unequivocal support for the anti-Hindu, anti-Jamiat Ulema-e-Hind stance of the Sunni *ulema*. Here, I consider it important to furnish a brief biographical account of Pir Jamaat Ali Shah because of his pre-eminent role not only for propagating Ahl-e-Sunnat's cause but his support for All India Muslim League's bid for independence.

David Gilmartin in his book *Empire and Islam* states that Jamaat Ali Shah came from a line of Qadri pirs in Sialkot district but was active in the reformist Naqshbandia Order; his foremost religious concern was with respect to *Tabligh*. He undertook extensive tours of Punjab and much of India, stressing the importance of the performance of religious duties in accordance with shariat and established mosques and madrassahs in towns and villages. This greatly expanded his influence and led to contacts with powerful Muslims with wealth that he tapped for religious causes.

By the start of the twentieth century, Pir Jamaat Ali Shah could claim an extensive following, both in rural Northern Punjab and among powerful Muslims elsewhere, which made his political influence comparable to that of any Chishti revival Pirs. He donated hundreds of rupees to the madrassahs Nomaniyya and Anjuman-e-Hizabul Ahnaf, so that these pure religious institutions might expand and prosper to serve Islam.

Fast-forwarding the evolution of the All India Sunni Conference, in 1935, the conference met in Badayun and then in April 1946 at Banaras, which was the last conference before Pakistan's establishment. Usha Sanyal notes that the meeting was attended by 500 Sufi sheikhs, 7,000 *ulema* including Naeemud Din Muradabadi, Mustafa Raza Khan (Ahmed Raza Khan's younger son), Zafar ud Din Behari and Syed Muhammad Asharafi Jeelani of Kachhochha.

Ironically, in that conference, Pakistan was tangentially mentioned and that too not in political terms. Barelvis as a denomination started supporting the Pakistan Movement at almost the same time as some of Deobandi *ulema* started espousing it. It must be clarified, however, that a number of Mashaikhs from Western Punjab (like the Pir of Sial Sharif) and other provinces threw in their lot behind the All India Muslim League.

Pirs Epitomising Barelvi Thoughts and Practices

Sial Sharif is the most revered shrine of Chishtiyya Sufi order in the Sargodha district. In British India, Pirs of Sial Sharif were visibly tilted towards religious puritanism, thereby moving quite close to the ideas of the Deobandi creed.[20] The *sajjada nashin* (spiritual heir who administers all affairs concerning the shrine) of Sial Sharif's condemnation

of Ahmedis and damnation of Shias marked repudiation from the established inclusive discourse of Chishtiyya *silsila*. The shrine in Sial Sharif is surrounded by Shia Sufis' shrines at Shah Jewana and Rajoa Saddat in Jhang district, which wielded considerable spiritual and political influence in the region. Because of these, the *sajjada nashins* of Sial Sharif espoused ideas and practices of religious exclusion. Sectarianism was reinforced and, after independence, Sial Sharif has drawn closer to the extremist Sunni sectarian organisation Sipah-i-Sahaba Pakistan.

All said and done, the practices rooted in the composite culture of the Punjab, which have been flapped throughout the medieval age as the distinctive feature of the Chishtis, were being purged as un-Islamic. Puritanical tendencies, therefore, crept into the Chishti inner core in the early twentieth century, and rural Punjab was profoundly affected by these reformist ideas. The reformatory streak proceeded to gain further strength among Shams-ud-Din's successors; Zia-ud-Din Sialvi, the grandson of Shams-ud-Din, was also a staunch follower of the *sharīʿah*, and this clearly resonated in the organisation of Khanqa-i-Nizamiyah under him.

Such tendencies made an indelible impression on the spiritual leadership of popular Islam too, which was demonstrated in the establishment of Dar-ul-Uloom Naumaniya in 1887 in Lahore. Later on, in 1920, another institution, Dar-ul-Uloom Hizb-ul-Ahnaf, was founded in Lahore which "tied the development of Ahl-i-Sunnat wal Jammat perspective to a similar perspective being developed by Ahmed Raza Khan Barelvi."[21] Emulating the same pattern, Sialvis also established Dar-ul-Uloom Zia Shams-ul-Islam [Sial Sharif] in the early decades of the twentieth century. It was set up along modern lines, and the instruction provided there was *sharīʿah* -oriented. *Ulema* were invited to instruct students in hadith, fiqh and logic. Zia-ud-Din's efforts to bridge the gap by organising lectures and meetings significantly shaped the ideas of his successor and particularly his son Qamar-ud-Din Sialvi (1906–1981).

Pir Qamar-ud-Din Sialvi (1906–1981) wielded extraordinary power and authority during his tenure as the Pir of Sial Sharif. He was a staunch supporter of the Pakistan Movement; subsequently, he lent unflinching support to the cause for promulgating laws based on *sharīʿah* in Pakistan in true spirit. Immediately after the establishment of Pakistan, he vehemently pleaded to Quaid-e-Azam for the implementation of *sharīʿah*.

This puritanical tilt had its glaring illustration in Chishtiyya castigation of the Ahmadiyya movement, which emerged in 1889. Another renowned Chishti Sheikh, Mehar Ali Shah of Golra Sharif (1859–1937), issued a *takfiri fatwā* (verdict to denounce apostasy) against the Ahmadi community. Prior to that, no precedent ever existed of such a *takfiri fatwā* originating from a Chishti Sufi. Likewise, the Sialvis then participated in the Tehreek-i-Khatam-i-Nabuwwat (movement for the finality of prophethood), an anti-Ahmadi organisation in the early 1950s.

Thus, for the Sialvis, exclusion on the basis of denominational difference became an important postulate of the *sharīʿah*, which came to take precedent over the more traditional ties of *tariqat*. As such, the *Sufi-Alim* divide ceased to exist, with these two traditions being gradually brought closer together. Emphasis on foundational text and their literal meaning came to punctuate Islamic life across these categories. In the age of Chishtiyya revivalism, the diffusion of Chishti teaching was carried out through theological scripture

on hadith and fiqh.[22] Besides the concept of *imamat* (held as an important postulate of Shia denomination), hadith and fiqh represented a fundamental source of friction separating the Sunnis and Shias.

In that socio-epistemic scenario, the Sialvi pirs embraced the sectarian, exclusionary mode which contravened the essential ethos of Chishtiyyas embedded in local tradition.

The *sharīʿah*-centred approach of Qamar-ud-Din Sialvi drew him closer to General Zia ul Haq. Given the denominational inclination of Zia ul Haq, it is interesting to note that a Barelvi Pir extended unequivocal support to a military dictator like Haq.[23] Qamar-ud-Din's 125-page book *Mazhab-e Shia*, published in 1957, provides a testimony to his condemnatory stance against the Shias; another case of a clear deviation from the inclusivity that the Chishtiyya order and the Barelvi creed is known to have stood for.

More ironic is Qamar-ud-Din's initiative of establishing a Shia Shanasi Centre which was meant to produce polemical literature against the Shia denomination. Qamar-ud-Din also took part in *manazra*s (polemical debates). It is important to mention that the outcome of *manazra* had a profound bearing on the people inhabiting the surrounding areas. A large number of people tended to change their denominational faith in the wake of that polemical debate. What has been witnessed is that on the call of the victorious party, the whole village was converted from one denomination to the other.

Coming back to Qamar-ud-Din Sialvi, it must be highlighted that in the 1974 anti-Ahmediyya campaign, Qamar-ud-Din took part as the president of Jamiat Ulema-i-Pakistan with extraordinary zeal. Qamar-ud-Din passed away in 1981 in a road accident. Since then, Sialvis were confined to the local vicinity, opting to remain at a safe distance from any political or religious controversies. It was only in the Faizabad sit-in (2017) by the Barelvis that Qamar-ud-Din's successor Hamid-ud-Din came under media spotlight.

The postulate of Khatm-e-Nabuwwat has caused a tremendous stir among the Barelvis. It was this cause that incited Mumtaz Qadri, a police constable, to assassinate the then governor of Punjab Salmaan Taseer on 4 January 2011. Taseer had contested, rather explicitly, the Blasphemy Law by calling it a "black law", to the chagrin of many people. Taseer also expressed empathy for Asia Bibi, accused of blasphemy. Qadri's subsequent hanging in 2016 infused a fresh lease of life among the dormant ranks of the Barelvi movement[24] which came alive under the leadership of Khadim Hussain Rizvi, a vitriolic maulvi from Attock. Ironically, however, all the Mashaikh gave a nod of approval to Rizvi's imitational mode. Here it is pertinent to furnish a brief introduction of Rizvi. Born in 1966 in the Pindi Gheb, Attock district, Rizvi is said to be an introvert who shied away from talking about his personal life even to his close circle of friends. He is Hafiz-i-Quran and also substantially conversant with the knowledge of hadith. He used to deliver Friday sermons at Pir Makki Masjid in Lahore, which means he was employed by the Punjab Auqaf Department. As a *khateeb* he honed his oratory skills, which later on became his forte. He has been confined to wheelchair since 2006 when he was crippled in an accident near Gujranwala.[25] It was in the wake of Qadri's hanging that Rizvi founded a party by the name Tehreek-e-Labbaik Pakistan (TLP).

The only one throwing down a gauntlet to Rizvi was Maulana Asharaf Jalali who, like Rizvi, is a cleric himself. The interesting inference which one can draw out of the prevailing situation of the Barelvi politics is that clerics have come to hold precedence

over the Mashaikh, the latter being reduced to the second-tier leadership of the Barelvis. One may argue that the present-day Mashaikh are starkly devoid of the requisite charisma that used to be the hallmark of their forebears. Therefore, in this scenario, the professional clerics have come to the centre stage of religious movements, pushing the Mashaikh to the backseat. One may argue that the aggressive mode of Deobandi self-expression can be countered only if such firebrand clerics like Rizvi are in the vanguard of the Barelvi movement. The current mode of political articulation of religious parties is agitational, for which Sufis and Mashaikh were not suited. Therefore, the *ulema* took over the reins of religious politics, be it the sit-in at Faizabad, Rawalpindi, in November 2017 or the violent protest orchestrated by Rizvi and several other Barelvi leaders against the acquittal of Asia Bibi in 2018. As a result of issuing statements against the judiciary and army high command, Rizvi found himself on a slippery slope. He was taken into protective custody and the future of TLP seems to be in the doldrums. Thus, one can easily conclude that religious parties can function only if they are allowed to.

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Chapter Three

THE CONFLICTED SELF: THE EXISTENTIAL BATTLE BETWEEN BEING MUSLIM AND ISLAMIC IN PAKISTAN

Nadeem Farooq Paracha

Early Political and Social Ethos of Muslim Rule in South Asia

According to a 2011 Gallup-Pakistan poll, 59 per cent of Pakistanis chose to identify themselves as Muslims first. Just 22 per cent described themselves as Pakistani first,[1] a majority which belonged to the country's "minority" communities (mainly Christian and Hindu).[2]

Over 95 per cent of Pakistanis are Muslim.[3] They have been an overwhelming majority here since Pakistan's inception on 14 August 1947, when Pakistan was carved out of India as a separate country. Till 1947, India had been under British colonial rule for almost a hundred years. When the British departed, they decided to split India into three parts. Regions with a Muslim majority (but noteworthy Hindu minorities) became Pakistan and the Hindu-majority areas (with significant Muslim minorities) became the Republic of India.

The Muslim-majority province of East Bengal became a part of Pakistan as well and came to be referred to as East Pakistan. Like the rest of Pakistan, then known as West Pakistan, East Pakistan too had a Muslim majority, but it also had an overwhelming ethnic Bengali population. West Pakistan, on the other hand, was a more ethnically diverse region. Its most prominent ethnic groups included Punjabis, Sindhis, Pashtuns and Baloch. It also consisted of thousands of Urdu-, Punjabi- and Guajarati-speaking Muslim migrants who had poured in from areas that had become part of postcolonial India. The East Pakistan region was over 2,000 km removed from West Pakistan. The vast territory that became the Republic of India lay between the two wings.

Hindus were an almost absolute majority in India till the first Muslim incursions into the region in the eighth century CE. But these invasions were restricted to what is today the Sindh province of Pakistan. They were led by the armies of the Arab Umayyad Empire which was also Islam's first major dynasty after the religion burst out of Arabia in the seventh century CE. The Muslim minority of India grew significantly during the long Muslim rule in the region from the early thirteenth to the mid-nineteenth centuries. Nevertheless, Hinduism remained the region's dominant religion in terms of numbers. Other ancient religions of the region, such as Buddhism and Jainism, also continued to exist but the number of their adherents progressively declined.[4] India's religious diversity

was further bolstered by the emergence of Sikhism in the late fifteenth century and the arrival of Christianity from the sixteenth century onwards.[5]

Most Muslim rulers who reigned over India did not overtly impose Islamic laws or initiate any large-scale projects to convert India's Hindus to Islam.[6] Almost all the major Muslim dynasties that governed India during this period had Central Asian, Persian and Turkic ancestries. But they gradually became so "Indianised" in their ways and customs that the Persian migrants (from Iran) employed in the courts of the Mughal Empire in India (1526–1857 CE) used to secretly mock their distant Central Asian and Persian cousins for being fake Persians.[7] Even though Persian remained the royal language of the court, from the time of the third Mughal king, Akbar, Indian languages such as Hindi[8] and Urdu[9] (which were considered the common man's languages) were being regularly spoken by Mughal kings, nobles and ministers as well. Violence between Hindus and Muslims was rare.

But India was not quite a diverse religious utopia as the Hindus continued to be treated as second-class citizens and there were incidents in which Muslim kings demolished Hindu places of worship. However, the latter was not always an act of faith. It was mostly done to punish the inhabitants of a town or a village who had risen in revolt. Interestingly, even when certain Muslim marauders, such as the eleventh-century Afghan warrior Mahmud of Ghazni, repeatedly invaded India and destroyed Hindu temples, they mostly did so to rob them of their jewels and gold.[10] More strikingly, Ghazni's armies included Hindus recruited from India.[11]

But some Muslim rulers *did* attempt to impose stringent laws and policies in the name of Islam, most prominently the last major Mughal king, Aurungzeb (1658–1707 CE). Many of his religious policies sowed the seeds of future "communal violence" between the Hindus and the Muslims of India. In fact, his actions in this context also dialled up tensions between the Sunni and Shia Muslim sects because he tried to root out, what he believed were, Shia customs that the Mughals (who were Sunni Muslims) had adopted.[12]

Aurangzeb's rule was long but it was marred by some major revolts by the Sikhs and the Hindu Rajput and Maratha castes; so much so that soon after his death, the once powerful Mughal Empire began to weaken and crumble until it was completely overrun and abolished by the British in 1857 CE. Till Aurangzeb, Muslim rule in India was just that: Muslim. It was never "Islamic" as such. Though largely tilted in favour of the Muslims of India, and employing Islamic scholars (*ulema*) as religious advisors, this rule's disposition towards Islam was, in fact, influenced by the more esoteric strands of Islam, such as Sufism, and by sheer pragmatism. Sufi saints were patronised more by Muslim rulers of India, much to the cringing of the *ulema* who regarded Sufism (the kind that had emerged in India) to be tainted by alien religious influences.[13] Islam in India may have initially arrived on horsebacks and sword-wielding armies, but it were the Sufi saints who were its main instruments and mediums; men who lived among the masses and preached to the people of all faiths in India a strand of Islam that was more populist and vernacular in nature as opposed to the more doctrinal and exclusive strands preferred by the *ulema*.[14]

There is thus enough evidence for one to argue that the Muslim rule in India began to dither and erode once its political and social complexion began to transform from being

Muslim to "Islamic". Being Muslim in this context meant being pragmatic, inclusive and keeping the theocrats from overtly influencing religious policies. Muslim rule in India was at par with the time's greatest empires, but as the late Indian historian Abraham Eraly frequently suggested in his tomes on Muslim rule in India, presiding over a vast land like India with its massive population of diverse ethnic and religious groups and its rather exasperating cycles of opulence and deprivations baffled and fascinated many travellers who arrived here, especially during the Mughal era.[15] The Mughals managed to hold vast swaths of land populated by millions of Hindus, Muslims, Buddhists, Jains and Sikhs (of various ethnicities and castes) by keeping the more doctrinal strands of Islam, Hinduism and Sikhism confined to their respective places of worship.

On the streets, the rulers allowed only inclusive strands of the same faiths to cross-breed and take a more universal shape (in the context of India). This is one reason why the Mughals overtly patronised Sufi saints. The saints became these rulers' face of Islam which they exhibited to India's Hindus and Muslims alike. The idea of a more inclusive, flexible and populist Islam eschewed the rigid doctrinal biases of all faiths in India and helped the rulers keep religion-based revolts driven by the more stringent strands of these faiths at bay.

The Mughal King Akbar (1556–1605 CE) is a prime example. His attempt to expand the appeal of the Mughal Muslim ethos was more than subtle. In 1582 CE, he tried to formulate a syncretic idea of a universal set of beliefs by fusing together "the best elements" from Islam, Hinduism, Buddhism, Zoroastrianism, Jainism and Christianity.[16] After Akbar's death, some Islamic scholars began claiming that Akbar had blasphemed by trying to create his own religious cult. This accusation had initially emerged from an Islamic scholar active in Akbar's court. His name was Ahmad Sirhindi. Sirhindi had been sidelined by Akbar during his (Sirhindi's) intellectual and theological tussles with the emperor's grand vizier, Abu Fazal, who had defended and promoted Akbar's idea of formulating a more inclusive and universal Muslim ethos. Even though to this day some Islamic scholars and historians claim that this was an attempt to create a whole new religion, it was not.

After Akbar's demise, Sirhindi claimed that Akbar had tried to create a new religion called *Din-e-Illahi* (Religion of God). The truth is, this term appeared only after Akbar's death.[17] Akbar never called it that. The term was created by Abdul Fazal after Akbar had passed away.[18] As one of Pakistan's leading revisionist historians Dr Mubarak Ali puts it, the act of trying to formulate an all-inclusive Muslim ethos by Akbar was an extension of the king's policy of co-opting the Hindus into the wider universe of Mughal India, and expand his appeal across the large Hindu population of the country. It was an act of sheer political pragmatism by a Muslim king ruling over a Hindu majority. Akbar neither called it *Din-e-Illahi,* nor explained it as a religion. The confusion about exactly what it constituted was also proliferated by the faulty translations of Abu Fazal's writings by the British in the nineteenth century.[19] Interestingly, many conservative Pakistani historians and Islamic scholars have often used the so-called *Din-e-Illahi* episode as an example of how, if too much "liberalism" and open-mindedness is allowed in religious debates, secularism would overpower Islam. Of course, the term secularism was not even coined in the sixteenth century. So in a way they are suggesting that Akbar was a proto-secularist.

A number of economic, political and social reasons were behind the rise and eventual fall of Muslim rule in India. But one will not be exaggerating by suggesting that Aurangzeb's departure from the policies of the previous Mughals played a role in not only slowly strangulating Muslim rule in India from within but also in creating religious and sectarian schisms that still haunt the region. His policies of reviving the *jaziya* (a religious tax imposed on non-Muslims), the removal of hundreds of Hindus from government posts, using various tactics to encourage the conversion of Hindus to Islam[20] and exhibiting an obvious bias against Shia Muslims and their rituals[21] steadily dismantled the carefully constructed edifice of the pragmatic Mughal Muslim ethos. This triggered violent revolts by the Sikhs and the Hindu Marathas, and brought the doctrinal tensions between India's Sunni and Shia Muslims out into the open. All of this contributed to the gradual disintegration of the Mughal Empire and the Muslim rule in India after Aurangzeb's death.

South Asia is not a homogenous region. In fact, even today, both India and Pakistan, despite their respective Hindu and Muslim majorities, are segmented by a number of varied ethnic groups, faiths, religious sects, subsects and languages. The ancient Muslim rulers of India understood this. There are still numerous theories attempting to answer just why Aurangzeb would so radically depart from the tested policies of the previous Mughals. It seems that Aurangzeb's active proclivity towards Islam was more of a reaction. In his bid to come to power and replace his ailing father, Shah Jehan, Aurangzeb's chief opponent in this regard was his elder brother, Dara Shikho. Dara was deeply impressed by the policies and spiritual disposition of his great-grandfather, Akbar.[22] More of a scholar than a warrior, Dara studied Muslim and Hindu scriptures and was also an ardent follower of Sufi Islam which had been the prominent religious conviction of the Mughals till then. Sufism was also the main folk-religion of the common Muslims of India. Dara had managed to gather support and popularity from the common Muslims and Hindus in and around the seat of power in Delhi. So when he was defeated by Aurangzeb, and then captured, he was immediately executed. A group of clerics and *ulema*, who had risen in prominence by siding with Aurangzeb, declared Dara to be an apostate.[23] Aurangzeb reversed the policy of keeping the faith of the *ulema* within the confines of the Mughal courts and the mosques. This stalled the flowering of a more inclusive, fluid and populist strand of Islam in the streets thronged by Hindus and Muslims and various other faiths. Instead he decided to go the other way.

Up until Aurangzeb, the Mughals hardly ever faced any serious revolts that were squarely inspired by opposing religions. There was a Sikh revolt against the fourth Mughal king, Jahangir, but it was less intense compared to the way the Sikhs rose up against Aurangzeb. Both Akbar and Jahangir faced severe criticism from certain *ulema*, though. But whereas Akbar had quietly sidelined Sirhindi, Jahangir threw him in a prison. Sirhindi had tried to get close to Jahangir after Akbar's death and applauded him when Jahangir crushed a Sikh uprising.[24] However, he soon had a falling out with Jahangir as well. Jahangir accused Sirhindi of "spreading a net of hypocrisy and deceit".[25]

During much of the Muslim rule in India, the *ulema* had only been allowed to play a nominal role in the workings of the state. But as Muslim rule receded, the *ulema* took upon themselves the right to air the ambitions and fears of the community of local Muslims.[26]

The *ulema* insisted on explaining the decline of the Mughal Empire as a symptom of the deterioration of "true Islam" due to the inclusive policies of the Mughals which, according to the *ulema*, strengthened the Hindus and the Sikhs. They also bemoaned the extended patronage given to Sufi saints. This, they argued, encouraged "alien ideas" to seep into the beliefs and rituals of the region's Muslims, thus weakening them as a community.

As the British began to spread their tentacles across India, they faced two major uprisings which were inspired by the aforementioned line of thinking. In the early nineteenth century, Haji Shariatullah and Syed Ahmad Barelvi led separate uprisings that not only aimed at ousting the British East India Company[27] but were equally motivated to curb the emergence of the Sikhs as a political force, and the political resurgence of the Hindus. Both men were also on a mission to replace the prevailing Muslim ethos constructed by the Mughals and the region's "folk Islam" with a more puritanical strand of the faith. Both the movements were crushed by the British, even though it was the Sikhs who downed Barelvi. But Barelvi had also faced resistance from the Muslim Pashtun tribes in what today is the Khyber Pakhtunkhwa province in Pakistan. These tribes, which had initially supported Barelvi, accused him of trying to dismantle and undermine ancient, largely pre-Islamic, Pashtun traditions and customs under the guise of imposing *sharīʿah* laws.[28]

The British East India Company had hired a large number of Hindus, Muslims and Sikhs for its army. In 1857 CE, sections of Hindus and Muslims triggered a vicious mutiny in the company's army when the company refused to remove a new consignment of cartridges that the soldiers were required to bite off before usage. The Hindus and the Muslims believed that the cartridges were laced with grease made from cow and pig fat. Cows are considered to be a sacred animal by the Hindus, whereas pig meat is forbidden to the Muslims. The mutiny quickly spread and caused the demise of hundreds of Indian and British men, women and children. The uprising was finally, and rather brutally, crushed by the new batches of British soldiers arriving from England. The company was dissolved and the last remnants of Mughal rule were abolished. India was brought under the direct rule of the powerful British monarchy.

The Crisis of Muslim Nationalism in Pakistan

The roots of Muslim and Hindu nationalism in the region largely lie in the immediate aftermath of the mutiny's failure. By the 1940s there existed three distinct tendencies within Muslim nationalism. The first one was about the creation of a distinct Muslim polity in India empowered by reason, modernity and an enterprising disposition aspiring to free the Muslim minority of India from the "economic and political hegemony of the Hindu majority".[29] The second tendency wanted to couple an empowered Muslim polity with the Indian nationalism being espoused by the secular, but Hindu-majority, Indian National Congress. The third tendency of Muslim nationalism in India had a more theocratic outlook; it wanted to construct a Muslim nation directly driven by *sharīʿah* laws. This tendency resulted in the formation of two factions. The larger faction wanted to work towards creating such a nation within India. The other faction emerged in 1946

and sided with Muhammad Ali Jinnah's Modernist Muslim outfit, the All India Muslim League (AIML), in the hope that the separate Muslim-majority country (Pakistan) which the AIML was working to carve out would become an "Islamic state".

From 1947 until the mid-1970s, this latter faction was sidelined and marginalised in Pakistan by the Modernist Muslim project. However, after the acrimonious departure of East Pakistan in 1971,[30] the Modernist Muslim project began to erode and was gradually replaced by a new ideological project that was close to the idea of Muslim nationalism of the third, more theocratic, tendency. This created an opening for the once marginalised line of thinking to enter the country's evolving ideological canon. By the 1980s, it had managed to completely overpower the Modernist tendency. But today, the theocratic project too is in crisis. Whereas the Modernist tendency was criticised for being burdened by "colonial baggage" and for causing the violent 1971 parting of East Pakistan, the theocratic tendency of Muslim nationalism that replaced it is now increasingly being indicted for creating a myopic, isolationist and bigoted polity and state.

The post-1970s state and society in Pakistan have politically, socially and even constitutionally entrapped themselves to become hapless victims of this tendency's many devices. This has made the state and the society vulnerable to constantly become hostages of exactly the line of thinking which had initially opposed Jinnah and his party's Modernist ideas of Islam and Pakistan. The manner in which extremist violence raged across the country between 2003 and 2014, climaxing with the tragic killing of over 140 children of a school in Peshawar in December 2014, the defeatist slumber that the country's government, state and society had fallen into was suddenly broken. The debate as to what being a Pakistani really meant suddenly migrated from drawing rooms onto the mainstream media as well as political, judicial and state platforms.

The question now being asked is that if Muslim Modernism was "elitist" and did not resonate with the masses and that the more theocratic tendency of Muslim/Pakistani nationalism has produced stark religious and sectarian schisms, how is being a Pakistani today different from being an Indian in a "Hindu-majority" state? After the tragic terrorist attack on the school in Peshawar in December 2014, the state and government of Pakistan listed down numerous to-dos to rheostat the spread of religious extremism in society. In January 2015, this list was made a prominent part of a National Action Plan (NAP). Much was done to militarily neutralise the more belligerent and militant elements of religious extremism, but the government, the state, lawmakers and reformers have often hit a brick wall in trying to reverse various non-militant manifestations of the same extremist mindset.

Many aspects of Pakistan's Modernist Muslim project did not make it to the two constitutions that were authored when this project was enjoying direct state patronage. These were the 1956 and 1962 constitutions which only had some watered-down facets of Muslim Modernism in them, because much of the policies shaped by the Modernist tendency of Muslim/Pakistani nationalism were carried forward by non-parliamentary means, either through special judicial rulings or through special ordinances authored by a military regime.[31] Once this regime fell, the Modernist tendency slipped away as well because it was not made a direct part of laws or constitutions authored by a properly elected national assembly. When the Modernist tendency began to recede, a populist

socialist government[32] tried to find an equilibrium in the 1973 constitution between the ascending theocratic tendency and this government's own (more left-leaning and populist) take on Muslim Modernism. Initially, this constitution looked to be a balanced document searching to draw out a civic-nationalism through a new modernist-theocratic fusion. But within a year, regressive amendments to the constitution began to be introduced as the polity and the government shifted more to the right due to various internal and external reasons.

The reason why the theocratic tendency of Muslim nationalism lasted longer than the Modernist one is because many aspects of the theocratic tendency continued to find their way into the constitution, so much so that, by the late 1980s, the 1973 constitution had almost entirely lost its civic-nationalist dimension. This dimension was subdued by law after law and clause after clause of a state that had become a vague theocracy pretending to be a democracy. And herein lays the problem: indeed, physical barriers (such as armed extremist groups) as stallers of reform are there, but even when most of them are neutralised (as they were between 2014 and 2017) the suggested or even legislated reforms can very easily be challenged in the courts in the light of what is stated in the constitution as it stands today.

Reinvigorating Muslim Modernism in Pakistan: The China Factor

Where does Pakistan go from here? Theoretically, it should be stuck in a vicious Catch-22 situation. And it has been, for over two decades now. So what good can the new debate which has broken out, and documents such as NAP, achieve in this situation? The country is in a flux where the state, government, judiciary, intelligentsia and polity are looking at each other for answers. The answers are emerging, but are constantly being challenged in the courts and in the parliament, and sometimes on the streets, by those segments of the state whose economic and political fortunes depend on the theocratic tendency of Muslim/Pakistani nationalism. But these elements are now feeling unsure whether this could be sustained in the future. One reason for this is something called the China-Pakistan Economic Corridor (CPEC).

CPEC is a collection of infrastructure projects worth $ 62 billion.[33] The project is one of China's biggest investments in the region. Even though some economists and politicians have aired reservations on the way the project is being executed, others have exhibited great enthusiasm for it. They maintain that in the coming decades, CPEC will greatly modernise Pakistan's infrastructure and bolster the country's economy in an unprecedented manner.[34] But what has all this to do with the raging battles between the two prominent tendencies of Muslim nationalism in Pakistan? Maybe a lot.

The state and government of Pakistan have become aware of a most recent hypothesis which is predicting the rise of China as a leading superpower in the event of US President Donald Trump's attempt to isolate the United States in the international arena. This is at least one of the narratives doing the rounds in Pakistan, which has been a US ally and recipient of aid worth billions of dollars from 1959 onwards. But Pak-US relations have been rather strenuous for the past 10 years or so, and anti-Americanism in Pakistan has greatly increased ever since the late 1990s. Also, ironically, since the Pak-US

relations were formed and strengthened during the cold war, the US aid and political support largely went to non-democratic (but anti-Soviet) governments and/or to Islamic outfits and elements that were anti-communist. One can suggest that the United States played a major role in propping up ideological elements in Pakistan which, after the collapse of the Soviet Union, morphed into dangerous extremist outfits and later turned on the United States itself.

Pakistan is now at the epicentre of China's economic influence and growth in the region. China has positively recognised and responded to the many pecuniary openings available in a growing economy such as Pakistan, despite these opportunities being often overshadowed in local and international media by the fact that Pakistan is politically unstable. CPEC is the result of China's pursuit to utilise untapped investment opportunities available in Pakistan. China believes that the economic outcome of this investment would have a positive impact on Pakistan's economy, which, in turn, would result in political stability.

Theoretically, this makes sense. And if one is to further stretch this theory, the economic progress and the resultant political stability would attract investors from other countries as well. They are then sure to be followed by non-business visitors, the tourists. Now the question is: is the prevalent social milieu of the country conducive to address the needs of such visitors? Let us look at it this way: CPEC produces good results and Pakistan's economy begins to grow; the economic growth stabilises the country's volatile political scenario; the stability begins to showcase the economic opportunities that had once been obscured by instability; more and more investors from other countries become interested in investing in Pakistan; the physical presence of investors in Pakistan creates an overall positive image of Pakistan, which then attracts tourists.

Consequently, the government and state of Pakistan will have to initiate some drastic shifts and changes in the prevailing cultural milieu and ethos. Ideally, economic progress also boosts the tourist industry, which, though influenced by business tourism, eventually becomes the benchmark that foreign investors use to gauge a country's economic feasibility. For the past 30 years or so, the country's cultural ambiance has become stifling. So, what will a tourist do here? Not all of them are likely to be mountain-climbers in awe of the country's magnificent peaks. When a country with a stifling ethos tries to become a tourist attraction, this can create problems. Or to put it more bluntly, it can then never become one. So these problems need to be resolved if that country desires to be seen as a lucrative economic hub, especially if that country does not possess vast oil reserves like Saudi Arabia.

Travellers from developed countries are the most vital part of a country's tourist industry. A majority of them expect easy availability of certain entertainment avenues in a country they have paid good money to travel to. So let us say, in the next 10 years or so, CPEC empowers Pakistan's economic growth, which triggers political stability, which then attracts more foreign investors. This then creates a healthy image and perception of Pakistan which then begins to attract tourists whose arrival helps build Pakistan's tourist industry. This further strengthens Pakistan's image, and the economic growth is thus successfully sustained by even more foreign investment. It is a circular process. Such a scenario will require a shift in the way Pakistanis see themselves as a nation. To begin with,

they will have to bury the following cliché: "Pakistan is a conservative society." For years, this cliché has been recycled by certain academics and commentators, and also by the somewhat myopic mindset of the Pakistani leadership which emerged after the collapse of the Modernist tendency of Muslim/Pakistani nationalism.

Pakistan is not a conservative society. It is not a bastion of liberalism either. Its strength lies in a historically inherent moderate disposition, which, whenever it was given the space to assert itself, exhibited a remarkable aptitude to tolerate a rather fruitful coexistence between conservatism and certain more permissive ideas. It was the first Muslim-majority country to elect a female prime minister. Twice. And before the 1980s, it was an entirely moderate society where mosques and Sufi shrines thrived and so did cinemas, clubs and other vibrant recreational vistas. On most occasions they were at peace with each other, just as they still are in Muslim-majority countries such as Turkey, Morocco, Tunisia and, to a certain extent, Egypt.

Unfortunately, some political outfits, and eventually the state itself, began to explain economic discrepancies between classes as something to do with the society's and the rulers' "permissive" attitudes. It was a convenient excuse which then became a cynical political ploy. Ever since the late 1970s, the state concocted and projected a simplistic narrative to deflect criticism on economic issues from itself and towards subjective notions of "obscenity", "immorality" and "impiety". And when things in this context got complicated, the state and polity became apologetic: "Pakistan is a conservative country, you know."

For over 30 years, from the day Pakistan's founder Muhammad Ali Jinnah announced the creation of a Muslim-majority state, till the 1970s, Pakistanis were largely a nation of robust and enterprising moderates, or the historical and contemporary extensions of the aforementioned Mughal Muslim ethos. But almost 40 years after the state began churning out a rather reactionary ideological narrative to explain economic and political issues, there was trouble; what was once a project of the state has become a project of the society. This is why now, even when the state wants to alter its course in this context, it finds it difficult to proceed. Indeed, it has realised that CPEC promises positive change. But it is also realising that, to fully benefit from such a change, Pakistan's polity needs to change as well. Thus the following is what the new developing narrative now holds: the idea of outmanoeuvring arch-rival India through the economic benefits being promised by CPEC just might create an opening (and collective willingness) for various new laws and amendments in the constitution to seep in. These are changes that would undo the laws that many believe are actually providing legal cover to those elements who have become impediments for a nation that should now be moving forward as a democratic, modern Muslim-majority country, one driven by the kind of reinvigorated civic-nationalism that was inherent in the ideas of the country's founding father.

Notes

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22 Waldemar Hansen, *The Peacock Throne* (New Delhi: Orient Books, 1986).
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24 John F. Richards, *The Mughal Empire*. Vol. 5 (Cambridge: Cambridge University Press, 1995).
25 Ibid., 100.
26 A term first used by Pakistani historian Dr Mubarak Ali for Hindus who had converted to Islam during Muslim rule in India. Ali suggests that even though the numbers of "local Muslims" was higher than the Muslims who had migrated from Iran and Central Asia, they were never treated as equals by the so-called high-born Muslims.
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Chapter Four

CAN PAKISTAN HAVE A DE-RADICALISED FUTURE?[1]

Raheem ul Haque

The reason why extremism needs to be seriously discussed and debated in Pakistan is not because we have had thousands of deaths related to terrorism but because, over this period spanning decades, both the state and the society failed to provide an adequate response to check terrorism. Why did the incidences of civilian deaths and targeted killings of doctors fail to shake the society out of its indifference even before 9/11? Why was the cold-blooded murder of Governor Salman Taseer by his own security guard justified by large sections of the society? Why could not the society capitalise on the initial public abhorrence to the shooting of a 14-year-old Malala in 2012? Finally, why did it take the Peshawar massacre of more than a hundred schoolchildren in 2014 to form a concrete public opinion against terrorism in the name of Islam? Even after the formation of this opinion, we continue to walk a slippery slope as demonstrated by the brutal murder of Mashal Khan in 2017.

Islam has been used as the predominant justification for terrorist acts in Pakistan; one can term these acts as an outcome of violent religious extremism. The real failure, then, is that the Pakistani society has not been able to stand against the forces of violent extremism, and this chapter contends that this failure can be explained by the prevalent religious extremism within the social fabric of the society. Thus, the subject of this chapter is not the few violent extremists who perpetrate acts of violence but the majority that accepts, sympathises with or justifies these acts.

What Is Radicalisation?

Mandel's idea of radicalisation, as an increase in and reinforcement of extremism in the thinking, sentiment and behaviour of an individual or group of individuals,[2] is a good starting point for a definition. However, extremism as a term indicates an extreme position in contrast to a moderate one, and the process of radicalisation is a movement from this moderate position towards the extreme one. Thus, to define what is extreme, one has to know what is moderate in our context of a conservative and religious society. More importantly, because we are assessing religious extremism, understanding the role of religion becomes important. My thesis takes extremism to be a combination of two factors: a closed Islamic identity and a reactive Islamic identity movement; both these

factors constantly reinforce each other and result in a person's drift towards religious extremism.

Identity as a phenomenon is both plural and dynamic. Every person concurrently has multiple identities: one can be a Punjabi, a Pakistani, a Muslim, a Jatt and a doctor, all at the same time. But it is the sociopolitical context that determines what aspect of one's identity becomes more pronounced as compared to the other; for instance, recurrent mobilisation of Young Doctors Association will highlight and enhance the doctor constituent of one's identity at the expense of all others.

In assessing the current youth identity in Punjab, I would argue that it is a closed Islamic identity. Various youth surveys[3] show that the youth primarily associates with religious festivals, subscribes to the Qur'an and hadith as a value system and think of Islam as the basis for both self and societal improvement. This indicates that Islam is a key identity marker for the youth in Punjab while the national identity of being Pakistani is but a distant second. In addition, even the construction of Pakistani national identity is implicitly linked with being a Muslim. Focus group discussions with youth in Lahore indicated that their discursive universe was limited to Islam; almost all the references given by them in making an argument, be they historical, value-based or even political, were Islamic. Little value was given to local intellectual traditions, customs and social sciences. Thus, overall, the social identity of youth in Punjab was not just overwhelmingly Islamic but a closed Islamic one. This means that the Punjabi youth has an inherent propensity to be mobilised on the basis of religion because it forms the primary basis of who they are as opposed to their ethnic, caste, lingual, professional or even national identity.

What becomes critical then is the dominant Islamic discourse prevalent in society, because the identity formation of youth will either be on the basis of an inclusive, moderate, progressive Islam or on the basis of an exclusive, extremist one. This leads us to the other piece of the puzzle in understanding extremism that I have called the "Reactive Islamic Identity Movement" (RIIM). Like all religions, Islam is not a monolith which is attested by its various philosophical currents including Sufism, the rationalist tradition and the orthodoxy, in addition to a diversity of sects. It has a vast intellectual tradition as represented by the multiplicity of Qur'anic *tafsirs,* scholarship and poetry which provide varied and at times contradictory perspectives. But, instead of competing interpretations, the prevalent mainstream Islamic discourse in Pakistan only furthers religious extremism. The important aspect to understand here is that this discourse is not limited to militant or terrorist groups, but is also subscribed to and popularised by both missionary as well as religio-political parties which otherwise use peaceful means to propagate their message. Because their message framing is similar, the youth groomed by a missionary organisation has higher chances of becoming a sympathiser of the Taliban while not agreeing with their violent methodology for the enforcement of Islam. To be able to state that various organisations are part of the same social movement, one has to assess whether they all fall under the same master frame. Thus, in terms of framing, all formal organisations or informal groups who state that there is only one true Islam subscribe to *khilafat* against democracy, consider *sharīʿah* as the sole law in the collective sphere and interpret Qur'anic injunctions literally rather than contextually are part of the same

Islamic identity movement. This framing leads this movement to be against indigenous cultural practices including *mehndi* and *basant*; it makes them anti-Western existentially and anti-non-Muslim generally, thus subscribing to the clash of civilisations thesis. I term it a reactive movement because it is against the worldwide direction of social change towards greater human rights, women rights and the freedoms of conscience, thought and expression. It is also against Islamic scholars who engage with indigenous culture and the West on the basis of ethics, social justice and human rights rather than religious dogma.

Thus, on the moderate-extreme continuum, inching towards extremism is an outcome of a closed Islamic identity and the RIIM, with the two reinforcing each other. An encompassing Islamic identity of youth leads them to form a worldview according to the message of Islam, and because RIIM currently has hegemony over the meaning of Islam in Pakistan owing to its own strength as well as the lack of an alternative Islamic discourse, youth's identity becomes a closed Islamic identity. The continuation of this process to the extreme can lead the youth to sympathise with the Taliban while disagreeing with their violent methodology; they would no longer criticise the Taliban because they accept the sanctity of their message. A further closing of identity will lead to de-humanisation of the "other", the out-group along with a further subscription of RIIM's message of the enforcement of Islam through state power, thus leading the youth to become legal political actors in furthering Islamism and justifying Taliban's actions while not participating in them. Only a slight further inching is now needed to take extralegal actions including the use of violence for furthering the RIIM's message and interests against its opponents, as repeatedly done by the Islami Jamiat-e-Talaba in educational institutions. Thus, their difference from Taliban lies not in the nature of their fascism but in the degree of it.

While the above-stated thesis of religious extremism is based on youth data collected from Lahore and Punjab, it can be generalised for all of Pakistan based on an assessment of one's identity and the strength of RIIM in the respective area.

Conceptualising De-radicalisation

A de-radicalisation strategy needs to be based on two basic elements: one, opening up the closed Islamic identity of youth by highlighting other constituents of identity and, two, breaking the hegemony of the RIIM in dictating the meaning of Islam. If we assess the National Action Plan (NAP) devised after the Peshawar massacre, one can unambiguously state that this document caters to terrorism as opposed to extremism because, out of the 20 points, only 4 are related to extremism: point number 5 states that strict action should be taken against literature, newspapers and magazines promoting hatred, extremism, sectarianism and intolerance; number 14 states that measures be taken to restrict abuse of the internet and social media; number 11 discusses banning the glorification of terrorists; and number 10 demands regulation of religious seminaries.

However, as discussed earlier, terrorism in Pakistan is mostly violent religious extremism. Thus, a counterterrorism strategy would be incomplete without a comprehensive counter-extremism strategy. Furthermore, for counter-extremism the Pakistani government would need to deliberate on what extremism actually means. Is the religious

justification for terrorism limited to what is taught in religious seminaries as indicated in the NAP or does the state's own education curricula also carry similar seeds? Is restricting certain literature and social media sites enough or does the state need to facilitate alternative narratives? I will spend the rest of the chapter in discussing these and other questions to initially analyse the structural and embedded nature of extremism in Pakistan and later to expound an anti-extremism strategy.

Assessing the Roots of Religious Extremism

Education is an important factor in the formation of identity, and while madrassah youth may be the activists of RIIM, the identity and corresponding worldview of the majority youth is not much different. This is because the curriculum as well as the pedagogy privileges not just Islamic identity but RIIM's conception of it. The *Islamiat* curriculum is limited to the RIIM's version of Islam with absolutely no instruction on the philosophy of the *sufis* of the land, whom historians credit for popularising the faith in the subcontinent. Similarly, nothing is to be found on the philosophy of rationalists such as Sayyid Ahmad Khan, who is credited with developing the leadership of the Muslim League. In addition, the subject of Pakistan Studies being mandatory till the 14th grade means that Pakistanis are devoid of any knowledge regarding world geography or history, or instruction in ethics, legal and civic education, which would help them associate with the rest of the world through shared knowledge and values, thus opening up their closed identity.

Another critical factor is the lack of instruction in Punjabi or Saraiki languages even at the primary level in Punjab when there is agreement among world educators that the initial medium of instruction should be the mother tongue. While this leads to rote learning and a lack of comprehension capabilities and critical thinking, it also negates the child's lingual identity. The impacts are far-reaching: degradation of language, disconnect with the intellectual tradition of the land groomed in *sufism* and gradual decline of traditional festivals (*melas*) owing to modernity and urbanisation. All of this has deculturalised the people of Punjab, leaving little competition for the religious constituent of identity. This de-culturalisation further accentuates the globalisation-linked "cultural threat perception" used by the reactive movement to increase its appeal among the masses. For example, what one sees during the spring in Lahore is a binary between two alien celebrations, Valentine's Day and Haya Day, primarily because the real popular festival of Lahore, *Basant*, has long been banned.

The third aspect related to identity is the construction of Pakistani identity through mythical truths that define youth's association with Pakistan, and that may be independent of formal education. The propagated idea of Pakistan is not inclusive of the religious minority citizens of Pakistan as it is couched in the myth of "Pakistan Ka Matlab Kia – La Ila Ha Illal Lah" (The Meaning of Pakistan Is No God But God) – which is factually incorrect as no such slogan was raised by the Muslim League leadership primarily because the demand for Pakistan,[4] based on the rights of the Muslim minority in India, constituted a united (rather than a partitioned) Bengal and Punjab, which would have comprised more than 40 per cent non-Muslim population in Pakistan.[5] Thus, in terms of

a projected worldview, a country that was actually made on the basis of minority rights has instead been termed a fortress of Islam. The nation-building project has, therefore, been based on a monolithic identity of Islam rather than the multilingual, multi-ethnic and multireligious Pakistan, with the mantra of "I am neither a Punjabi, nor a Baloch, nor a Pashtun, nor a Sindhi; I am only a Pakistani." This requirement of negation of one's ethnic and lingual identity to become a "real" Pakistani has been a disaster for the nation-building project of a multinational Pakistan as it has been rejected by all of the smaller nationalities. It has been mostly popular in Punjab, owing to de-culturalisation at the expense of Punjab's privileged position in the state, though also at the cost of further weakening the Punjabi identity. Also, the association of youth with Pakistan is dependent on how proud they feel about being a Pakistani. Unfortunately, the postcolonial dysfunctional nature of the Pakistani state has not been able to provide welfare services such as quality education and health to the people. Neither has it been able to offer a vibrant economy with liveable jobs and civil liberties. Because the nation-building project has been dictated by the state rather than being the result of a bottom-up social contract through a genuine democratic process inclusive of youth, it leads to youth's alienation from the state and translates into a lack of pride in the country and undermining of the Pakistani national identity. Thus, the issues of unemployment, poverty and inequality feeding into popular unrest are instead articulated through an alternative ideal Islamic governance system as panacea for all the problems. The discursive opportunity structure for the RIIM, which allows greater traction for the movement's messaging of clash of civilisations, further includes the US presence in Afghanistan, occupation of Palestine, human rights violations in Indian-held Kashmir, the treatment of Rohingya Muslims in Myanmar and publishing of blasphemous cartoons in the West. This allows framing on the basis of "injustice against Muslims perpetrated by non-Muslims", accentuating both a closed Islamic identity and a mobilisation opportunity for the reactive movement.

The strength of the RIIM is also dependent on the resources it can mobilise. Here, the state-religion relationship becomes important as Islam is a state religion. Although the constitution, Article 31–2(c), states that "the state shall endeavour, as respects the Muslims of Pakistan, to secure the proper organisation of *zakat* (ushr), *auqaf* and mosques", the mosques unlike *zakat* and *auqaf* have been completely left out of the state regulation process. This allows the clergy, which is an important part of the reactive movement, complete autonomy in furthering any discourse irrespective of its implications. Furthermore, the terming of Ahmedis as non-Muslims in 1974 was a turning point in making the state a party in sectarian contestations. It has had two major implications: one, rather than resolving the sectarian struggle, it has accentuated it by setting a precedence that empowered sects now want to follow by declaring the weaker ones *kafir*; two, it provides a state-sanctioned pet topic to the clergy and other members of the RIIM to further their general narrative with Ahmedis as a punching bag. More importantly, the reactive movement was explicitly supported by the state during the period from 1979 to 2001 through funds, institutional strengthening and linkages with donors; and complete freedom to manoeuvre was granted while sections of the movement were also militarised to support the state's regional policy objectives. Even after 2001, the state followed an ambivalent policy, and it was only after the

Peshawar massacre in 2014 that it started to target the violent aspects of the movement by restricting hate speech, jihad and *takfir* narratives.

However, while the methodology that the state has adopted to counter the violent part of the movement may work as an anti-terrorism strategy, it will remain counterproductive for de-radicalisation because the state's use of extralegal means, such as extrajudicial killings and enforced disappearances or even trials through military courts further, negates the dysfunctional criminal justice system rather than fixing it. Instead, rather than discrediting the movement's narrative and its consequence of violent extremism through a public discourse generated through legal trials and accountability, the extralegal coercive methodology only credits the movement's "oppressed" frame.

Almost four decades of state sponsorship of the reactive movement has created a momentum of its own, and RIIM's current strength cannot be wished away even if the state disengages. It instead gains strength after NAP's pushback with new mobilisations based on the blasphemy and *khatam-e-nabuwat* narrative frames which the country's leadership has not been able to challenge, with the outcome that the space for open and frank discussion continues to decrease. What is needed is a complete realignment of the state such that it acts as an antagonist to both the discourse as well as resource mobilisation of the reactive movement.

Towards De-radicalisation

A de-radicalisation strategy should be based on a two-pronged approach of opening up the closed Islamic identity of the youth while constraining resource mobilisation and discursive opportunities for the powerful RIIM. In terms of education, rather than limiting the debate to madrassahs only, the strategy should involve comprehensive curriculum reforms reflecting the multinational, multi-ethnic and multireligious reality of Pakistan. This should include local and provincial histories along with knowledge about South Asia and the world, while pedagogical transformation to inculcate critical thinking cannot be achieved without the introduction of mother tongue at least at the primary level. Furthermore, through adequate knowledge of mother tongue, youth will have access to the faith-based intellectual traditions of the *sufis* and *bhagtis* to counter the exclusivist Islamic narrative of the RIIM, which is not possible through a secular narrative or is limited to only the educated classes through a rationalist Islamic tradition.

It should also be clear that the methodology followed in madrassahs is a travesty of child rights as our children deserve a broader education to become either a religious scholar or a skilled professional. But madrassahs cannot be closed down as they are an outcome of the state's failure to provide welfare and education to the poorest segments of the society. The transformation of Pakistan from being a security state to becoming a welfare state is, therefore, critical for any de-radicalisation strategy. This reorientation of the state is also necessary because RIIM is a natural ally of the security state with similar perceptions of the world based on insecurity, enmity and a zero-sum game. Such a state looks at the society from a security lens, thereby militarising Islamic identity by focusing only on Muslim military heroes and by using Islamic symbolism in naming

weapons of destruction. In this context, the normalisation of Pakistan-India relations cannot be overstated because, one, it will decrease the usefulness of RIIM as an ally in the eyes of the security state and, two, people-to-people contact between the two countries will strengthen the common bonds beyond the religious constituent of identity. For example, meeting of Punjabis from both sides of the border will lead to recuperation of the Punjabi identity, which could further be supported through the promotion of local cultural festivals, instead of banning *basant* or stopping multiple *urs* festivities across the country because of security threats.

Regarding international issues, although the state of Pakistan is not in a position to impact conflicts that are adversely impacting Muslims or the foreign media's perceived targeting of Islam and Muslims which provides a discursive opportunity to the reactive movement, what it can do is frame these issues as issues of social justice, hate speech and human and minority rights rather than being limited to the religious identity. This would also serve the purpose of equating international issues with domestic ones to raise the awareness of citizens regarding the impact of violent extremism at home. For example, the Hazara community being held up in a prison-like situation in their two towns in Quetta because of targeted violence against them has parallels with the open-air prison of the Gaza Strip surrounded by Israeli forces. Similarly, the killings, mass displacements and destruction of Pashtun areas, particularly ex-FATA (Federally Administered Tribal Areas), has parallels with the war horrors of Syria.

Lastly, to counter youth's alienation from Pakistan and to make them proud of their country, they need to be encouraged to think critically, to raise questions, to challenge the status quo and to constructively participate in political activities. Only such a critically conscious and empowered youth can counter the narrative and strength of the RIIM. Thus, bringing back serious social and political debate to university and college campuses will be an important step against religious extremism, which may not be possible without student unions. This carries the potential of developing into an organised youth voice which can challenge the larger status quo and demand the formulation of a new social contract to redefine the relationship between citizens and the state, further deepening democracy.

The real question of de-radicalisation hinges on whether the state and its power elite are open to discussion on the reformulation of Pakistan as a multinational, multilingual and multireligious subcontinental state at peace with its neighbours.

Notes

1 This essay borrows its conceptual framework from the unpublished paper by the author titled "Radicalization of Youth in Punjab: Interplay of Closed Islamic Identity & Reactive Islamic Identity Movement."

2 David R. Mandel, *Radicalization: What Does It Mean* (Amsterdam: IOS Press, 2009), 101–13.

3 Primary results come from The Institute for Peace and Secular Studies (IPSS) unpublished survey titled "Exploration of Youth Identity" with a sample size of 575 youth, conducted in Lahore and Punjab in 2009–10; Ayesha Siddiqa, *Red Hot Chilli Peppers Islam: Is the Youth in Elite Universities in Pakistan Radical?* (Pakistan: Heinrich Boll Stiftung, 2010); British Council, *The Next Generation*. 2009. https://www.britishcouncil.pk/programmes/society/next-generation.

4 Interviews with Ikram ul Haque and Justice (Retd) Syed Afzal Haider, who were both active in the Pakistan Movement as students, as formal member of Muslim Students Federation and as support staff of PML leaders, respectively.

5 According to the India Census 1941, the Muslim population of Punjab was 53.2 per cent and of Bengal was 55 per cent. Gopal Krishan, "Demography of the Punjab, 1849–1947." *JPS* 11, no. 1 (2004): 78. http://www.global.ucsb.edu/punjab/sites/secure.lsit.ucsb.edu.gisp.d7_sp/files/sitefiles/journals/volume11/no1/6_krishan.pdf.; Kenneth Hill, W. Seltzer, J. Leaning, S. J. Malik and S. S. Russell, *The Demographic Impact of Partition: Bengal in 1947* (New Jersey: Princeton University Press, 2005).

Chapter Five

FROM FIGURES OF SPEECH TO FISTS OF FURY: UNCHECKED INCITEMENTS TO VIOLENCE

Muhammad Abrahim Zaka and Fasi Zaka

Unquiet Classrooms

Universities are emblems of a nation's aspirations and the capstones of any education system. In the life of the next generation, a university degree is the first real transition into adulthood. But in the years leading up to graduation, university life is supposed to be a safe space: a place to learn about the world while being protected from it. This, perhaps, is the reason why every incidence of campus violence leaves us anguished and transfixed; more so when this violence is emanating not from terrorist outsiders but from student groups within, simply for holding different views. If this 4 per cent – the percentage of the population going to a university – can be flipped, what does this mean for the rest?

Pakistan was gripped with fervent attention when fellow students killed one of their own after finding him in his hostel room. Most people reading this line will probably have the name Mashal Khan flash before their eyes in an act of recognition. But the student we refer to here is Adnan Abdul Qadir, murdered in 2010 in the University of Engineering and Technology (UET), Peshawar, by eight students of the Islami Jamiat Talaba (IJT), for listening to music in his hostel room. Just as in Mashal Khan's case, Adnan's death infuriated people and spurred questions about how far extremist tendencies had pervaded our social fabric. But Adnan's story fading from the memory is an indictment of how much things have worsened and, in some ways, normalised, as only those incidents that are truly blood-curdling or new in some fashion manage to capture our collective imagination.

Atomised Anger

In this essay we would argue that unchecked hate speech is at the very root of this issue. New ideas, aimed at supplanting society's norms and justifying violent means to achieve them, have gained credence over time with some of them, as we shall see in a while, enjoying the tacit support of the state. With the advent of digital communication technologies, the world, and not just Pakistan, has seen an explosion in the availability of pulpits for the preachers of hate. Deleterious microphones have been atomised, and the means of controlling broadcasts have yet to be conclusively decided.

There is some excellent work that has already been done in Pakistan that shows how certain actors use hate speech to further their causes, and how the audiences receive them. Bytes for All,[1] a Pakistani human rights organisation, conducted a study that demonstrated the extent of online hate speech in Pakistan. The report highlighted that users in Pakistan could not identify hate speech when they saw it, unless it was ethnic hate; religious hate was less easily identifiable, especially if it was dressed in nationalistic rhetoric. International experience shows that hate-peddling social media accounts and websites do not usually declare that they are hate mongers or racists. Many in fact disavow it upfront in the description of their sites, despite carrying objectionable material.[2] Such studies suggest that a lot of work needs to be done to educate people about what constitutes "hate". Owing to a lack of proper knowledge and understanding of Islam, despite being its ardent adherents, people find it difficult to reject hate material outright, especially when it comes shrouded in the Islamic veil. Given that Pakistan currently has 44.6 million people online,[3] the challenge of policing cyberspace for hate speech is significant.

An Oxford study on Ethiopian hate speech is instructive because it showed that the bulk of hate speech came, at least online, from less powerful individuals.[4] The potential for that speech to resonate was low. In other words, there is plenty of hate speech available online, but a lot of it is ineffective. Tactically speaking, this is why a country like Pakistan needs to focus on curbing *dangerous speech* in the medium run, rather than going after hate speech across the board. "Dangerous speech" is a term used for the kind of hate speech which, under the right conditions, can influence people to accept, condone and commit violence against members of another group. In bridging the gap from hate speech to incitement, "dangerous speech" occurs when the speaker or writer *has a great deal of influence* over his or her followers.[5] Dangerous speech, then, is similar to hate speech in that it relies on tensions to amplify and serves to unite some and divide others by creating an "us" and a "them".[6] But hate speech does not always result in violence, while dangerous speech has a much higher chance of doing so.

Rachel Hilary Brown's work on dangerous speech identifies the following context that can make hate speech potent for violence:[7]

- A speaker who is influential or popular with the audience;
- A medium (the means used to communicate a message) that makes the audience more likely to access, believe or spread the speech;
- A context that will provoke violence towards a group;
- An audience that is receptive to speech because they are already primed.

Culpability in Tragedy

The irony of Pakistan's current predicament in dealing with the negative fallout of hate, in the form of violence and terrorism, is the state's role as a legitimiser of hate historically. This was done through constitutional legislation, textbooks and a security policy of nurturing extremist groups. Pakistan's precarious position at the time of independence led it to choose some stabilising measures, such as forging a new national identity using

religion, against the backdrop of fears of potential separatism in the new nation state. However, that new national identity came at the cost of already rooted, mature local ethnic and religious identities, leading to a constant tension. Pakistan inherited social fissures through no fault of its own and has, subsequently, managed to create discord through its own policies.

The state's policy of delegating its exclusive domain of practising violence to extremist outfits is yet to be fully reversed. Pakistan has been able to act kinetically against some groups with great success; however, the wellspring that created the intellectual backbone for recruitment into hate has been poorly dealt with. In fact, just as the state began to succeed against the militant Tehreek-e-Taliban Pakistan (TTP), it simultaneously turned into an ineffectual bystander in the face of new, more strident forms of Barelvi extremism that have repeatedly brought parts of the country to a standstill. In what was an unprecedented development, the government itself came to be accused of blasphemy as it attempted to modify the Prophethood Declaration clause in the Electoral Reforms Bill 2017. The government's response, in part, was to demonstrate that it too was committed to punishing blasphemers. In this vein, the Pakistan Telecommunications Authority (PTA) sent out a "blasphemy warning" to millions of mobile phone users, imploring them to report to authorities any blasphemous content that they may come across.

Technology has furthered hate tremendously by acting as an accelerant; groups that previously only possessed a small audience of a mosque or a public gathering can now broadcast to millions on social media. If anything, the incentives to commit hate speech have grown over the past five years in an increasingly contested political space, as demonstrating a muscular position through hate speech has won certain groups much valued airtime in the media. Meanwhile, the state so far has focused less on hate mongers and more on those it sees as blasphemers or critics of the military.

The Fringe Flirting with the Mainstream

The narrative of the fringe mosque is reproducing itself on television, unfiltered and without a scholarly base. In the space of the TV, the Pakistan Electronic Media Regulatory Authority (PEMRA) has taken a lot of steps that could establish some reporting norms; however, the courts have often blocked or reversed those actions. The far-right gets a lot of representation on television that goes unchallenged. In fact, the airing of adverse or sensationalist remarks is encouraged because, perversely, hate happens to have a commercial value as it makes television-viewing exciting. This far-right influence on the media is one of the reasons why Pakistan, as a country, has been unable to develop a consensus against extremism. The narrative-makers distinguish between pro-Pakistan and anti-Pakistan extremist groups, and the former tends to get a laudatory profile in the media for focusing on Pakistan's neighbours.

The civil-military imbalance has also furthered the growth of hate groups, as a divided state has been unable to respond coherently with all arms of the state acting in unison. If one arm of the state takes action against hate groups, the other arm tends to exploit the fallout against the former. Such an incentive structure can only breed inaction. Equally culpable in the manufacturing of hate are the state's education and judicial systems.

The education system primes young minds to be receptive to elaborate hate speech, unquestioningly. Milder forms of hate are seeded through textbooks and play their part in fashioning a citizen that views nationalism in exclusionary terms; from there, the distance from "other" to "hated other" is not very far. Similarly, judicial performance has been a key driver in the failure of laws against hate. Cases of hate speech are supposed to be processed with a peculiar urgency, so as to avoid the possibility of them spilling into violence. But judicial verdicts feature high acquittal rates for those accused of hate speech and long waits for those accused of blasphemy.

Deliberations, Distinctions and Distortions

There is a tendency evident in hate speech incidents to conflate evidence or ideas improperly, in order to leverage an opportunity to create grounds for violence. Following are some key examples of this:

1. The definition of blasphemy is being misused. The law strictly defines blasphemy as specific to the disparagement of the Prophet (PBUH). But many of the instances of blasphemy cited in hate texts consider criticism of the *performance* of blasphemy laws, or asking for amendments to these laws, as equivalent to blasphemy.
2. Subsects of the population have been targeted as alleged "perpetrators" of blasphemy. In the Safoora Goth incident, for example, a subsect of the Shia sect (who are in very small numbers) were targeted as retribution for disparate "crimes" of the Shia majority in other countries. Accusations of loyalty to other nations feature prominently in hate texts or speeches, especially in the case of Ahmedis and Shias. This otherising makes use of exclusionary nationalism and a fictionalised, Sunni-centric origin myth of the Pakistani nation.

It is ironic that hate texts also tended to use Pakistan's status as a victim of terrorism as justification for hate. Blame for terrorist atrocities is not ascribed to known terror or hate groups; instead, such attacks are labelled "false flag" operations, and with it the labellers seek to foment hatred against an unrelated third party. Another example of distortion and conflation is the workings of Islamist group Hizb-ul-Tahrir (HuT). While the HuT does not practise hate speech outright, its pamphlets aimed at junior army personnel sought to seed dissent in the ranks by arguing that Pakistan's military and political leaders are contracted out to Western nations to fight against their own people.

In May 2015, a bus carrying Ismaili Muslims was attacked by six attackers on motorcycles, which resulted in the deaths of 45 people. Multiple groups claimed the attack, including Jundullah, the Islamic State and the TTP. Eventually, Saad Aziz and accomplices were held responsible for the attack and convicted. They were also held responsible for the murder of Sabeen Mehmud, whom they abhorred on account of her severe criticism of Abdul Aziz[8] of Laal Masjid (a mosque in Islamabad). Saad was radicalised over time, despite having studied at an elite school and university. It is reported that his motivation for the attack was partially informed by seeing a video of alleged Houthis (Shias) in Yemen killing (Sunni) women and children. A pamphlet left at

the scene of the crime announced the group of Saad Aziz as righteous Islamic warriors. However, the predominant emphasis of the text explained which actions the group was avenging. The list comprised the following:

- Acts of terror committed against Sunni groups in Iraq and Yemen, and in particular the alleged atrocities committed against women and children.
- The Raja Bazaar incident: a particularly violent and controversial incident of violence during a procession in Muharram of 2013, which flared up severe tensions between local Sunnis and Shias.[9] Here, the text appears to reference the Sunni version of events that is, they were attacked by Shias bent on murder and destruction.
- The Lal Masjid incident in which 154 people lost their lives. The army led an operation in 2007 to regain control of Lal Masjid after a period of civil disorder instigated by the leadership of the seminary and mosque. Hate texts often resort to upholding religious values as justification for encouraging others to act outside the law. There was some recognition in the case of Mumtaz Qadri that he had acted outside the law; however, attempts were made to justify his action by pointing out the state's inability to implement the blasphemy law (in this case, Asia Bibi had not been executed despite her death sentence). Similarly, appeals to honour are a constant in many hate texts: it is framed implicitly in terms of religious duty of the righteous to uphold their masculinity. Where threats were not direct or appeals to vigilante action unspecific, the texts would use strong Islamic denunciations (such as *wajib-ul-qatl*, *murtid*, *gustakh* and others) which could lead individuals to assume that it was imperative for them to act, without actually being told to do so. Direct speech that otherises and dehumanises is more likely to be employed preceding an act of violence. Indirect speech, like that of the Hizb-ul-Tahrir, was used more in creating the *grounds* for persuading undecided people (say, against a popular institution like the army).

Reclaiming Lost Ground

Pakistan's challenge of curbing dangerous speech lies in reducing fault lines of ignorance that interlopers take advantage of. For example, the concept of *wajib-ul-qatl* ("worthy of death") needs clarification and understanding. The ambiguity of this pronouncement allows an individual to consider himself obligated to carry out a form of capital punishment of their own accord. Precision on this issue is important, because emotion-raising rhetoric can be used, as it was in the case of Mumtaz Qadri, to goad an individual to carry out murder while he thinks of himself as acting in accordance with divine instruction. This is particularly relevant to Pakistan as some clerics and non-state actors have called individuals, groups and institutions "infidels" or "apostates", for which they claim the punishment is death. In 2017, while visiting Pakistan from Saudi Arabia, the Imam-e-Kaaba (Imam of the Grand Mosque in Mecca) declared that no individual has the right to call for anyone's death or to declare them *wajib-ul-qatl*.

There is also a need to reframe agency by ensuring that the citizens know that faith does not allow any individual to act on their own accord or under a directive that has not come from the state. When looking at the antecedents of hate that justify terrorism

against shrines important to the Barelvis, the language used invoked *shirk* without actually calling for violence. In the case of Ahmedis, the attempt to shift them from non-Muslims to *murtids* (apostates) has one of the greatest potentials for violence. Some hate texts insist on calling Ahmedis *murtids* rather than non-Muslim (as they are defined in the constitution); the label of *murtid* invites a different and more severe range of penalties as it comes attached with the associated penalty of *wajib-ul-qatl* in case the murtid does not repent. Again, as with *wajib-ul-qatl*, an immediate series of steps needs to be taken to ensure that these categories can only be decided by the state. But herein lies the great difficulty: the strength of a society should allow for one to practise one's faith as one believes, and that includes the freedom to judge the validity of other people's beliefs and practices. While this freedom must always be protected, the society must ensure that "agency", or *right to action*, remains the exclusive domain of the state.

Pan-Islamist beliefs have been a part of the subcontinent's history, an early example of which is the Khilafat Movement (1919–22) against the abolition of the Ottoman Caliphate.[10] Pan-Islamism helps in justifying action against a state one resides in, as is evident in the case of many self-radicalised Western ISIS-inspired terrorists. There is tension in some quarters between loyalty to the state and loyalty to a more ephemeral concept of the Muslim Ummah.[11] It is important, therefore, that we emphasise the primacy of loyalty to the state so as to reduce the space for extremists and hate preachers who seek to subsume the state's authority. This would reduce the sphere of influence of non-state actors who issue edicts that are, and should be, the purview of the state. More importantly, we must underscore and highlight that Pakistan is an Islamic state, and that the foundational precepts of the Pakistani state and its constitution reside in Islamic principles. This articulation is important given the narrative challenges facing the country. A 2013[12] poll conducted by the British Council showed that 38 per cent of the youth wanted *sharī'ah*. This has been coupled with a constant, relentless charge of the TTP that the constitution of Pakistan is un-Islamic.[13]

The recent rise in Barelvi extremism has also heightened a new form of delivery of rhetoric that is unconstrained by the Islamic traditions of civility – this rhetorical freedom is much more potent in inflaming passions when delivering hate speech. In this regard, emphasising the tenets of Islam for civil communication can nullify the rhetorical toolsets of extremists. Islam's tenets include guidelines for civil behaviour, and clerics such as Khadim Hussain Rizvi eschew these guidelines in their sermons. This recourse to Islamic tenets would rein in those who use sensationalist delivery to arouse passions and hatred.

Furthermore, extensive research is required to explore commonly held beliefs, their public acceptability and their associations with Islamic sources, in order to aid counter-narrative development. Many peaceful people believe in some doctrinal aspects of Islam that may be misunderstood, which makes them predisposed to certain malicious messaging perverting accepted meanings. Among them are the aforementioned concepts of *wajib-ul-qatl*, the system of *khilafat* and beliefs about the legitimacy of Pakistan's laws. This research will help us find what messaging is needed from Islamic sources for the purposes of counter-radicalisation – for a religious population like Pakistan, the language must be shrouded in what is familiar and appealing to the people. An example

of this would be regarding the term jihad, what it means to people and who can legitimately declare it obligatory if it involves violence. On the other hand, the manmade nature of Pakistan's constitution must be made clear, as only this will allow the state to revise the laws being misused. The Salman Taseer case made it clear that the goalpost on how the topic of blasphemy can be discussed had changed; he was murdered for calling the blasphemy provisions of the constitution a "black law". The same is true of the 2017 controversy over the change in oath regarding Prophethood (PBUH) in the elections bill. In both these cases, the reactions from religious parties, and the public at large, shows that there exists a perception that these manmade laws must be defended in the same manner as the immutability of the Qur'an. But this is a grave misunderstanding, as these laws are drawn, in principle, from a certain kind of reading of religion, not the actual Qur'anic text.[14]

Other than the aforementioned steps, highlighting female and child victims of terrorism could also dim the lustre of extremist arguments. The Islamic doctrine of war prevents the murder of women and children quite clearly. It is ironic, then, that for terrorists such as the TTP, Saad Aziz, the LEJ and others, a common grievance against otherised groups has been that they have killed women and children (real or imagined), and that this itself warrants retribution against *their* women and children. Illustrating these groups' abuse of this Islamic doctrine of war may go a long way in gaining traction with the public; it is telling that the elusive consensus against terrorism by the TTP only truly coalesced when the group attacked schoolchildren in Army Public School in Peshawar.

Lastly, there is a need to redefine the notions of honour and masculinity so as to make them engender kindness, humility, respect for law and civic behaviour. Many hate texts urge the reader or listener to question their *bona fides* as a Muslim, by arousing a masculine notion of honour with an implicit or explicit call to action, be it against the Barelvis, Shias, Ahmedis or the state. Outside the realm of religion and hate speech issues, on gender for example, there is a need to start redefining honour and masculinity to avoid it becoming a touch point that hate preachers can exploit. An Islamic notion of masculinity, as can richly be found in the traditions or sayings of the Prophet (PBUH), needs to be forged.

Ultimately, behind much of the violence where communities are involved, the actual reasons for violence are not doctrinal; those are just used as a cover. In the case of Mashal Khan, his opposition to alleged corruption in his university, and the petty jealousy of his classmates to his performance in class, drove much of the action. Similarly, violence between Deobandis and Barelvis often takes place over the occupation of mosques, a legitimate form of property for the clergy; violence against Ahmedis has a resource occupation component; and blasphemy cases against Christians tend to be rooted in the issue of occupation of land.

Consensus for action against hate has been hard to come by, mainly because it requires hard decisions that our perpetually unstable governments have been unable to take. However, the recent passing of the National Internal Security Policy (NISP) 2018–23 has the most cause for cautious optimism. A comprehensive document that has the backing of both the civil and military sides of the government, NISP calls for a more inclusive orientation of statehood and idea of nationalism that actively includes people of all hues

and faiths. While it remains to be seen whether this plan will be operationalised by the new PTI (Pakistan Tehreek-e-Insaf) government, it is a remarkable document that takes seriously not just the problem of terrorism but the narrow worldview that enables it.

Notes

1 "Hate Speech: A Study of Pakistan's Cyberspace." Bytes for All, June 2014. https://bytesforall.pk/publication/hate-speech-study-pakistans-cyberspace.
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6 Iginio Gagliardone, Danit Gal, Thiago Alves, and Gabriela Martinez. *Countering Online Hate Speech* (Paris: UNESCO Publishing, 2015).
7 Rachel Hilary Brown, *Defusing Hate: A Strategic Communication Guide to Counteract Dangerous Speech* (Washington, DC: United States Holocaust Memorial Museum, Simon-Skjodt Center for the Prevention of Genocide, 2016).
8 No relation to Saad Aziz.
9 During the violence, 15 people died, and rival places of worship were attacked. The army of Pakistan later released a video by Inter-Services Public Relations (ISPR) that showed the attack was incited by the TTP to create Shia-Sunni issues in the heart of Rawalpindi.
10 Gail Minault, *The Khilafat Movement: Religious Symbolism and Political Mobilization in India*. No. 16 (New York: Columbia University Press, 1982).
11 Nation of Muslims.
12 Andrew Buncombe, "Pakistan's Youth Favour Sharia Law and Military Rule over Democratic Governance." *Independent*, 3 April 2013. http://www.independent.co.uk/news/world/asia/pakistans-youth-favour-sharia-law-and-military-rule-over-democratic-governance-8558165.html.
13 "TTP Terms Pakistan's Constitution Un-Islamic." *Pakistan Today*, 21 February 2014. https://www.pakistantoday.com.pk/2014/02/21/ttp-terms-pakistans-constitution-un-islamic/.
14 A Muslim oath from the Qur'an is essentially only "Laa ilaaha illalaah, Mohamed ar-Rasool Allah" (There is absolutely no deity worthy of worship except Allah, and Mohamed (PBUH) is the Messenger of Allah), whereas the election bill oath is far more elaborate and reflects Pakistani state concerns about the practices of the Ahmedis.

Chapter Six

CURRICULUM AND THE CONSTITUTION

Rubina Saigol

Politics of the Curriculum

Pakistan is a culturally, ethnically, religiously and economically diverse country with a multiplicity of languages and a rich variety of local traditions, folklore, food, dresses, dance and musical forms. It is always difficult, in such plural societies, to make decisions about *what* to teach the future generations from a complex variety of intellectual and cultural knowledge. Every curriculum entails choices; those delivering the educational service, be they state, private or social institutions, have to decide which contents, from a vast universe of available knowledge, should be included and which ones excluded. Such choices are invariably *political* in that they depend on the ideological leaning of the institution imparting the knowledge.

Curriculum is not, and can never be, neutral or impartial, because every choice entails the absence of what is excluded. Curriculum choices thus become a question of the relative power of groups in any society. With each group (religious, ethnic, sectarian or nationalist) vying for the inclusion of what it regards as the truth, the curriculum becomes a highly contested site, steeped in social conflict. Those with greater social, economic and political capital in the state may manage to get their form of "truth" included, while those with lesser clout in society may not succeed in the inclusion of their alternative, but equally valid, version.

The curriculum is reflective of the distribution of power in society which, in turn, is indicative of the societal distribution of resources. Those who decide *what* is to be taught, what is to be excluded and *how* it is to be transmitted and evaluated wield the ultimate ideological power in society. However, the curriculum remains forever a contested site as competing groups continue to vie for inclusion, especially in highly differentiated, layered and hierarchical societies. British educational sociologist Basil Bernstein puts it succinctly:

> How a society selects, classifies, distributes transmits and evaluates the educational knowledge it considers to be public, reflects both the distribution of power and the principles of social control.[1]

Every social group in society – religious, linguistic, ethnic, sectarian, economic or gender-based – seeks to include its own preferred form of knowledge in the curriculum for its future group members. One group's "truth" may be another group's falsehood;

one's triumph may be another one's defeat or the negation of its principles. One example of the competing nature of knowledge is the tension between certain articulations of religion which clash with feminist knowledge forms and their understanding of patriarchy. Similarly, the knowledge forms of capitalists may clash with that of labour, the narratives preferred by feudal landlords may clash with the understandings of the peasantry and so on. Education, then, is expected to resolve such contradictions by transmitting the ideational messages of *all* the social groups in a society, even though such transmissions may conflict with one another.

Nation-building as Psychic Violence

In Pakistan this dilemma has haunted policymakers and curriculum developers for decades. How to reconcile the competing and contradictory needs of a highly centralised state and monolithic nationalism with those of a layered and complex diversity reflected in the provinces? Virtually every education policy attempted to homogenise the diverse polity by declaring that the foremost aim of education is to create "*the nation*". The Shareef Report of 1959, the policy of 1979 developed during the Zia ul Haq regime, the policy of 1998 formulated by Nawaz Sharif's government and the policy of 2009 by the Pakistan Peoples Party government, all underline the importance of generating a nation by stitching together the multiple and plural realities of Pakistan with the fragile thread of religion.

But the project of creating a national identity based on religion failed miserably as the older, deeper, more profound and historically rooted identities of Bengali, Sindhi, Balochi or Pashtun people could not be erased by a new, somewhat artificial Pakistani identity. The more a centralised state attempted to make people forget their older identities, the more vigorously those identities asserted themselves, with the Bengalis ending up creating a separate homeland. Similar subnational stirrings were felt in Balochistan, Sindh and Pakhtunkhwa from time to time. Forgetting and remembering became political acts as histories competed with one another and clashes occurred over what constitutes the "truth".

The process of nation-building by attempting to foist upon people new identities, to which they could not comfortably relate, was a form of psychic violence against the very "self" of people, who felt threatened by a state overwhelmingly representing the Punjabi identity. Religion was never the sole source of identity of the people; language, culture, ethnicity and other markers of social differentiation were equally strong, if not more. Furthermore, even within religion there has been a vast complexity of sects and subsects, with each one eager to transfer its own set of values, beliefs and ideas to its future generations.

Knowledge, Social Conflict and Devolution

In such a highly contested social and cultural terrain, social conflict was inevitable, and sometimes became intensified and bloody. Each sect created its own network of madrassahs where its sectarian knowledge could be transmitted. Each sect began to

accuse its rivals of being "infidels" while upholding its own version of religion as the only true version. Similarly, ethnic minorities also needed to transfer their own language, culture, legends, folklore and histories to their children. Such efforts were bound to engender contradictions and conflict, as the state's homogenised version of religious nationalism did not resonate with those eager to highlight their local traditions.

Up until 2010, education used to be a federal subject while the Textbook Boards were provincial. The state attempted to resolve the conflict between what it considered *universal* and what was seen as *particular* by combining similarity and differentiation in the distribution of centralist knowledge, while allowing provincial expressions of diversity. However, the Curriculum Wing of the Ministry of Education was centrist in its approach and continued, for decades, to promote a sterile religious nationalism based on a statist view of both religion and the nation.

The 18th amendment to the constitution devolved education to the provinces and also inserted Article 25-A, declaring it a fundamental right. The provinces were now expected to impart universal education to all children between the ages of 5 and 15 as it had now become obligatory under the constitution. There were seething debates in parliament between those who thought that this move would weaken the federation and undermine the sense of national identity rooted in religion and those who believed in the right of the people to choose the knowledge, ideas and understanding of the social universe they wanted to impart to their children. There was so much opposition to the decentralisation of education that a Central Ministry was created in the name of education and training to appease those who believed that the very basis of Pakistan would collapse with the devolution of education.

Similar debates have occurred in many other federal state structures where the ideas of *unity-within-diversity* have been invoked to resolve social conflict. In the United States, for example, there were contentious debates on whether to assimilate the vast number of immigrants by providing a core curriculum to make them all *American* citizens, or to allow each immigrant community to impart its own knowledge to its younger generations, thereby retaining a sense of self and difference from others.

In many states of the United States, the conundrum was resolved by ensuring that a basic curriculum premised on civic nationalism and constitutionally guaranteed fundamental rights would be common to all communities, while each community could transmit its own history, language, culture and tradition to its young. Religion would not be taught in state schools because of the diversity of religious belief; however, Catholic and other religious schools could focus on their unique and specific teaching.

Civic Education – Unity within Diversity

Pakistan could potentially resolve the tension between its competing ethnic, regional and linguistic differences, and the need to create a secular civic nationalism, by resorting to the idea of unity-within-diversity. The constitution of 1973 has a chapter on fundamental rights as well as principles of policy. The former chapter contains rights that are irreversible, universal and necessary, while the latter chapter on Principles of Policy reflects the aspirations of people based on their needs and hopes.

The rights to life, liberty, security and freedoms of speech, expression, assembly, association, movement and political participation; the right to a fair trial and due process; and the right to practice one's own religion in so far as it does not violate anyone's basic rights can be taught to children in the social studies and civics curriculum from a young age. At the primary levels, children can be taught about their basic rights through stories, pictures, play and creative activities. At the middle and higher levels, children can be introduced to the debates on universalism versus cultural specificity that have been central debates in the human rights discourses. Similarly, the global debates between hate speech and free speech can be highlighted to enable the children to understand the material effects of hate speech.

At the secondary levels, students of civics can be taught about the history of the idea of citizenship and human rights, the relationship between the state and citizen and the obligations of both. Social contract theories can be introduced along with the development of the notions of separation of powers and checks and balances. The different functions of the legislature, executive and judiciary can be discussed so that students can be taught about the different functions of each institution of the state, and the role of subordinate institutions like the army and other arms of the executive. To create an understanding of citizenship rights and obligations, civics should be a compulsory subject instead of being elective.

The civics and, at the graduate level, Political Science, curriculum needs to explain Pakistan's political and administrative system. The concept of a federal structure, with examples from India and the United States, needs to be instilled so that students can understand the notion of federalism and its importance in a diverse society. The deep interconnections between democracy, federalism and secularism need to be explored by students since Pakistan is a multi-ethnic, multireligious and multilingual society – not a monolithic, undifferentiated whole.

The basic federal democratic structure of Pakistan, fundamental rights and principles of policy can form the core curriculum of civic education for all the provinces, as these constitute shared aspirations across provinces. These can be discussed and debated with reference to the violations of the constitution by various institutions in the past and the need to prevent future infringements by powerful organs of the state. The idea of popular sovereignty must be underscored, so that the people know that only *they* are sovereign and have the right to decide who should form the government.

The overturning of people's right to participate in political activities, vote and stand for office should be discussed by students as one of the problems that plagues our society and is detrimental for democracy and federalism. All Pakistani citizens need to understand that the only situation in which leaders can be barred from political participation is if and when they commit a crime proved in a court of law after a fair trial. They need to know that preventing women from voting is a violation of the constitution.

The social studies, civic and political science education must revolve around the notions of equality, justice and fair play; equality between men and women, between Muslim and non-Muslim citizens, between ethnically diverse citizens and between people of different social classes. It is true that without substantive equality, formal legal equality might not be possible. But as ideals enshrined in the constitution, children need

to understand that they can *strive* towards a just and equal society, even if ideal situation does not exist in the present time.

A core curriculum, based on fundamental rights and principles of policy, and reflecting common aspirations, can go a long way in creating a sense of shared destiny and equal access to rights. This might prove to be a more effective way of inculcating unity-within-diversity than the futile efforts to use religion as a common bond or bridge between communities. Since religious articulations are widely divergent, and there are multiple interpretations of the dominant one, religion has *not* proved to be a cementing bond, and has been implicated in breaking the federation apart.

Beyond the core curriculum, based on the notion of universal, inalienable and indivisible rights, each province, and within the provinces the deeper layers of identity, can be given a voice. Local histories, legends, folklore and forms of dress, food, music, dance and indigenous philosophies can be taught by the provinces. Sindh can teach its students the Sindhi language and the rich traditions of Shah Abdul Lateef Bhitai, Sachal Sarmast, Lal Shahbaz Qalandar; the poetry of Shaikh Ayaz; and the story of Bakhtawar who stood up to power and lost her life fighting for justice. Khyber Pakhtunkhwa can teach about Khushal Khan Khattak, Rehman Baba and the rich history of Bacha Khan while Balochistan can similarly draw upon its rich local histories and legends to teach its own languages, histories and stories. And in the Punjab, the curriculum can include the universalism espoused by the poetic works of Bulleh Shah, Ghulam Farid, Waris Shah and such figures.

These rich local traditions can find their way into the social studies and history curricula, or a subject on cultural studies can be introduced to socialise students in the many forgotten but rich traditions of the subcontinent. While the civic education based on human rights can form the core of commonality across provinces, the cultural studies part of social studies and history can speak to the diversity of the region.

The State and Nations

The rights-based curriculum can familiarise students with the *state*, while the rest of the curriculum can be based on the many and rich *nations* residing within the territory of the state. The *state* is a modern social structure that confers citizenship, and is constructed by using modern tools such as the bureaucracy. *Nations*, on the other hand, are indigenous constructs that evolve organically over time. The state can evolve in a manner that recognises this multiplicity and refrains from trying to erase it by manufacturing forgetfulness or manipulating the collective memory.

A sophisticated understanding of both the state and the nation would need to be aware that these are not homogenised entities. Within nations and states, people are divided into classes, genders and religions, and there is often inequality at the heart of both the states and the nations. The state needs to be constructed in a manner that it can mediate the social conflicts that arise as a result of differences. The resolution of any conflict must be based on the idea of the essential equality of all citizens irrespective of class, caste, gender, religion, ethnicity or sect.

For the ideal of the equality of citizenship, a radical redistribution of economic and political resources is a precondition. One of the guiding aims of the state has to be the

redistribution of land and other resources while preventing the privatisation of public resources and enterprises. A state with high levels of inequality among citizens will not be able to mediate conflict, as it will inevitably become a party to such a conflict. States are classed entities, as are nations, but the main aim of the state should be to ensure the provision of basic rights without discrimination.

A social studies, civic and political science curriculum can address social conflict, particularly at the secondary and higher levels. This can enable students to understand, recognise and address the core conflicts in society, and allow them to debate as to how best to find equitable solutions. Only when the students are taught about the historical, ethnic, class and religious conflicts in Pakistan can they be expected to begin to imagine solutions and alternatives.

An education based on the idea of universal and inalienable rights is an alternative to the current, overwhelmingly religious and nationalist curriculum replete with prejudice, cant, violence, intolerance and hate material.

Note

1 Basil Bernstein, "On the Classification and Framing of Educational Knowledge." In Richard Brown (ed.) *Knowledge, Education, and Cultural Change* (New York: Routledge, 2018), 365–92.

Part II

Development, Reform and Governance

Chapter Seven

LABOUR POLICIES AND INDUSTRIAL RELATIONS IN PAKISTAN: A CRITICAL EVALUATION

Charles Amjad-Ali and Karamat Ali

Introduction

The state has the responsibility to set the parameters for governance to be participatory, egalitarian and inclusive, with justice especially for the most depressed classes, thus enhancing human rights of all. Further, labour policies under democratic dispensations are expected to be based on the internationally accepted rights regimes. It is, therefore, tragic that during Pakistan's chequered history, regularly punctuated with long military dictatorships and intermittent "democratic dispensations", the state has undertaken few genuine steps in favour of labour. Rather, it has constantly leaned towards an oppressive and economically unjust governance and favoured the capital and market forces. It has developed highly restrictive industrial relations and labour policies, which negate international labour covenants. The Pakistani state and the governance process, as well as the policies it generates, are made for a very small number of elite oligarchs, plutocrats and corporacrats. This is reflected in Pakistan's labour policies, and especially in the different Industrial Relation Ordinances (IRO) which are the tools for the legal implementation of such policies.

Pakistan has gone through six major labour policies: 1955, 1959, 1969, 1972, 2002 and 2018. The last is fundamentally a provincial one, so far enacted only by Sindh. All these policies were garbed in the high rhetoric of "labour rights" to cover up the nakedness of the state on the critical issues of economic justice for labour, egalitarian fairness, enhancement of democracy and the implementation of rights regimes. They were seldom, if ever, followed by requisite legislative and administrative policies and reforms. Beginning with the first 1955 labour policy, all the policies contained solemn pledges and assurances of full compliance with the principles of the International Labour Organization (ILO) Conventions. However, the actual laws promulgated – whether by military dictators or "elected governments" – have continually negated labour and human rights.

The various military dictatorships and "elected governments" have held similar views and positions on labour policies and industrial relations. This reveals a malaise of a deeply embedded colonial mindset vis-à-vis the labouring classes, even after over 70 years of independence. The British colonial state, though formally subjugating all the people dwelling within the subcontinent, particularly oppressed the labouring classes,

because its main concern was the export of the products of their labour. They, therefore, kept the workers exclusively as subject peoples without recognising any entitlement to fundamental human rights of citizenship. Even when they were forced to give certain concessions in the face of growing resistance, that premise itself was never altered and is still in place in post-Independence Pakistan. As late as 1943, when asked whether workers should be entitled to organise protests, the then Governor General said that "[…] at this stage in the evolution of trade unions it will be premature, indeed dangerous".[1] Such a statement, 17 years after the Indian Trade Union Act of 1926, was appalling. And yet, seven decades later, the state's attitude towards labour remains unchanged. This is clearly manifested in the denial of the rights of association and collective bargaining to the most number of workers in different labouring categories. Further, critical for any just labour policy is the seemingly unrelated issue of land reforms, without which these policies simply camouflage the existing anti-labour *jagirdari nizam* (feudal system).

Historical Ideological Context

For Pakistan the issues of rights and democracy were the central *raison d'etre* for its foundation. Pakistan was originally conceived as a liberal democratic state established for the Muslim minority of colonial India. Despite the contemporary pervasive understanding, especially post-Zia, the new nation state of Pakistan was not created for the sake of Islam per se. That would have comprehensively violated the notion of the universal *ummah*, critical for Islamic theology and political theory. Thus, Pakistan was the first modern nation state created for a religious minority.[2] Indian Muslims felt insecure with the post-independence emergence of an overwhelming Hindu ruling majority. Pakistan was a product of the human rights regimes generated largely in the aftermath of war crimes by the Nazi German European state during the Second World War. These crimes clearly had religious and cultural overtones in the killing of over six million Jews. Pakistan was, therefore, created by placing a clear mandate of human rights order and an expansive understanding of democracy based not simply on a flat numerical majority, but with an emphasis on minority rights, and through this expanding the notion of democracy itself. In his presidential address to the All India Muslim League in Delhi on 24 April 1943, Muhammad Ali Jinnah said:

> Here I should like to give a warning to the landlords and capitalists who have flourished at our expense by a system which is so vicious, which is so wicked, and which makes them so selfish that it is difficult to reason with them. The exploitation of the masses has gone into their blood. They have forgotten the lesson of Islam […]
>
> There are millions and millions of our people who hardly get one meal a day. Is this civilisation? Is this the aim of Pakistan? Do you visualise that millions have been exploited and cannot get one meal a day? If that is the idea of Pakistan, I would not have it. If they are wise they will have to adjust themselves to the new modern conditions of life. If they do not, God help them, we shall not help them. [3]

Paradoxically, attempts to restrict and shrink that democratic space also happened very early in Pakistan's history. This was accomplished by some combination of the

existing ruling bureaucracy and military institutions inherited intact from the colonial setup, and the existing feudal oligarchies exerting their privilege above the egalitarian democratic fray and the emerging rights regimes. Added to this mix was the religious, emotive, coercive power of Islamic groups. Religion was used against the democratic and rights normatives quite early, even though initially some of these Muslim leadership were against the formation of a nation state based on an Islamic identity restricting universal *ummah*. All this had special significance for the working classes throughout Pakistan's history. The status quo even downplayed, and more specifically hid, the fact that Jinnah was the president of the All India Postal Staff Union and as such fought hard in the Indian Legislative Assembly for the first Indian Trade Union Act (1926).

It is, therefore, imperative for the labour movement to remain deeply intertwined with the democratic norms and rights regimes, despite the heavy curbs on these virtuous social norms. These curbs, in the name of security, are clearly violative of the foundational moments and intents. Critically, Pakistan ratified the ILO Conventions as early as 1951. This was easy for Pakistan to do as some of the foundational elements of these conventions were already part of the 1926 Trade Union Act. But it should also be pointed out that in 1951 when Pakistan ratified these ILO conventions, it had 25 per cent unionised labour force and the open right to collective bargaining without any apparent interference by the government/state or the employers. Today these rights are so badly curbed that there is barely 1 per cent unionised labour force in the country.[4]

Each of Pakistan's military dictatorships has depressed the conditions for the workers and their ability to organise. There is clearly a deep correlation between military dictatorship and the status of workers and their organised expressions like trade unions, federations, and so on.[5] The effect has been a vicious Catch 22. As the incomes declined, the organisational structures should have had a higher vocational profile for working for the rights of workers, but since they were heavily repressed, there was a rapid decline in their organisational structures which led to further decline in the level of monetary remuneration and other labour related aspects, such as social security, health, workers' safety and protection, retirement benefits and so on.

Christopher Candland has rightly noted thus:

> Through each of these phases of authoritarian political rule, Pakistani military and civilian political regimes did not seek to incorporate organized labor, bureaucratically or politically. Instead, Pakistani authoritarianism sought to prohibit and limit labor organizing, to exclude organized labor from politics, and to decentralize labor organizationally. [6]

Major Labour Shifts in Pakistan under Different Governments

The 1926 Trade Union Act allowed the foundational freedom to almost universally form trade unions and the right to collective bargaining, though it restricted the rights to strike and lockout before negotiations. It was fully repealed in 1959, just a year after the imposition of the first military dictatorship, thus denying one of the very fundamental rights to workers. The Industrial Disputes Act 1947, enacted before the Partition, was also replaced by the Industrial Disputes Ordinance 1959. This ordinance

followed the structural pattern of the Industrial Disputes Act 1947 but fundamentally changed the underlying policy of the legislation and also drastically curtailed the right to collective bargaining and the process of the formation of trade unions. A ban on strikes in public utility services was imposed and employers were also granted the right to hire and fire workers.

In July 1969, after a tripartite national conference in May, a major labour policy was announced by Air Marshal Nur Khan.[7] This was a relatively good labour policy as it honoured the major ILO conventions and the normatives of labour rights. It promised the creation of an overall environment in which both employers and workers could work together to achieve greater productivity. It allowed freedom of association for all workers and stressed specific measures concerning trade unions, conciliation and arbitration, settlement of disputes, industrial relations, collective bargaining in the public sector, minimum wages, workers' welfare fund, workers' housing and occupational health and safety. However, it too prohibited strikes in the public sector.

The policy was especially important because of its brash critique of employers and the government for their attitude towards workers. It candidly recognised the negative attitudes prevalent towards associations dealing with labour rights among the employers and the government. It noted thus:

> […] [T]he *employers* have looked upon trade unions as instruments rather than an institution through which mutual give and take can lead to peaceful resolution of conflict […] They have therefore used all sort of unfair means to inhibit the growth of trade unions […] [T]he *government* itself is too conscious of the need to keep the production going regardless of the human and social costs involved and in many cases prohibited the expression of industrial conflict rather than trying to resolve it. It is obvious that *just as in national life, the government failed to appreciate the importance of political process.* So also in industrial relations it has not realised that conflicts cannot be resolved by their suppression; they can only be resolved through a process of mutual give and take which is only possible through strong trade union institution particularly in labour surplus economies where otherwise the individual worker is in a weak bargaining position in relation to the employers.[8]

Although the policy openly acknowledged and critiqued the wrongs done against the workers by the employers and the government, when it came time to drafting the relevant IRO and laws for the implementation of the policy, the attitude changed radically. The IRO 1969 (issued in November, some four months later) completely failed to address some of the basic problems articulated so penetratingly in the actual policy document. As usual, it excluded the agricultural workers and, in the end, affected only 10 per cent of the workforce. Further, though it led to a massive surge in the numbers of registered trade unions, jumping from 1,500 to 8,600 soon after its promulgation, this is not in fact as positive and democratic as it appears. It was rather a product of the assertion of the multiplicity of trade unions within a particular workplace and its divisive and negative impact in the negotiating powers of the unions there. In addition, the federations were restricted at enterprise level rather than a larger network which would have generated the solidarity needed for effective bargaining power.

The IRO 1969 did not address the basic problems of workers' rights, because of its long list of exclusions from organisation and bargaining rights of workers, especially the total lack of such provisions for agricultural workers who constituted 40 per cent of all labour force at the time. Similar limitations plagued the new IRO implemented in 2002 (more on this later). The simple reason is that the elites do not allow the passage of any law that will harm their short-term self-interest, and this is critical in determining what happens to the rights of workers and the industrial policies in Pakistan. The Labour Protection Policy and Labour Inspection Policy of 2006 met with the same fate. The Industrial Relations Act (2008) – a simple re-enactment of the restrictive IRO 1969 – clearly displays this breach of trust even by an *elected* government. So one finds remarkable continuity in policymaking when dealing with the issues of labour rights and economic fairness, high sophistry and rhetoric by successive governments notwithstanding.

Generally speaking, the gap between the labour policy and the laws for the implementation of such policies lie in the two different authorships involved. Policies are made by legislative bodies, whereas the law is made by bureaucrats who introduce regressive caveats and processes and the preservation of the status quo, as compared to the progressive ideas which get hammered out in the policy itself. This gap has been repeated over and over again throughout Pakistan's history. It is, therefore, essential to have the full participation of the tripartite structures (government, employers and employees) throughout the process, especially in the drafting of the law, not just in the creation of the policy.

After the ruthless civil war in East Pakistan, 3–16 December 1971, and the subsequent independence of Bangladesh, Zulfikar Ali Bhutto was handed over the presidency of the broken country on 20 December 1971[9] by General Yahya Khan,[10] and unfortunately also accepted the role of the first civilian Chief Martial Law Administrator (CMLA) at the same time. Bhutto held these positions until 13 August 1973 when he became the prime minister. Within the first seven weeks of his appointment as president/CMLA, on the 10 February 1972, Bhutto announced a new labour policy increasing workers' rights and the power of trade unions, guaranteeing workers their fundamental rights consistent with the requirements of industrial development of the state.[11] On 2 January, Bhutto had already nationalised all major industries, giving workers employment and job security. Then on 1 March, Bhutto announced land reforms limiting land ownership as well as government appropriation of over a million acres to distribute to landless peasants.

Almost all of the critical issues that Bhutto had raised in this policy were implemented or steps were taken to implement them immediately. Even some of the promises made in this speech, which were not part of the policy list, were implemented. For example, the foundations of the Employees Old-Age Benefits Institution (EOBI) were laid in this policy, though the organisation itself was finally established in 1976, still under Bhutto. In addition, Bhutto became the first head of state to inaugurate a housing scheme for workers.

However, the issues dealing with the participation of the workers in the local decision making, from membership in the management committees to participation in the management of industry (20 per cent at the factory level) and further the promise to introduce a system of shop stewards at the lowest production level, were not implemented. This was not always because of some shortcoming on the part of Bhutto and his government,

which were many, but at least partially because of the preserving self-interest of the trade union leadership. The trade union and federation leadership at the time were not directly involved in a given industry and/or at the factory level, rather they were outsiders hired to do grievance works and controlled the trade union movement with a firm grip. They were, therefore, opposed to any decision making at the local trade union level both in the management as well as shop stewards, as that would have weakened their standing and the need for them. They were, thus, deeply resentful of Bhutto's government, assuming that it was taking power away from labour and the trade union leadership.

In 1977, General Zia ul Haq imposed a new military rule, thus the first "democratic period" ended and all political and trade union activities were now banned. The new regime deprived workers of their rights and restricted strikes and lockout and banned union activities in industrial and financial organisations such as Pakistan International Airlines (PIA), Pakistan Television (PTV) and Security Printing Press among others. After Haq's death, neither Benazir Bhutto's nor Nawaz Sharif's "elected" civilian governments did much to improve matters.

In 1999, after the imposition of yet another military rule, by General Pervez Musharraf, trade union rights were again severely curtailed. Nonetheless, a long overdue tripartite gathering was organised under the leadership of Omar Asghar Khan,[12] from 30 July to 31 July 2001, which produced another highly positive consensus policy document covering all the core ILO conventions as well as international human rights regimes. However, with Omar Asghar Khan's resignation in December 2001, when IRO 2002 was actually announced, the tripartite nature was subjected to the same trauma; that is, it was authored once again by the state bureaucrats without consultation with the tripartite structure which had drafted the policy. Therefore, the law generated to implement the policy changed its decisions and thus met the same fate as IRO 1969. The military regime introduced IRO 2002 without the consent of the trade union movement. It actually restricted the possibilities for unionisation itself. For instance, any plant or factory with less than 20 workers could not organise unions. The workers' right to get a stay-order from the National Industrial Relations Commission (NIRC) was also denied. The right to hire and fire was handed once again to the employers. The labour courts' right to reinstate a terminated worker was also denied. IRO 2002 was designed to secure the interests of the employers and not the workers, and the imprisonment of employers was abolished however high handed their behaviour with their workers.

This, among other historical and political circumstances, has left the trade union movement totally devastated and almost denuded of membership. So currently, union workers barely represent 1 per cent of the workers, while conversely there is an unimpeded growth of what is now called precarious work. More on this later.

In this context it must be stated that Zulfikar Ali Bhutto's 1972 labour policy was arguably the best labour policy issued in Pakistan's history up until 2018. The most recent labour policy promulgated by the Sindh government, issued on the anniversary of that 1972 policy, on 10 February 2018, is largely based on it. The 2018 policy appropriately expanded the issues of labour rights and labour's ability to organise representative, negotiative structures as well as making it more comprehensive with an inbuilt democratic implementation process rather than one generated as *fiat*. While the 2002

labour policy was the first to be in theoretical compliance with the tripartite requirement of the ILO, it did not always have the consensus of the employers, employees and the state, especially the employees. Obviously it was conducted under the coercive structure of General Musharraf, who touted it as fully a product of tripartite consensus for easy foreign consumption. The 2018 policy was also approved by a tripartite consensus but under a "democratic dispensation', and it was adopted by the Sindh government with the different internal democratically elected administrative committees whose make up will be 40 per cent labour, 40 per cent employers and 20 per cent state representatives. Besides other critical new elements, this is one of the unique major contributions of this policy.

There is hope that this Sindh Provincial Labour Policy of 2018 will soon lead to similar policies in the other three provinces. With the passage of the 18th amendment to the constitution in 2010, labour issues have devolved to the provincial level and are no longer federal issues; therefore, each province will have to go through this exercise of generating their own labour policies.

Future Trajectories of Labour Policies and Implementing Laws

Pakistan must ensure that the international labour covenants, which it has not only signed but also ratified, are fully implemented. These covenants should provide the parameters for any policy and subsequent laws enacted in the country on industrial relations and labour rights. This means that at the very minimum, the employers must recognise without reservation – and the state should ensure that this is legally implemented – the basic rights of workers as defined by the universally acknowledged minimum labour standards as embodied in the eight core conventions of the ILO.[13]

As a signatory to these core ILO conventions, Pakistan is under national and international obligations to guarantee these rights in setting up labour policies and making laws for their implementation. In the absence of such compliance, Pakistan's exports face a real possibility of official sanction and/or consumer boycotts in countries whose markets it currently accesses and wishes to access in the future. Given Pakistan's dependence on exports as one of the vehicles for economic recovery, it can hardly afford to be vulnerable to outside coercion in these areas. For example, the European Union's (EU) Generalised Scheme of Preferences (GSP) programme allows developing countries to pay less or no duties on their exports to the EU, giving them vital access to EU markets and contributing to their economic growth. Pakistan was granted the GSP Plus facility on 1 January 2014, which allows almost 20 per cent of Pakistani exports to enter the EU market at zero tariff and 70 per cent at preferential rates. The GSP+ facility is conditional upon mandatory compliance with 27 international conventions/covenants. Of these,

- Ten deal with hard international human rights issues and good governance such as Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and various anti-discrimination regimes;
- Eight are the core ILO conventions on labour rights; and
- Nine are related to international environmental regimes. Labour rights issues thus have to be seen in the larger human rights context.

For example, the two most critical ILO Conventions (87 and 98) clearly have human rights and democratic focus. Therefore, the implementing of labour rights, their work security as well as egalitarian and just economic remuneration is now an imperative. Failure to implement them will seriously undermine the economic interests of the employers, and even more critically of the state and its governance processes, because of Pakistan's full involvement in GSP+. For the first time, non-compliance has serious economic consequences for the nation itself and the employers, which means that now these two elements of the tripartite relations will face deep economic consequences if just policies are not developed, followed and implemented vis-à-vis labour.

Issues in the Implementation Process of 2018 Labour Policy in Sindh

Officially, Pakistan's minimum wage is stuck at Rs. 15,000[14] (roughly $ 110.00) per month since June 2016, not taking into account inflation which has been variously stated by different analysis and data. This minimum wage is officially meant to be applied as the lowest amount an unskilled worker can be legally paid for her/his work. However, this does not apply to all those living in the non-official economy, such as household workers, cleaners and drivers among others, a faction that constitutes a large chunk of the labour force in Pakistan, especially in the urban areas. In addition, women invariably earn less than men in all these areas. Even at the bottom quintile of the workforce, women earn approximately half of what men do. This disparity is even more dramatic in the manufacturing sector, where on average female income was at 40 per cent of male income, with women earning less than half of the minimum wage per month.[15] What is even more disturbing is that this minimum wage does not apply to agricultural workers. It is, therefore, estimated that almost 80 per cent of workers do not receive even the minimum wage determined by the state, which affects the overall well-being of the people and the nation itself.

In 2016, Alex Grey estimated that on average "Pakistan spends 40.9% of its household income on food."[16] Such average estimations always camouflage the actual disparity ratio between the rich and poor in favour of the former. Those earning minimum wage in Pakistan spend around 80 per cent of that wage on food, that is almost double that of the average, according to Mansoor Ahmad.[17] This proves that the top quintile spends a very small percentage of its household income on food. Thomas Piketty has famously highlighted the disproportionate wealth distribution around the world.[18] In Pakistan, this disproportionality has always been highly unfair, but in recent decades there has been a gross erosion in the economic base of the bottom lowest earners.

Precarious Work and Corrosion of Labour Rights

Until recent decades, "precarious work" was seen as non-standard employment, implying that it was poorly paid, insecure, unprotected and could barely support a household. Since then, there has been such a dramatic increase in precarious workers that it is now generating an economy which demands "flexibility in the workplace". This actually means a total decline of all standard employment relationships. Precarious work, with its

inbuilt ambiguity, volatility, lack of longevity and unsafe working conditions, has in recent decades increasingly become the normative standard, which is seriously undermining every indicator of workers' well-being as well as their rights. Workers' rights began to be put into place since 1918 (the Workers' Revolution and the end of the First World War) and especially in the three or more decades following the Second World War, with the emergence of the postcolonial states in Asia and Africa. Now growingly, precarious work has become an overwhelming obstacle to workers' rights, so much so that Marcello Malentacchi, the International Monetary Fund (IMF) general secretary, lamented in a forum at the ILO headquarters on 3 October 2008, that workers

> […] have no right even to join a union, let alone to bargain collectively with their employer. Some are formally excluded because basic rights are denied in law. Others have rights on paper, but no rights in fact because laws are not enforced. And others are too afraid to exercise their rights because they could lose their jobs at any minute […] [M]uch […] needs to be done to recognise how precarious workers are being denied their fundamental labour rights […] Stable employment and good jobs are being eroded at a frightening rate. In fact, what we used to call atypical work is fast becoming typical.[19]

This devastation is much more prevalent in some sectors than others, so that permanent jobs in them have almost totally shifted to precarious jobs through outsourcing, use of employment agencies and inappropriate classification of workers as "short-term" or "independent contractors". The impact of this on the labour force is quite debilitating, as they are automatically denied permanent employee rights, which force them to accept lower wages and ever-more dangerous working conditions. They rarely receive social benefits, and the rights which we took for granted until recently are also denied, even the right to join a union. Where they do have the right to unionise, workers are scared to organise if they know they are easily replaceable. A critical aspect of precarious work is that its highest impact is on the most vulnerable employees: women, minorities and migrant workers are much more likely to fill these kinds of jobs and are over-represented in them.

In the undivided India, more than 60 per cent of unions existed in the state and public sector, and they were the main stable unions because unionisation in the private sector had always been a more difficult process. The current state of unionisation in Pakistan is abysmal, and even this is now in further jeopardy. In this context, the public-sector unions in Pakistan have especially suffered the most devastating reductions over the last few decades. For example:

1. The nationwide railway and bankers' unions no longer exist.
2. With the right to form unions and associations mostly destroyed and contract labour ever on the increase in government offices, workers have no pension and other rights which we took for granted just a couple of decades ago.
3. Women health workers as part of the health ministry are not allowed to form unions.
4. Port workers are government employees with no right to form unions.
5. Pakistan International Airlines (PIA), Associated Press of Pakistan (APP) (the premier government news agency), Pakistan Television (PTV) association and the postal workers are government employees with minimum leftover unions and they

too are threatened. The irony vis-à-vis postal unions should not escape us since, as stated earlier, M. A. Jinnah was the president of that union in the 1920s.

Another industry deeply affected by this lack of unionisation and workers' rights is the garment industry with 15 million people attached to cotton production and garment manufacturing. They are most vulnerable to contract and precarious work. Their plight was horrifically demonstrated in the devastating fire in the garment factory in Baldia, Karachi, on 11 September 2012 in which 259 workers were burned to death and 55 others were seriously injured due to unsafe working conditions. So there is a clear need to establish an effective network of garment workers to organise them.

Conclusion

The question of how economic growth is transformed into general well-being, to health, education, literacy and employment and so on, needs more attention, and the trade unions have historically been one of the major elements to achieve this.

All in all, there is an urgent need to re-establish the overall rights of unionisation and association formation, especially in the nationalised industries where there were vibrant and vigorous unions in the past, but which now have the sword of Damocles hanging over their head. We must revive and generate a contemporary version of the 1926 Trade Union Act, and we need to actively start a movement to push parliament towards this historical and just rights issue. Other content of such an act will include the right to establish equal wages in a given workplace and serious workplace safety mechanisms – both on a legislative as well as at the penal code levels – with vigorous and transparent enforcement of these policies and laws. Thus, to outline the necessary steps to be undertaken to establish and expand the rights to form unions will entail removing all the barriers and impediments that have been created since as early as 1959.

Notes

1 See Karamat Ali, "Labour Policy and Industrial Relations." *Dawn*, 1 May 2009. https://www.dawn.com/news/843347.

2 Israel being the second such state, established on 14 May 1948, because of a similar minority situation for Jews in Europe and even the Americas. This was the infamous *Judenfrage* (Jewish question), see for example Karl Marx, On *the Jewish Question*, written in 1843.

3 Quoted in Akbar S. Ahmed, *Jinnah, Pakistan and Islamic Identity: The Search for Saladin* (London: Routledge, 1997), 76, quoting Liaquat H. Merchant, *Jinnah: A Judicial Review* (Karachi: East & West Publishing, 1991), 10–11.

4 Karamat Ali, interview by Human Rights Watch, 6 June 2017, Karachi. https://www.hrw.org/report/2019/01/23/no-room-bargain/unfair-and-abusive-labor-practices-pakistan#.

5 As early as 1967, A. R. Khan argued that under General Ayub Khan's military dictatorship, while he celebrated the "Decade of Development," the real income of the workers declined by 50 per cent and their structures of organisations declined between 50 and 55 per cent. See Azizur Rahman Khan, "What Has Been Happening to Real Wages in Pakistan?" *Pakistan Development Review* 7, no. 3 (Autumn 1967): 317–47.

6 Christopher Candland, *Labor, Democratization and Development in India and Pakistan* (New York: Routledge, 2007), 35–36.
7 Air Marshal Nur Khan held a number of portfolios in General Yahya Khan's cabinet, including communications, health, labour and social welfare, education, rehabilitation and works, and so on.
8 Government of Pakistan, *Labour Policy 1969*, 3, emphases added.
9 Bhutto was at the time at the UN fighting Pakistan's case during the war. He was asked to return to Pakistan, which he did on the 18 December and then two days later he was made the president of the country.
10 General Yahya Khan was Pakistan's second military dictator (from 25 March 1969 to 20 December 1971) who was handed this role from the first military dictator General Ayub Khan, who ruled Pakistan from 8 October 1968 to 25 March 1969.
11 See President Bhutto's broadcast and telecast from Karachi on 10 February 1972, as reproduced in Z. A. Bhutto and Sani Hussain Panhwar, *I Have Kept My Pledge with God and Man: Collection of President Bhutto's Speeches* (Karachi: National Forum, 1972). http://panhwar.com/Books_By_Sani/0have%20kept%20my%20pledge.pdf.
12 Omar Asghar Khan held the position of Federal Minister for Environment, Local Government & Rural Development, Labour, Manpower, and Overseas Pakistanis, from 2 October 1999 until the acceptance of his resignation on 20 December 2001.
13 For a comprehensive list of the ILO conventions, see C029 Forced Labour Conventions, 1930. The core conventions are Convention 29 on Forced Labour (1930); Convention 87 on Freedom of Association and the Protection of the Right to Organize (1948); Convention 98 on the Right to Organize and Collective Bargaining (1949); Convention 100 on Equal Remuneration (the right to equal pay) (1951); Convention 105 on Abolition of Forced Labour (1957); Convention 111 on Discrimination (Employment and Occupations) (1958); Convention 138 on the Minimum Age of Employment (1973); and Convention 182 on the Worst Forms of Child Labour (1999). See "Conventions" on the ILO website: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12000:0::NO:.
14 Parvez Rahim, "Minimum Wages." *Dawn*, 19 September 2017, states that, "the existing figure of Rs. 15,000 per month may have to be doubled as advocated by the Pakistan Institute of Labour Education and Research in order to make it a living wage." https://www.dawn.com/news/1358632.
15 See, Mi Zhou, *Minimum Wage Setting, Implementation and Working Conditions in Formal and Informal Sectors of the Garment Industry in Pakistan* (Bangkok: International Labour Organization, 2016), 49. http://www.ilo.org/islamabad/whatwedo/publications/WCMS_532830/lang--en/index.htm.
16 See her "Which Countries Spend the Most on Food." *World Economic Forum*, 7 December 2016. https://www.weforum.org/agenda/2016/12/this-map-shows-how-much-each-country-spends-on-food/.
17 "Minimum Wage Not Enough to Live Off in Pakistan." *News*, 15 July 2017, See also *Trading Economic*'s analysis of Pakistan's food inflation for the last 10 years, which has it currently at about 2.07, as of April 2018 (the highest during this period was 12.99 in November 2013 and the lowest -1.06 in September 2015). https://tradingeconomics.com/pakistan/food-inflation.
18 See Thomas Piketty, *Capital in the Twenty-First Century* (Cambridge, MA: Harvard University Press, 2014).
19 Marcello Malentacchi, "Precarious Work – What Needs to Be Done?" 3 October 2008. http://www.global-unions.org/IMG/pdf/Marcellosspeech.pdf.

Chapter Eight

LAND REFORMS: KEY TO SOCIAL JUSTICE AND PROGRESS

I. A. Rehman

The iniquitous and unjust landownership pattern in Pakistan has been one of the principal causes of the state's failure to meet the people's aspirations for freedom from want, hunger and disease. No government will be able to better the lot of the country's majority and realise its potential to meet the challenges of the twenty-first century without a radically reformed land utilisation system.

The first argument for reforming the landownership pattern relates to the urgency of ending the plight of the huge number of small owners: one-fourth of all farms are under 1 acre in size.[1] Farms under 5 acres constitute 64 per cent of the total farms, while those under 12.5 acres – that is below subsistence level – are 89 per cent of the total. Similarly, 12.5–25 acre farms are 7 per cent of the total, while 25–150 acre ones make up 4 per cent of the stock. Only 11 per cent of all farms are economic holdings. Meanwhile, small holdings have been getting smaller over the past 46 years: the number of under-1 acre farms went from being 4 per cent of the total in 1972 to being 25 per cent of the total in 2010. Furthermore, the number of under subsistence level farms also rose, from being 68 per cent of the total in 1972 to 89 per cent in 2010. In the same time period, large landholdings have shot up in number: farms measuring 25 acres or more constituted only 4 per cent of the total back then, but now make up 24 per cent of the total farm area.

To sum up, the 2010 Agricultural Census data show that 20 per cent of the total farm area (10.38 million acres) was operated by tenants, while 80 per cent (42.53 million acres) was operated by owners or owner-cum-tenants. The figures related to farm area under owner cultivation can be challenged because landlords all over the country, and especially in Sindh, claim to cultivate their lands themselves although this work is done by tenants and farm workers, including bonded labourers.

Leading economist Syed Akmal Hussain, who has done a great deal of work on the land question, told me in April 2018 that, according to his estimate based on the Agriculture Census of 2010, 29 per cent of the total farm area was owned by landlords holding farms of 50 acres in size; in other words, only 1.36 per cent of the total number of landowners owned 29 per cent of the total farm area. This estimate shows a high degree of inequality in the ownership distribution of agricultural land. However, even this estimate, which is based on Agriculture Census data, was an underestimation. This is because a large part of land owned by landowners in the large-sized category did not show up in the census data because of the phenomenon of "over-spill". This is when a

landowner with a large holding divides up his land, in his own lifetime, among his children or relatives in packages below 50 acres, so as to avoid taxation, the danger posed by a possible land reform and any inheritance disputes that may arise after his death. Despite the formal transfer of ownership among children/relatives of the large landowner, the whole land is still operated as a single unit by the head of the family.

Hopelessly Marginalised

The owners of farms measuring from less than an acre to less than 12.5 acres constitute the most marginalised segment of the farming community; they account for 81 per cent of the farm population whereas the area under their ownership is only 44 per cent of the total.[2] Needless to say, efficient farming cannot be carried out on these small pieces of land. The people in the aforementioned category are condemned to living in poverty. One reason is that they cannot get credit at reasonable interest rates. While 384,373 households with owner-operated farms received credit from institutional sources (Zarai Taraqiati Bank, commercial banks and financial institutions), according to the 2010 Agricultural Census, a larger number of households in this category (the remaining 521,131) depended for credit on commission agents and friends. The corresponding figures for households in the category of owners-cum-tenants were 48,649 and 60,880 respectively. The households in the category of tenant-operated farms were the worst off; while 29,352 families were able to obtain credit from the three institutional sources mentioned above, 141,865 families (nearly five times more) were at the mercy of commission agents and friends.[3] In other words they either paid interest at exorbitant rates or got less than their due share from the rapacious commission agents.

In order to meet the minimum demands of existence, the entire population in the aforementioned category has to work. Family members in this group who are 10 years and above are reported to number 2,863,312; out of them, about 2,286,048 work full time on farms while 574,264 are said to be part-time workers, with only 3,000 family members not working.[4] Poverty also means lack of access to education that could potentially lead them out of the poverty trap. In a population of 8,074,000, there are 4,004,000 people – or 49.6 per cent of the total – who have had no education. Those reporting below primary level education number 1,455,000 or 18 per cent of the total, while 1,508,000 or 18.7 per cent report primary level education; those reporting matric level education numbered only 1,060,000 or 13 per cent.[5]

Stagnant Farming Sector

Another ground for attacking the existing landownership system is that it does not allow for efficient farming. According to the Economic Survey for 2016–17, Pakistan's agriculture sector accounts for 19.5 per cent of the GDP and, in it, the livestock subsector makes up 58.38 per cent of agriculture's contribution while the farming subsector contributes only 41.62 per cent. In other words, farming's total contribution stands at only 8.1 per cent of the GDP.[6]

The farming subsector's performance over the last few years shows some areas of concern. The production of wheat, rice and sugarcane during 2012–17 showed some increase over the preceding five-year period. On the other hand, cotton production per year during the seven years (2010–11 to 2016–17) was lower than in the preceding seven-year period. Increase in the production of food grains notwithstanding, it is difficult to argue that the farming sector is not stagnating, and the fact that the hard labour of 42.3 per cent of the country's labour force contributes no more than 8.1 per cent of the GDP gives us a frighteningly low investment-output ratio.[7]

Obstacle to Democratic Governance

Another major argument in favour of land reform is that the existing ownership pattern is perhaps the biggest hurdle in Pakistan's transition to a democratic order. The landed aristocracy has been using its domination of the legislature to preserve the status quo and resist all efforts for any social change that could affect their privileges. So deeply entrenched is their political and social control over the public space that in the 2018 general elections the question of land reform was ignored by all political parties in their election manifestos except for the small, leftist Awami National Party. Even politicians without inherited ownership of land have tried to increase their social and electoral clout by buying large tracts of land. And the tendency of leaders of mercantile communities to treat elected councils and decision-making bodies in the manner of feudal lords is no secret.

The most powerful legislature in the country, the National Assembly, remains dominated by the landed interest. Out of the 293 new, directly elected Members of the National Assembly (MNAs) whose profiles were culled from their statements filed with the Election Commission by Free and Fair Election Network (FAFEN), 24 identified themselves as landlords, 79 described themselves as agriculturists and another 19 said they were agriculturists-businessmen. That means 122 MNAs out of 293 belong to the landlord lobby. Similarly, the newly elected provincial assemblies are also dominated by members identifying themselves as landlords, agriculturists, livestock breeders and agriculturists-businessmen. According to FAFEN, the landlord lobby accounts for 49.67 per cent of the directly elected members of the Sindh Assembly. The comparable figures for the Punjab, Khyber Pakhtunkhwa (KPK) and Balochistan assemblies are 33.1 per cent, 28.4 per cent and 21 per cent respectively.

Some of the legislators have identified themselves as landlords, while many more have described themselves as agriculturalists, a term popularised in Punjab by the Unionist Party that ruled the pre-Partition province from mid-1920s till 1947 to protect the interests of landowners. It was also designed to supplement the colonial masters' scheme of barring urban-based, non-agriculturist politicians from contesting elections against landlords, especially in the rural constituencies.[8] Many of these constituencies fell in the part of the province that was included in Pakistan at the time of Partition. Politicians elected from these areas, along with kindred spirits from Sindh, have all along been prominent in the country's ruling elite. Thus, the tribe of "agriculturists" that does not include tenants and petty cultivators should be taken as the country's landlord lobby.

The landlord-dominated political parties have never resisted the transformation of the election system into a battle of money-bags and have been complicit in the near total exclusion of the peasantry, the working class and other citizens of modest means – that is, a vast majority of the people – from the electoral process. Nor have these parties heeded the oft-repeated civil society demand of reserving seats in the legislature for peasants and labour, the two sections that deserve this representation much more than technocrats and clerics. That the landlord-controlled system of money-driven politics in general and electoral processes in particular retards progress towards democratic consolidation and breeds corruption can easily be demonstrated. The landlords were the favourite errand boys of the imperialist rulers of the subcontinent. Many of them owed their prosperity and social eminence to the latter for helping them enslave their countrymen; they provided the colonial power the flower of their peasantry which was recruited to fight and die for the Empire within the subcontinent and beyond the seas, especially in the two great wars of the twentieth century. Even after the independence, the landlords were more comfortable with military rulers than with civilian elected regimes, except for the short period when Ayub Khan gave urban industrialists and businessmen some key positions in his version of the Muslim League; this persuaded the rural landlords to raise egalitarian slogans under the Pakistan Peoples Party (PPP) banner. Apart from being soft on authoritarianism, the landlords have patronised the traditionalist clergy, possibly in return for its resistance to land reform. Clearly, then, the two most formidable forces arrayed against democracy in Pakistan are sustained in a large measure by the landed gentry.

The landlords' views about their investment in politics and the returns on it have changed over time. In the olden times, big landowners used to sell a small fraction of their estate, a square (25 acres) or two, to finance their election campaigns held under an extremely narrow franchise. They limited their expectations of rewards to the titles awarded by the British monarch, access to governors and the governor-general and nomination of younger members of their families to junior posts in the revenue and police services. A little facility to siphon off funds from cooperative societies and district beards was also available to the more enterprising among them; more than this, the colonial administration would not allow. But the concepts of investment and return in relation to electoral politics have by now undergone a radical change. The cost of contesting election to the National or a Provincial Assembly, for instance, has become so high that it cannot be met by alienating a tiny fraction of landed property. A successful candidate is in a hurry, from the first day after winning a seat in the legislature, to start recovering his investment with compound interest. The nexus between the maintenance of a privileged landed aristocracy and corruption in politics and government is undeniable and it is extremely strong. In view of this, the urgency of carrying out land reform for the election of a more representative legislature and moving towards corruption-free politics and governance is manifest.

Attempts at Land Reforms

Land reform has not been a live issue in the public debate for many years, largely due to a lack of interest on the part of economic experts. After the suppression of main left

parties in the 1950s – each wing of the country then had its own Communist Party – the campaign for land reform gradually subsided. The question of land reform did, however, gain importance in 1970 when religious political parties unnecessarily chose to view that year's general election as a contest between them and the socialist-minded groups. With a view to keeping the left parties at bay, the rightist political parties also included land reform in their election manifestos. Otherwise, the land reforms carried out in East Bengal in 1950, in West Pakistan in 1959 (by the Ayub regime) and in 1972 and 1977 by the Zulfikar Ali Bhutto government were not wholly inspired by concern for the good of tenant cultivators.

In a landmark case in 1989, the Appellate Bench of the Supreme Court, the highest religious and temporal judicial forum in the country, declared by a 3-2 majority (the two *ulema* judges plus the Supreme Court Chief Justice against two senior regular judges of the Supreme Court) that land reform was contrary to the injunctions of Islam.[9] After this judgement, even the most consistent advocates of land reform threw up their hands in despair. Furthermore, it was impossible to persuade the religious scholars to scrutinise the above-mentioned bar to land reform and seek guidance from an edict by the Mughal emperor Aurangzeb, who is considered an extraordinarily strict follower of Islamic jurisprudence and whose edicts, *Fatawa-i-Alamgiri*, are cited by advocates in cases decided according to the *sharī'ah*. The Mughal emperor had upheld two principles. First, that all land in the territory commanded by him belonged to the kingdom and, on that basis, it could be handed over to the allies and servants of the regime. Secondly, it was the king's duty to ensure that all lands held by any party were properly cultivated so that the subjects did not suffer for want of food grains (and the revenue collectors could keep the kingdom's coffers full). Invoking the twin principles, Aurangzeb ordered the local authorities to seize any land whose owner (the lease-holder, in fact) had failed to cultivate it properly and hand it over to anyone who was capable of doing so. The British colonial authorities also accepted this principle of landownership, or lease, and authorised the deputy commissioners to act in accordance with Aurangzeb's edict. The main law relating to landownership in Pakistan, adopted by the West Pakistan Assembly in the early 1960s, is also based on the premise that all land is the property of the state and those described as its owners have only been granted the right to cultivate it along with the facility of selling their titles or bequeathing them to their heirs. While this law assigns ownership of all land to the state, reformist Islamic scholars maintain that all land belongs to Allah and, by that token, to anyone who tills it – in other words, no one can "own" land beyond their capacity to till it. But both the religious and the secular views failed to curb large landholdings in the country. In 2011, senior lawyer and leading socialist activist Abid Hasan Minto moved a petition in the Supreme Court on behalf of several worker and peasant organisations challenging the competence of the religious court to take up the matter referred to above.[10] The petition was briefly heard a couple of times by a bench headed by Chief Justice Iftikhar Muhammad Chaudhry but it is still pending, even though another petition relating to high cost of contesting elections, also filed by Minto along with the aforementioned petition about land reform, was quickly decided.

Other than these attempts, the World Bank kept requesting the government of Pakistan to carry out a proper land reform, but this is one advice the latter consistently

disregarded. When the Bank pressed Mian Nawaz Sharif, the then chief minister of Punjab, a little harder, he asked the World Bank representatives to convince his parliamentary party of the urgency of land reform. The representatives agreed and held a briefing session with the ruling party parliamentarians, but its arguments had no effect on the closed minds of Punjab's legislators. Some economists also maintained that the time for land reform had passed: this view gained strength after the economists' surrender to neoliberal theories and emphasis on mechanised farming on large-sized farms. Such economists had no respect for the argument that increasing farm production was only one of the reasons for advocating land reform and another equally weighty reason was the need to reduce land hunger, make landownership less iniquitous and demolish landed aristocracy's stranglehold on politics. The way landlord domination of elected assemblies has obstructed the establishment of a genuine democracy makes opposition to land reforms an act of unmitigated folly.

The present-day political parties take no interest in landownership issues. Almost all of them ignored the need for land reform while publishing their manifestos for the 2018 General Election. The only exception was the Awami National Party which called for a "fair distribution of agricultural land amongst the people" and promised to end all large land holdings and demolish the remnants of tribal and feudal systems. All land under "military farms" as well as lands distributed among military and civil bureaucrats were to be brought under public control to be used for productive purposes. The upper ceiling on the ownership of irrigated and non-irrigated land was fixed at 25 and 50 acres respectively. All lands recovered from big landlords were to be distributed among landless peasants and farm labourers.

The Pakistan Muslim League-Nawaz (PML-N) promised to "distribute millions of acres of state-owned land in 5-acre packages" among landless tenants. Similarly, the PPP included in its manifesto a longish chapter on Agricultural Revolution Renewal Strategy which said nothing about reducing the ceiling on land holdings, though it did promise to give priority to women agricultural workers for the allotment of state-owned land. There was no reference to land reform in the manifesto of Pakistan Tehreek-e-Insaf (PTI).

The Economists in Favour of Land Reform

Working outside the neoliberal paradigm, several leading economists continued to advocate for comprehensive land reform. In 2015, the Pakistan Institute of Labour and Research (PILER) published a research study that showed that removal of inequality could reduce rural poverty to a greater extent than growth.

However, ownership of land alone could not help the rural poor. Carried out by leading economist Dr Kaiser Bengali, the study[11] covered a wide area, from documentation of land tenure patterns in different provinces to disparity in incomes, food consumption, quality of housing, impact of floods, indebtedness and treatment of women in different categories of landowning and non-landowning classes.

The study came to the conclusion that in Sindh "land reform, particularly redistribution of land to create a large cadre of medium-size farmers, was likely to promote efficiency in productivity and growth of the agricultural sector. It would also move Sindh

rural society towards more progressive norms."[12] The study found that the centuries old sociopolitical structure of rural society in Sindh and Balochistan had remained more or less unchanged. Over two-thirds of the population lived in rural areas and the rate of growth of secondary cities had been low. The lack of employment and educational opportunities in secondary urban areas and the substandard quality of civic services there had prevented the rural population from breaking out of the feudal-tribal stranglehold. The study added that "land inequality in Balochistan, Punjab and Sindh is reflected in glaring income inequality. The poor spend a larger part of their income on food and lived in thatched cottages. Access to formal sources decreases with declining land size. Coercion, fear and violence are endemic. The feudal-tribal order has ensured continuation of patriarchy."[13]

Earlier, in 2011, Haris Gazdar made a unique and refreshing contribution to the debate on land reform under a somewhat long title, "The Fourth Round and Why They Fight On: The History of Land and Reform in Pakistan".[14] In this essay, supported by three investigative reports by Nazish Brohi, Gazdar discussed issues related to land and reform separately instead of lumping them together under the label of land reform. He argued that the issues related to ownership of land must be viewed in a historical context, beginning with the colonial land settlements from 1840 onward which he describes as the first round. In the second round falls the impact on landownership patterns of the 1947 Partition, transfer of population and the policy for the rehabilitation of refugees. The third round, 1949 to 1977, was characterised by demands for and introduction of agrarian reforms of 1959, 1972 and 1977; these proved inadequate as they involved a limited number of the dispossessed, and beneficiaries were determined by the rulers' lack of vision and will. In the fourth round that is yet to begin, the issue of landownership needs to be addressed by accepting its value not only in economic terms but also in terms of its social and political value. Gazdar's conclusion is that conventional "agrarian reform" – that is, increasing the number of landowners – opens up only a small window towards social justice and progress. Though useful in the past, this method has lost its relevance "due to a process of economic change".[15] Still, he believes that "land reform is an urgent requirement for conflict management, state building and transforming state and society in Pakistan".[16]

In his preface to the valuable study *Leveling the Playing Field: A Survey of Pakistan's Land Reforms* (2011), chosen as a vehicle for the publication of Haris Gazdar's essay, Ali Cheema dismisses the view that land issue is no longer alive in Pakistan and declares that "the second generation land reforms remain an unfinished agenda".[17] However, he endorses Gazdar's plea that the land reforms "need to be a much broader agenda than the agrarian reform agenda".[18]

It is also heartening to see younger researchers taking up the issue of land reform. For instance, the Summer 2018 issue of *Social Science and Policy Bulletin* of the Lahore University of Management Sciences (LUMS) carries an article by Nazim Maqbool on human development imperatives for Pakistan in the light of Dr Mahbub ul Haq's seminal work on human development indices.[19] After arguing for the need for systemic reforms, "as the country's development crises are rooted in economic, social, political and institutional systems", the first policy option suggested by the author is land reforms: "There is need

for comprehensive land and credit reforms for equitable distribution of productive assets and capital. Land reforms are needed not only to increase the farm productivity by owner cultivators but also to change the political system by empowering the poor peasantry. Such reforms should be based on the principle that the tiller of the soil must become the owner of the land. And the cultivator should be supported by agricultural research and extension services, access to markets, inputs and modern irrigation techniques."[20]

The Way Forward

We agree with economists and social activists who argue that though land reform may include fixation of the upper ceiling of individual land holdings, it must include quite a few other measures:

- A beginning may indeed be made by ensuring peasantry's representation in the National Assembly, the Senate and the provincial assemblies by reserving seats in all of these houses for them. When General Zia ul Haq reserved 16 seats in the Senate, four from each province, for technocrats and *ulema*, the argument was that technocrats and *ulema* could not win elections in the normal way (a wrong assumption in the case of *ulema* as they have been contesting and winning elections from the platforms of religio-political outfits), and that it was desirable to benefit from their knowledge and experience. The argument is applicable to peasants and workers with greater force. Without the presence of these two classes the legislatures cannot claim to be truly representative of the people.

Although creation of a few reserved seats for the underprivileged segments of the society does not give them a substantial advantage, and it also remains a contra-democratic step, so long as reservation of seats in legislatures is considered unavoidable on any ground the claim for a special quota for peasants (and also for labour) cannot be ignored.

- In the early 1970s, there was a considerable debate on whether a ceiling on the size of land holdings should be fixed on individual basis or per family. The PPP government decided on holdings per head and that allowed a family, for example, of seven members – a couple and five children – to retain in its possession seven lots of 150 acres each (the ceiling for irrigated land). Regardless of the resistance that may be faced from the landlord lobby, a strong government should be able to mobilise public opinion in favour of fixing the upper limit on land holding *on household basis*.
- The land resumed from households with holdings in excess of the new ceiling should be allotted to landless peasants in lots of subsistence level plots.

The owners of farms of under-1 acre to under 12.5 acres in size need to be organised in cooperative farming societies on subsistence holdings. Those freed of working on land by this arrangement should be absorbed in agro-based industries. The new operators of subsistence holdings should be served by a separate credit agency that should enable them to maximise output. In addition, they should be offered credit to buy two or three milk-giving animals to supplement their income.

- A long-term strategy to eliminate small farmers' dependence for credit on commission agents needs to be devised, to enable the small cultivators to use essential farm inputs.
- In the Indian Punjab, growers were helped to eliminate the middle man through cooperative marketing of their farm and dairy products. The possibility of profiting from a similar scheme may be seriously examined.
- The Punjab Unemployment Inquiry Committee of 1937 had proposed collective farming and crop insurance. These proposals have not been proved wrong over the intervening 71 years. However, nothing prevents the present-day experts from coming up with better ideas for the regeneration of farming.
- The provincial tenancy laws were drafted in the 1950s. Recent amendments, such as the ones made in Sindh, have strengthened the anti-tenant bias of these laws. All tenancy laws need to be revised with a view to bringing them in accord with contemporary ideals of freeing the tenants of dependence on landlords. The share cropping formulas also need to be revised in favour of tenants.
- The decades old struggle of tenants operating lands that were leased to the British Indian army for military dairy farms or seed farms has revealed that the leases have expired but that these lands have not been restored to the Punjab government, and the government's plans to distribute these lands among the tenants, who have been cultivating these lands for three generations, have not been implemented. The matter must be resolved in a fair manner. The leases granted to the colonial army in Malakand hills must also be cancelled and the land/hills restored to the KPK government.
- Land hunger has faith and caste dimensions. A large number of workers employed by landlords on their farms in Sindh belong to the Hindu minority community. They are treated as field workers without any rights and many of them are bonded labourers. Similarly, members of the scheduled castes constitute a sizeable part of bonded labour in Punjab also. They deserve to be given land to cultivate for themselves.
- Thousands of *haris*, mainly in Sindh but also in other provinces, are debt slaves. Effective enforcement of the Bonded Labour System Abolition Act could free them of their bondage.
- There are about 100,000 Kohlis (low-caste Hindus) in district Rahim Yar Khan of Punjab. They have been deprived of their right to own land. They should be settled on the land that is being brought under cultivation in Cholistan.
- For the socio-economic emancipation of landless families who will get land after reform, special measures should be adopted to ensure access to educational facilities for their children and to create openings for women to take up jobs and become economically independent.
- All villages need to be linked to market places with *pucca* roads to enable growers to earn full price for their products.
- Where state land is allotted to a tenant, he and his spouse should be made joint owners of the land. A percentage of such plots should be reserved for women-headed families.
- Separate credit lines should be established at all banks and financial institutions to offer loans on easy terms to small cultivators and tenants.
- Lack of self-owned housing is a significant factor in tenants' dependence on landlords in both economic and political terms. A plan to settle landless tenants in villages, such

as the one suggested by the government of Sindh some years ago, should be adopted. This will reduce the landlords' ability to dictate tenants' voting choice in elections.
- The Election Commission should take special measures to ensure that the economically weak sections of the rural society are able to freely cast their votes in any election.
- While the steps taken to promote livestock breeding and protect and develop fisheries must continue, the problems of the farming subsector of agriculture sector need to be resolved on a priority basis. Special attention must be paid to ensure easy availability of essential inputs to the cultivators, to enlarge the scope and effectiveness of extension services and to carry out research on seeds, proper storage and pest control at specialised institutes.
- Lastly, the government must find a way to get the Shariat Appellate Bench's bar on land reform lifted by persuading the *ulema* to review their interpretation of the Islamic injunctions.

Notes

1 *Agricultural Census 2010* (Islamabad: Government of Pakistan Statistics Division. 2010). http://www.pbs.gov.pk/agricultural-census-2010-pakistan-report.
2 In all, there are 928,447 households (total population 7,708,600) in this category out of a total of 1,121,356 farm households (total population 9,535,900). The area under their ownership is 23,425,728 acres, out of the total farm area of 52,910,406 acres, that is, 44 per cent of the total. For more, see *Agricultural Census 2010*.
3 Ibid.
4 Ibid., table 8.2.
5 Ibid., table 12.3.
6 *Pakistan Economic Survey (2016–17)*. Ministry of Finance, Government of Pakistan. 2017. http://www.finance.gov.pk/survey_1617.html.
7 Ibid., 20–21.
8 David Page, *Prelude to Partition: The Indian Muslims and the Imperial System of Control, 1920–1932* (New York: Oxford University Press, 1982).
9 Qazalbash Waqf and Others versus Chief Land Commissioner and Others (PLD 1990 SC 99). 1989.
10 Constitutional Petition, No. 97. Workers Party & Six Others vs the Federation pages. 2011.
11 Kaiser Bengali, *Profiles of Land Tenure System in Pakistan* (Karachi: Pakistan Institute of Labour Education and Research, 2015).
12 Ibid.
13 Ibid.
14 Haris Gazdar, "The Fourth Round, and Why They Fight On: An Essay on the History of Land and Reform in Pakistan." PANOS South Asia, Collective for Social Science Research, Karachi, 2009.
15 Ibid.
16 Ibid.
17 *Leveling the Playing Field: A Survey of Pakistan's Land Reforms*. PANOS South Asia, Collective for Social Science Research, March 2011.
18 Ibid.
19 *Social Science and Policy Bulletin*, Lahore University of Management Sciences (LUMS), Lahore, Summer 2018.
20 Ibid.

Chapter Nine

PAKISTAN: CHARTING A NEW COURSE TO DEVELOPMENT

Akmal Hussain

Introduction: An Alternative Approach to Development

Over the last seven decades of Pakistan's history, an economic structure has emerged that is characterised by three features. First, an inability to maintain high growth in national income per person over the long run. Second, endemic mass poverty accompanied by growing inequality between social groups and regions of the country. Third, persistent dependence on aid. These features manifest underdevelopment, which can be defined as a condition whereby the actualisation of the human potential of a society is systematically constrained. Pakistan's underdevelopment is fundamentally rooted in a socio-economic environment that restricts access over high quality education, constrains competition and where hiring is often not based on merit. This precludes equality of opportunity for individuals to develop their capabilities. Consequently, the human potential of society remains untapped.

In this essay, we will briefly examine the question of why Pakistan has been unable, so far, to achieve sustained high rates of national income growth. We will then explore the approach to development followed by policymakers in Pakistan to indicate that public policy has so far failed to address the fundamental constraints to growth sustainability and overcome underdevelopment. Finally, we will outline an approach that conceives of development as economic transformation. This is based on actualising Pakistan's human potential for creativity, innovation, sustained productivity increase and thereby sustained long-term economic growth.

The Failure to Sustain Economic Growth

An important feature that distinguishes developed from underdeveloped countries is that while the former are able to sustain per capita income growth over long periods of time, the latter fail to do so.[1] This is not to say that underdeveloped countries are unable to grow; they do grow, but their economic growth takes place in spurts.[2] Periods of relatively high growth are followed by close to zero or even negative per capita income growth, so that the gains made during the high growth periods are largely lost during periods of stagnation. Consequently, over the long run, the increase in per capita income is rather modest. It is certainly inadequate to transform the material conditions of life of most of

the people. In this sense, Pakistan's pattern of stop-go growth is typical of underdeveloped countries.

The evidence shows that while during the Ayub-Yahya period (1960–73), there was high economic growth (6.3 per cent annually), during the subsequent Z. A. Bhutto period (1973–77), the growth rate declined to 4.9 per cent annually. Again, in the Zia ul Haq period that followed, there was an acceleration in economic growth to 6.6 per cent annually, but was followed once again by the low growth period of the 1990s (about 4 per cent annually). There was another pendulum swing to relatively high economic growth during the Musharraf period (6.3 per cent annually) followed by a decade of slow growth and virtual stagnation of per capita incomes. Over the long run, despite the spurts, economic growth in Pakistan is on a declining trend. This is in sharp contrast to the growth performance of China and India, who have not only achieved sustained high growth but are on a rising trend.

The proximate factors that explain Pakistan's stop-go pattern of economic growth are: (i) Low domestic savings which are inadequate to finance the investment required for high growth. For example, during the period 2001–7, the domestic savings rate was 16.5 per cent of GDP while the investment rate required for the GDP growth rate of 7 per cent was 28 per cent of GDP.[3] This investment-savings gap is an enduring feature of Pakistan's economy and has created a structural dependence on foreign aid grants and loans. (ii) Low export growth that is insufficient to finance the import requirements of high GDP growth.

These factors have resulted in the observed growth pattern where, near the end of every high growth period, Balance of Payments pressures have built up, forcing a slowdown in growth. The slowdown in growth usually occurs when the Balance of Payments deficit becomes so high that it cannot be financed by Pakistan's foreign exchange reserves, and the recurrent knee-jerk reaction has been to seek an International Monetary Fund (IMF) bailout package. The standard prescription of the IMF, which is based on questionable theoretical and empirical foundations,[4] is to address the Balance of Payments crisis by contracting import demand through a slowdown in GDP growth.

The policy instruments that have been used for achieving this objective are: first, an increase in the interest rate which would tend to reduce private sector investment and the associated import expenditures and, second, sharp reduction in the budget deficit. Given Pakistan's power structure, it is often politically difficult to drastically reduce unproductive expenditure and so the axe of budget deficit reduction in the past has fallen on development expenditures. Historically, development expenditure has been a key stimulant to economic growth and an important redistributive mechanism since such expenditures are aimed at benefitting the poorer sections of the society. Consequently, a sharp reduction in development expenditure not only slows down economic growth but also increases economic inequality.

The Balance of Payments crisis in Pakistan on each occasion has been quelled in the short run, through an IMF programme. However, the associated policy instruments used under the programme, by reducing GDP growth, have consequently also reduced the growth of government revenues. In subsequent periods, the very budget deficit, which IMF policy aims to reduce, reappears due to low revenues. At this stage, there is little

room left for manoeuvre through further expenditure cuts, hence a high budget deficit. More importantly, IMF programmes, by focusing on the short run and failing to address the structural factors underlying the Balance of Payments crisis, have served to reproduce the crisis itself.

We have indicated in the above discussion the two proximate factors underlying recurrent Balance of Payments crises, the resultant aid dependence and the stop-go pattern of economic growth: low domestic savings rate and slow growth in exports. At a more fundamental level, the failure to sustain long-term economic growth is rooted in the institutional structure of Pakistan's economy. This structure systematically generates rents (unearned income) for the elite coalition that has been in power since the mid-1950s. The rents are generated through the rules and norms that restrict competition, discourage hiring based on merit, dis-incentivise hard work, induce inefficiency, constrain innovation and hence prevent growth sustainability.

It is this rent-based institutional structure that has nurtured an entrepreneurial elite, which is largely dependent on such rents with a proclivity for ostentatious consumption rather than savings. At the same time, the incentive-disincentive system embodied in the institutional structure is also the deeper underlying cause for the failure to achieve high export growth. This could only be done through diversification of exports towards high value-added, knowledge-intensive goods and services which constitute an increasing proportion of global export demand. In Pakistan, relatively low value-added and low knowledge-intensive exports (such as rice, leather, cotton, yarn and textiles) constituted about 82 per cent of total exports in 2017–18. By contrast, high tech exports as a percentage of total manufactured exports constituted less than 2 per cent. Even in the case of textiles, which occupies a decreasing proportion of global export demand, Pakistan's entrepreneurs have lost some of their share of total textile exports to neighbouring countries, such as India and Bangladesh, due to lack of efficiency, quality and marketing acumen. Thus, Pakistan's entrepreneurs within the institutional environment of rent seeking have largely failed to diversify exports towards innovation-intensive, high value-added products; they have failed even to shift into the higher value-added end of the textile range, barring a few exceptions.[5]

Pakistan's Past Development Perspective and Its Consequences: Growth, Inequality and Underdevelopment

The development perspective of policymakers, through most of Pakistan's history, has been focused on growth on the basis of investment by the elite. In the 1960s, when the basic economic strategy was fashioned, the idea in line with development thinking of the time was to nurture an industrial elite through government-instituted protection from imports, direct and indirect financial incentives and subsidies.

The inequality that was the logical consequence of this approach was considered to be a transient phenomenon. This idea emerged from the influential 1955 paper by Nobel Prize winning economist Simon Kuznets in the *American Economic Review*.[6] He had argued that inequality would rise initially, and as growth proceeded at a later stage, inequality would decline through the operation of the market mechanism. The Kuznets view has

now been rejected on the basis of the seminal empirical work by Thomas Piketty (2014)[7] who has shown that over the last two centuries, inequality, far from falling, has in fact been increasing. He has shown that the increase in inequality has occurred precisely due to market forces which Kuznets thought would reduce it.[8]

Pakistan's policymakers assiduously followed the Kuznets's view. The economic policies of the 1960s were derived from the doctrine of "functional inequality" which was well articulated by Dr Mahbub ul Haq, Pakistan's most influential economist of the time: "There exists therefore, a functional justification for inequality of income if this raises production for all and not consumption for a few. The road to eventual equalities may inevitably lie through initial inequities."[9]

During the 1960s, although the average annual GDP growth at 6.9 per cent was impressive, interpersonal and interregional inequality increased precipitously. The richest 22 families were reported to be controlling 66 per cent of industrial assets. By contrast, for the majority of Pakistan's population, there was an absolute decline in the per capita food grain consumption. The poorest 60 per cent of the rural population over the period 1964–70 suffered a decline from an index of 100 in 1964 to 91 by 1970. In the case of the urban population, there was a decline in per capita food grain consumption from an index of 100 to 96 over the same period. At the same time, there was a sharp increase in interregional disparity between East and West Pakistan, so that by 1970, the per capita income of West Pakistan was 42 per cent higher than that of East Pakistan. This was because the GDP growth per capita in East Pakistan was only 1.5 per cent per annum compared to 3.6 per cent in West Pakistan.

The sharp increase in the inequality between a small elite and the majority of the population led to a mass movement against the Ayub government resulting in the overthrow of the very political system within which high economic growth had been achieved. The rapid increase in regional economic disparity between East and West Pakistan became a key factor that fuelled the popular movement in East Pakistan which culminated in the emergence of independent Bangladesh.

The strategy of inequality-based growth thus ruptured not only the political fabric but the integrity of the state itself. At the same time, the expectation that as the rich grew richer, there would be an increase in the domestic savings rate was not fulfilled. There was a growing gap between domestic savings and the level of investment required (28 per cent) to sustain a growth rate of 7 per cent. At the same time the policy of subsidising and protecting the rich has induced lack of competitiveness and resulted in slow export growth. This shaped an economic structure with an endemic dependence on aid as well as the incapacity to sustain growth.

In the two decades after 1990, a new corpus of research had emerged that challenged the view held by economists since the 1960s that income inequality enables higher economic growth. The work of Berg et al.[10] showed that inequality in poor countries is a key factor in their inability to sustain economic growth over the long run. Earlier econometric analysis of cross-country data by Galor and Ziera[11] established that a high inequality of income and wealth, by narrowing the base of investment in human and physical capital, has a negative effect on long-term growth.

Pakistan's policymakers failed to learn from the country's own history of the grave political and economic consequences of inequality-based growth. They also appeared to be unaware of the new research and change in economic thinking that occurred over the last two decades. No serious attempt has been made to change the institutional structure that engenders both inequality and growth unsustainability. Consequently, interpersonal as well as interregional inequalities continue to grow. According to our estimate in 2016, the per capita monthly income of the richest 0.1 per cent of the population, adjusted for tax evasion, is more than Rs. 1 million.[12] By contrast, the per capita monthly income of the bottom 60 per cent of the population is Rs. 6,000.[13] The growing inequality is accompanied by persistent mass poverty. According to the 2015 UNDP estimate of the incidence of multidimensional poverty in Pakistan, 38.8 per cent of population is below the poverty line. There are also acute inequalities at the regional level. For example, the multidimensional poverty in Lahore (Punjab) is 4.3 per cent, while it is 96.9 per cent in Killa Abdullah (Balochistan).

The income inequality is exacerbated by the taxation policy of the government. Over 60 per cent of total tax revenues are currently being generated by indirect taxes which are regressive in nature. In Pakistan, an estimate by the late Dr A. R. Kemal showed that during the late 1980s and early 1990s, the tax burden as a percentage of income was highest at 6.8 per cent for the lowest income group and lowest at -4.3 per cent for the highest income group. To make matters worse, there is inequality in the access over basic services such as quality healthcare and education. Inadequately funded government health and education facilities have led to a rapid increase in private medical facilities as well as private schools and colleges. These facilities in some cases have good quality, but are much more expensive than government facilities, and are therefore beyond the reach of the poorest sections of society. Thus, public expenditure (which is supposed to be a redistributive mechanism providing a cushion to the poor) and tax policy (which is supposed to be progressive by placing a relatively lesser burden on lower income groups) are both regressive in Pakistan, serving to accentuate inequality instead of reducing it.

Transforming Pakistan: Developing the Human Potential in a Growth Process by and for the People

Transforming Pakistan will involve changing the institutional structure as well as configuring key organisations of the state to move towards what we can call a *human economy*, that is, an economy that works to actualise the untapped human potential of the hitherto deprived sections of society: the middle classes and the poor. This transformative development requires four key policy initiatives:

1. Providing to every citizen of Pakistan basic services of quality healthcare, quality education including skill training and social protection (including old age pensions and unemployment benefits). The universal provision of these services, as a key feature of the development process, will lay the basis of a dynamic *human economy*. They will also enable sustained economic growth because of the following:

i. These services for all citizens will move the economy and society towards equity, which is essential to social justice and central to the idea of an Islamic society as well as a democratic state.

ii. A healthy and productive labour force with quality education will have the capacity for original thinking and innovation. As empirical research on endogenous growth by Aghion[14] has shown, innovation is a determinant of long-term productivity increase and thereby sustained long-term growth.

iii. The universal provision of health, education and social protection facilitate social cohesion and give a stake in the state to every citizen. This, as research by Easterly (2006)[15] has shown, is a key factor in long-term economic growth. In proposing the universal provision of health, education and social security, some assert that Pakistan cannot afford it. Recent evidence shows that this assertion is not true. In the case of a number of countries in Europe, Asia and Latin America that achieved long-term economic growth on the basis of a commitment to the universal provision of these services, their per capita incomes were lower than that of Pakistan today. For example in Germany under Bismarck in the year 1880, the GDP per capita (in terms of 2011 US$) was $ 2,792; in Norway in year 1848 the GDP per capita was $ 1,475 (in 2011 US$); in Sweden in year 1891, the GDP per capita was $ 2,676 (in 2011 US$). Similarly, in Meiji Japan in the year 1900, the GDP per capita (in 2011 US$) was $ 1,575, and in China in the year 1950, the GDP per capita (in 2011 US$) was $ 757. Thus the per capita GDP of each of these countries at the time when they had made the commitment for universal provision of basic services, was far lower than the GDP per capita of Pakistan in 2016, that is, $ 5,250 in terms of 2011 US dollars.[16]

2. Accelerating the growth of small and medium-sized enterprises (SMEs) that have an export potential. Increasing the share of this sector in GDP can lead to a higher GDP growth for given levels of investment, faster export growth, higher growth in employment and a more equitable distribution of national income. This is because medium and small-scale enterprises require a smaller investment per unit of output compared to the large-scale sector, and have considerable export potential and higher employment generation per unit of output growth. To achieve this objective, institutional measures will have to be undertaken to provide access for SMEs to a package of services including the following: (i) institutional link-up with the large-scale manufacturing industries for outsourcing; (ii) provision of credit; (iii) raw material banks to enable the small units to buy in small lots; (iv) skill training and management systems for quality control to meet export standards; (v) access to facilities for forging and heat treatment for dimensional control of product manufacture.[17]

3. Shifting from an elite, farmer-based agriculture growth of the last six decades to a new agriculture growth strategy based on small and medium farmers. Reducing inequality in the agriculture sector and accelerating the overall agriculture growth rate requires a shift of focus to small and medium farms where there is considerable potential for increasing yields per acre as well as off-farm production of milk and

meat. It is noteworthy that about 94 per cent of total number of farms and over 60 per cent of total farm area in Pakistan is being operated by farms below 25 acres in size.

Two key initiatives could be undertaken for the development of the small and medium farm sector, and thereby accelerate overall agriculture growth as well as the export of dairy products:

i. An estimate shows that at least 2.6 million acres of agricultural land is state-owned. It is proposed that this state land may be distributed in five-acre packages to landless tenants. This would provide land to the tiller in the case of 58 per cent of tenant farmers operating farms below 25 acres. Providing ownership rights to these tenants would create both the incentive and the ability to increase yields per acre on small farms.[18]

ii. To equip and enable small and medium farmers to sharply increase their output and income, it is proposed that a Small Farmer Development Corporation (SFDC) be established through a loan by the government. The SFDC would be owned by the small and medium farmers, whereby their equity is financed by the government loan which can be returned from the dividend income of the shareholders. The SFDC, while being owned by small and medium farmers, would be managed by high quality professionals. The SFDC would provide the following support services to small and medium farmers: (a) provision of technology for laser levelling to enable better on-farm water management; drip irrigation to increase higher water use efficiency; soil testing to enable farmers to use the specific chemical fertilizers that are consistent with the nutrient requirements of the local soil; technology for tunnel farming to produce high value off-season vegetables. (b) Provision of high quality seeds and appropriate pesticides. (c) Provision of credit as well as equitable access over markets. (d) Linking up small-medium farms producing fruits and vegetables with a supply chain for export marketing on the basis of compliance to international standards of quality in production, processing, packaging and transportation.[19]

4. Reducing regional economic disparities both between provinces and within provinces. This requires the development of infrastructure in selected growth nodes in the backward districts and provinces.[20] These growth nodes for both small and medium-scale manufacturing facilities, as well as the production of dairy products, could be linked up with national as well as international markets. The China-Pakistan Economic Corridor (CPEC) has created the possibility of developing backward areas and linking them up with both global and national markets. However, actualising this possibility requires maximising the multiplier effects of investment in CPEC-related projects. Careful planning is required for developing the credit, technological and skilled labour requirements of the new growth nodes in backward areas. Ancillary roads going deep into the backward areas for linking them up with the main CPEC network will also be required to enable processed fruit and automobile parts to be produced by small-scale entrepreneurs in the backward areas.

Conclusion

The time has come to change development thinking and development policy of unsustainable growth by and for the elite. A new perspective of transformative development for unleashing the human potential of the middle classes and the poor has been proposed in this chapter. We have in the first section discussed how the policies of past decades have led to the emergence of an economic structure that is characterised by inequality, unsustainable growth and aid dependence. We have then indicated, in the second section, the explosive political consequences of such economic policies and demonstrated how the resultant economic structure perpetuated underdevelopment. We have argued that the intellectual basis of the policy of growth-with-inequality, which has been followed over the last seven decades, has been shown to be flawed by new research. We have proposed that a higher and more sustained growth can be achieved *through* equity. This requires opening up the economy to the middle classes and the poor and developing their human capabilities. As this hitherto excluded majority of people begins to invest and contribute to productivity increase and innovation, they can power a new economic dynamism. In the third section, we have suggested concrete policy initiatives through which Pakistan can chart a new course towards a *human economy*. This would be an economy that enables the people to actualise their human potential, and thus economic dynamism would be drawn from the creativity and enterprise of its people.

Notes

1 Douglass C. North, John Joseph Wallis and Barry R. Weingast, *Violence and Social Orders: A Conceptual Framework for Interpreting Recorded Human History* (Cambridge: Cambridge University Press, 2009).
2 Dani Rodrik, "Where Did All the Growth Go? External Shocks, Social Conflict, and Growth Collapses." *Journal of Economic Growth* 4, no. 4 (1999): 385–412.
3 With an incremental capital output ratio (ICOR) of 4, a 7 per cent annual GDP growth requires 28 per cent of GDP to be saved if the country's investment is to be domestically financed.
4 See for example Joseph E. Stiglitz, *Globalization and Its Discontents*. Vol. 500. (New York: Norton, 2002). See also Axel Dreher, "IMF and Economic Growth: The Effects of Programs, Loans, and Compliance with Conditionality." *World Development* 34, no. 5 (2006): 769–88.
5 For a more detailed discussion, see Akmal Hussain, "Institutions, Economic Growth and Participatory Development." *Pakistan: Moving the Economy Forward* (Lahore: Lahore School of Economics, 2013), 514–20.
6 Simon Kuznets, "Economic Growth and Income Inequality." *American Economic Review* 45, no. 1 (1955): 1–28.
7 Thomas Piketty Arthur Goldhammer, *Capital in the Twenty-First Century* (London: Penguin, 2014).
8 The rate of return on capital in the Piketty data is higher than the average GDP growth over the period, so the share of capital in the national income tends to rise, unless there is government intervention into the market mechanism.
9 Mahbub ul Haq, *The Strategy of Economic Planning: A Case Study of Pakistan* (Oxford: Oxford University Press, 1963). Note: To his credit, Dr Mahbub ul Haq had the intellectual integrity to blow the whistle when near the end of the decade interpersonal economic inequality had become extremely high, and revealed the famous figure of 22 families controlling 66 per cent of industrial assets. Dr Haq combined intellectual integrity with dynamic scholarship when he later changed his view. In his *Seven Sins of Economic Planners*, he emphasized that what is

important is not only the level of investment, but the extent to which it helps develop human resources. He then went on to be one of the architects, along with Professor Amartya Sen, of the Human Development Index. Dr Haq pioneered the UNDP Human Development Reports which had a major impact on changing worldwide, the focus of policy towards human beings rather than GDP growth alone.

10 Andrew Berg, Jonathan D. Ostry and Jeromin Zettelmeyer, "What Makes Growth Sustained?" *Journal of Development Economics* 98, no. 2 (2012): 149–66.

11 Oded Galor and Joseph Zeira, "Income Distribution and Macroeconomics." *Review of Economic Studies* 60, no. 1 (1993): 35–52.

12 According to the World Bank data, 25.62 per cent of Pakistan's National Income goes to top 10 per cent of its population. The figure above is estimated on the basis of the assumption that the same distribution holds within the richest 10 per cent of the population as in the case of the population as a whole.

13 *Pakistan Economic Survey 2013–14*, Ministry of Finance, Government of Pakistan. 2014.

14 Philippe Aghion, Peter W. Howitt, Maxine Brant-Collett and Cecilia García-Peñalosa, *Endogenous Growth Theory* (Cambridge, MA: MIT Press, 1998).

15 William Easterly, Jozef Ritzen and Michael Woolcock, "Social Cohesion, Institutions, and Growth." *Economics & Politics* 18, no. 2 (2006): 103–20.

16 Maddison Project Database, version 2018. Jutta Bolt, Robert Inklaar, Herman de Jong and Jan Luiten van Zanden, "Rebasing 'Maddison': New Income Comparisons and the Shape of Long-Run Economic Development." Maddison Project Working Paper No. 10, 2018. www.ggdc.net/maddison.

17 Akmal Hussain, "Strengthening Democracy through Inclusive Growth." In Akmal Hussain and Muchkund Dubey (eds), *Democracy, Sustainable Development and Peace: New Perspectives on South Asia* (New Delhi: Oxford University Press, 2014).

18 Ibid., 181.

19 For a more detailed discussion, see Hussain, "A Framework for Inclusive Development: Growth through Equity." *Inclusive and Sustainable Development.* UNDP Pakistan. June 2017. http://www.pk.undp.org/content/dam/pakistan/docs/DevelopmentPolicy/Inclusive and Sustainable Development.pdf.

20 For a more detailed discussion, see Hussain, "A Framework for Inclusive Development: Growth through Equity, 19–20. 322

Chapter Ten

PAKISTAN'S FUNDAMENTAL WATER GOVERNANCE CHALLENGES – AND HOW TO OVERCOME THEM

Erum Sattar

Pakistan's water economy faces a host of complex challenges which, for the most part, flow from the colonial-era legislation that allocates water to farmers, the primary users of the freshwaters of the integrated Indus River System. Compounding this outmoded system of water allocation is the increasing and unsustainable use of the basin's groundwater. Geographic location is also a significant challenge being faced by Pakistan since its formation, and the challenges to its transboundary water resources will only continue to grow in the context of climate change. The importance of geography is also paramount within the federation and manifests itself in the realm of interprovincial water sharing characterised by deep mistrust. The country needs to move towards understanding the rational basis of these various manifestations of water rivalry and creatively put in place transparent laws, institutions and norms that will move it beyond its toxic water relations and towards a new era of equitable water management, one that will enhance the social and environmental well-being of all involved.

Background

To say that Pakistan has severe problems related to the management of its water resources would be an understatement. For anyone interested in increasing their knowledge of the Indus basin, I would recommend two major studies undertaken with significant international involvement led by a global leader in water management, the late John Briscoe. From his perches at the World Bank and later at Harvard University, Briscoe led teams of national and international experts to produce comprehensive overviews of Pakistan's management of water resources across such sectors as agriculture and clean drinking water for cities.[1] Other international assessments have followed.[2] Essentially, the country has been, and continues to be, caught in the perfect storm of challenging conditions. These include inefficient colonial-era water allocation rules for irrigation under an 1873 piece of legislation[3] that remains the extant law of the land. Furthermore, the country is currently facing growing pressures for hydropower development from upstream India that controls the Kashmiri territory. These are compounded by decades of mismanagement and underinvestment in both technical capacity as well as knowledge production, all against the backdrop of climate change. Briscoe noted the falling levels of Pakistan's

investment in the country's water and agriculture sector from about 1980 onwards to the incredibly low figure of 0.5 per cent of the GDP in 2003.[4] This scenario of the country's self-neglect and inability to finance its own infrastructure maintenance (notwithstanding recent crowd-funding efforts)[5] or contemplate any serious and sustained new investments from its own finances,[6] coupled with the increasing needs of a rapidly growing population, puts an ever-greater pressure on a dwindling resource.

In economic terms, there is increasing demand for dwindling supply. In a world subject to the laws of supply and demand, prices for a commodity (in this case water) would be expected to rise, and prices have risen indeed, though without the provincial governments that deliver canal water to farmers actually having raised the prices. Of course, no government likes to be seen to raise prices, particularly a rise as visible as that of water rates in the country's rural areas. Then there is this argument that users may be willing to pay more for reliable water supply in accord with their fixed time shares of water delivery (*warabandi*); the World Bank has long advanced this argument in connection with the various irrigation reform efforts that it has supported in the country.[7] However, just because prices have not been directly increased by the government does not mean that they have remained the same; for the farmers, the prices have risen in another way, to which we will turn shortly.

The Role of Irrigation

Before we proceed further on the issue of the water pricing, let us take a moment to understand why the primary focus of any understanding of Pakistan's overall water crisis is essentially about its use of water for irrigation. Globally, about 70 per cent of freshwater is consumed in crop production but in Pakistan it takes up an estimated 97 per cent of the country's freshwater use.[8] Couple this with the fact that the Indus Basin Irrigation System is the largest contiguous irrigation system in the world, supplying 95 per cent of Pakistan's irrigated cropland.[9] The sheer scale of this irrigation network relative to the country's arid or semi-arid state must be put in context: perhaps ironically for such extensive agricultural development, "[a]round [92] per cent of the country's area is classified as semi-arid to arid, facing extreme shortage of precipitation".[10] Given this, the country must face head on the significant demand of irrigated agriculture on its fresh water resources. Any attempt to tackle Pakistan's water management crisis necessarily passes through the painful process of reducing the overwhelming amount of water used for irrigation. Of course, no one likes to be told that they must use less of a resource or, at a minimum, use it more efficiently. To take example from another field, that of electricity supply, some of the biggest savings are estimated to come from adopting energy efficiency measures rather than from additional generation capacity.[11] What has worked for electricity generation in other countries can also be adopted as a model for what Pakistan can do to reduce water use or, to put it another way, to increase water supply. In short, reducing use and thus increasing supply can be thought of as two sides of the same coin. Instead of a single-minded focus on enhancing supply by building expensive storage (a proposition without a clear and deliverable timeline), the country needs to adopt all techniques and technologies that reduce water usage, thereby increasing supply. Surely

the time has come to adopt a fresh approach to managing water demand and supply as well as the overall management of the resource in the country.

Groundwater Reliance

And how have prices for irrigation water risen? How do prices rise without the provider of water charging higher prices? Most prominently and obviously in Pakistan, the price of water has risen in a roundabout way: users have supplemented the water they receive from official sources (in essence the provincial irrigation departments) by increasingly accessing groundwater. In short, the nation's farmers took to deploying tubewell technology with the advent of Green Revolution technologies starting in the decade of the 1960s. Green Revolution technology was essentially a combine of three components: seeds, chemicals and water; higher yielding seeds that required chemical (read petrochemical based) fertilisation and significantly higher application of water. Sensing higher yields and profits, private farmers moved in droves to install tubewells and soon surpassed prior official efforts to install irrigation and drainage wells in the country. Reliable estimates (because groundwater remains unregulated and unlicenced in the country) put the number of private tubewells at over one million in the country's agricultural areas.[12] To supplement inadequate deliveries of canal or surface water flows, farmers have installed these wells to get access to what is, relative to surface water, expensive-to-pump groundwater (remember, water is heavy). According to the National Water Policy, canal water is one-quarter the price of well water.[13] Even though farmers have to pay to pump expensive groundwater (input costs are the costs of diesel or electricity when that is available as well as the installation, maintenance and repair costs of tubewell equipment), they absorb the additional cost as a necessary input cost without which they would be unable to grow their crops. Even though farmers supplement their surface water supplies, governments have found themselves unable to raise the cost of the relatively inexpensive canal water that they supply. The bottom-line is this: canal water remains relatively underpriced, and there the problem remains stuck.

Geography, Transboundary Water Sharing, and Federalism

There are several ways to approach the essential problem of increasing demand and a dwindling and threatened supply. However, for the most part, Pakistan is not equipped to tackle this problem in a way that would improve the likelihood of overcoming what is a formidable challenge facing the country. At the international and transboundary level, three words that anyone engaging in a property transaction knows well can help situate our discussion of the country's particular vulnerability: location, location, location. The country is downstream of all the river sources on which it relies, both in the east with India's control of the Kashmiri territory (which gets a lot of attention) as well as Afghanistan from which the Kabul River flows (which is much less well-known). This water vulnerability, at least for its eastern river sources, is hard-wired into the very psyche of the country, originating from the Partition of the Indian subcontinent, and in the long-drawn out negotiations spearheaded by the World Bank and culminating in

the Indus Waters Treaty signed in 1960 between Pakistan and India.[14] On the Kabul River, the country has no treaty or other water-sharing agreement or understanding with Afghanistan leaving it vulnerable to planned upstream developments there. Collaborative research on the river, supported by a USAID programme, is in nascent stages[15] and anything close to more formal and official negotiations remains a distant possibility. This extreme geographical vulnerability at the international level is compounded by the lack of robust institutions for water sharing at the national level. Briefly, Pakistan's federating units, the provinces and the federal government as a party adopted the country's Interprovincial Water Accord (hereafter Accord) in 1991 and established the Indus River System Authority (IRSA) to operationalise water sharing in the country according to its terms.[16] The framers of the Accord had adopted it with very high hopes: "21st March, 1991, will go down in the history of Pakistan as a pivotal breakthrough in its leap towards the 21st century and turning point in its march towards national consolidation. On that day was unravelled a dispute that had been festering in this part of the subcontinent for the past seventy years […] [t]he Chief Ministers of the four provinces, namely, Punjab, Sindh, NWFP (now KPK) and Balochistan, in a rare show of mutual accommodation and national spirit, were able to overcome what had looked like insurmountable hurdles to reach a consensus accord on the apportionment of the waters of the Indus River System, which constitutes the lifeline of Pakistan" and finally, that "[the achievement] would go down in history as one of the most significant, far-reaching and courageous contributions to the strengthening of our federal bonds and the opening of new vistas of the country's all-out development".[17] Suffice it to say that the high hopes that the Accord would enhance mutual trust by clarifying present water shares as well as provincial water shares after the development of any future storage have not materialised. Instead, the provinces are stuck in an ever-spiralling cycle of mistrust that arises from the way in which the Accord is operated. Indeed, 27 years after the Accord was adopted, IRSA's operation still produces deep mistrust between the provinces in a way that weakens, instead of strengthening, the federal bonds. To really build up the "mutual accommodation and national spirit" that the Accord's framers had aspired to, policymakers will need to undertake a credible programme of trust-building both within the agency as well as with other stakeholders in the overall ecosystem of water management.

Transparency and a Rational Rivalry

To paraphrase Justice Louis Brandeis, sunlight is the best disinfectant.[18] Pakistan must develop better norms for the all-important function of water sharing, one that replaces the toxic practice of operating the Accord in an opaque, mistrust-breeding manner with methods of trust-building among the federating units. The conditions of scarcity, decreasing supply and the growing need of water, which together are placing new pressures on the Accord, surely demand more transparent operations. And acknowledging the very real upstream-downstream rivalry both within the country as well as across transboundary relations internationally is a necessary condition to move the

country beyond its current practices. A little etymology here will serve us well: the word "rival" (origin 1570–80) derives from the Latin *"rivalis"* – hence a "rival" was one who used a stream (*rivus*) in common with another. The very idea of one who is a rival as one with whom you share a river is inbuilt into the structure of the English language. It is only when we have the courage to acknowledge upfront the reasons for any particular water-sharing rivalry that we will be able to move beyond it to create shared value for all the parties involved. Rousing positive rhetoric can only go so far and when it fails (as it must because of a lack of acknowledging the very real pressures on a shared water source) we must shift towards solving real and difficult challenges.

A New National Water Policy and the Pakistan Water Charter

Significant policy change does not come easily. Efforts to reach water-sharing agreements between sharers in the Indus go back to the pre-Partition era. And as we saw briefly above, the Water Accord was finally adopted after a long and contested history of water sharing between the country's provinces. Similarly, before it was finally adopted in 2018, the National Water Policy (hereafter Policy) remained in draft form awaiting approval and adoption for 13 long years. Even after a long gestation, the Policy unfortunately suffers from an even more fundamental problem than the Accord, namely, the lack of an institutional owner or custodian who will take the lead in implementing the very long list of desirable reforms that the Policy hopes to unlock. As we know well, when it seems that everything must be done at once and everything seems important to do, it is very unlikely that without detailed sequencing and assignment of responsibility at requisite levels of the government in a federal structure anything will in fact get done.[19] Without diving into the Policy in great detail here, some obvious questions arise that are worth noting, such as what the role and relevance of a National Policy is within a federal constitutional structure with power residing at various levels of the government and water being a provincial subject under the constitution.[20] The Policy does not tackle these hard questions of institutional responsibility. Moreover, in language similar to that of the Accord, and despite recognition in the accompanying Pakistan Water Charter that business as usual is no longer an option,[21] the Policy is short on specifics. It announces that the government is committed to a whole host of worthy goals including economic and financial sustainability and demand management; action plans will be prepared by concerned departments to manage rapid population growth and, for irrigated agriculture, a law will be passed to ban flood irrigation and promote participatory irrigation management. In short, the Policy has a long list of aspirational goals that without more detailed operational plans will be unable to unlock the actual needed reforms. To take just once instance, banning flood irrigation will mean moving away from the way that canal irrigation has historically been undertaken in the Indus basin – that is surely no easy task. Some of these lofty goals of course, such as participatory irrigation management, have been aspirational goals of government policy as part of the World Bank-led reform efforts from 1981 onwards.[22] It remains to be seen how a new government undertakes implementation of the Policy.

Future Directions

What all of these top-down reform efforts miss is that real and sustainable change must come from the users, primarily farmers, aided by the irrigation bureaucracy and not the other way around. This is the only type of change that will endure, attract stakeholder participation and deliver results. What the country needs is incremental legal change, with all types of water uses being open to legal contestation in the courts. Specifically, what the country does *not* need is new legislation; all it needs is that the legislature opens up the courts to parties seeking to make claims under the existing legal framework. Pakistan must open up its water sector to contestation from and among many types of users, each arguing for their values to prevail. This means, for instance, that environmentalists will be able to advance the long-term value of ecosystem preservation, farmers will be able to advocate for greater support for irrigation, citizens of urban areas will be able to demand clean drinking water and a reliable water supply and, lastly, industries will be able to protect the water on which they depend for their long-term growth. In short, each and every type of user can work to advance their needs. The starting point then becomes one of value contestation, from which better outcomes can flow. Water is the most vital natural resource in Pakistan's semi-arid environment and one with which people are in daily contact; it is hence the most "natural" resource for them to begin to use differently in adapting it to their changing needs. For far too long, restricting property in water and locking it away from the imaginative capacities of the users (especially farmers) has stifled the users' potential to imagine and create the world they want. A system designed to tap their creative energies might give at least a fighting chance to those who are at present locked out of the system to the great benefit of the larger landholders, the historically privileged, who are for the most part regressive instead of progressive in their overall impact on society. In the Indus, it is this inherited dependence on apportioning the bulk of fresh water for a particular form of irrigated agriculture that is perpetuated. This particular form of locking away property in water means that the contestation around different types of water uses that could occur, and that could unlock it from these fixed uses, does not take place. To take example from another place, in the eighteenth- and nineteenth-century America, instrumental re-conceptualisation of property was allowed to take its course, despite the conditions of political, legal and institutional colonisation. The question to ask in the Indus is whether there is a continuing colonisation of the mind that leads to the continuing perpetuation of a regressive way of apportioning the basin's water resources. Asking the question of why is it that we continue to do things the way that we do them – and indeed have done them historically – offers a potential path of looking towards other systems, other countries and other times for valuable lessons.[23] It is time that we develop comparative valuable lessons for implementation in the basin.

As the influential American legal theorist Lon Fuller said, "When Piaget studied the moral growth of the child he found a certain circular relation between the playing of games and the moral attitudes necessary to play them successfully. To enjoy a game, the child must have the moral insight to see the necessity for rules and must possess the self-control that will enable him to abide by the rules, even in defeat. These are qualities obviously lacking in the very young child. Yet the only way he can acquire them is to

start playing games. When he does, working within the institutional forms of the games generates the moral qualities necessary to make the game playable."[24] Surely, the time has come to open up the game to new players who have historically been akin to users not operators of the water management system. Through their participation, they may begin to create games we have not imagined. By being fearful of what others' participation may do to our existing games, the ones we have become good at, is a sign of weakness, and, as any predator knows, when we are most vulnerable is precisely at the point of that sensed weakness. We are not strong from being able to set the terms of limited debate. In fact, it is only the façade of expertise and privilege that gives us that sense of feeling safe. We are not. The sooner we realise this, the sooner we can begin to create systems of shared uses of our natural resources in new ways that better serve more of us. We will be stronger from the very moment of a new realisation. We must be brave now, before the essential conditions of uncertainty on which humans have built massive reliance fail to live up to our expectations.

Notes

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2 US Senate Majority Staff, "Avoiding Water Wars: Water Scarcity and Central Asia's Growing Importance for Stability in Afghanistan and Pakistan." 2011. https://www.foreign.senate.gov/imo/media/doc/Senate%20Print%2011210%Avoiding%Water%20Wars%20Water%20Scarcity%20and%20Central%20Asia%20Afgahnistan%20and%20Pakistan.pdf.

3 The Canal and Drainage Act 187. http://punjablaws.gov.pk/laws/5.html.

4 Briscoe et al., *Pakistan's Water Economy*, 119.

5 Recently, Pakistan's Supreme Court has taken the institutional lead for the high-priority construction of Diamer Bhasha and Mohmand dams, and the country's Chief Justice has ordered the creation of a national collection fund to finance the construction, Haseeb Bhatti, "SC Asks Public to Donate Money for Construction of Diamer-Bhasha, Mohmand Dams." *Dawn*, 4 July 2018. https://www.dawn.com/news/1417934. Critics of this mode of populist crowdfunding of infrastructure have pointed out the unsustainability of the effort, Khurram Hussain, "Donating for Dams." *Dawn*, 12 July 2018; as well as called for greater participation in decision-making from a host of actors, Shahzad Sharjeel, "Financing Dams." *Dawn*, 22 July 2018.

6 "Funds Shortage Hinder Hydropower Projects: Wapda." *News*, 14 March 2015. http://www.thenews.com.pk/print/29200-funds-shortage-hinder-hydropower-projects-wapda.

7 Edward J. Van der Velde and Jamshed Tirmizi, "Irrigation Policy Reforms in Pakistan: Who's Getting the Process Right?" *The Politics of Irrigation Reform: Contested Policy Formulation and Implementation in Asia, Africa, and Latin America* (Hans, UK: Ashgate, 2004).

8 Senate Report *supra* note2, at 10.

9 Food and Agriculture Organization of the United Nations, *Irrigation in Southern and Eastern Asia*. 2011. http://www.fao.org/nr/water/aquastat/basins/indus/indus-CP_eng.pdf

10 Food and Agriculture Organization of the United Nations, *Pakistan, Geography, Climate and Population*. http://www.fao.org/nr/water/aquastat/countries_regions/Profile_segments/PAK-GeoPop_eng.stm. For a US National Aeronautics and Space Administration image depicting the basin's climate, see https://eoimages.gsfc.nasa.gov/images/imagerecords/62000/.0610.250m.jpg.

11 Janet L. Reyna and Mikhail V. Chester, "Energy Efficiency to Reduce Residential Electricity and Natural Gas Use Under Climate Change." *Nature Communications* 8 (2017): 14916.

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18 The full quotation by Justice Louis D. Brandeis, Associate Justice of the United States Supreme Court states, "Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants; electric light the most efficient policeman." https://www.brandeis.edu/legacyfund/bio.html.

19 Ron Ashkenas, "When Everything Is Urgent, Nothing Really Is" *Forbes*, 22 February 2012. https://www.forbes.com/sites/ronashkenas/2012/02/22/when-everything-is-urgent-nothing-really-is/#f133c1b7e967.

20 By the Government of India Act (GOIA), 1935, irrigation and agriculture were designated provincial subjects: http://www.legislation.gov.uk/ukpga/1935/2/pdfs/ukpga_19350002_en.pdf; while an analysis of the effects of GOIA is beyond the scope of the present inquiry, the particular ways in which the British colonial rulers shared power with the states of then united India states continues to have significant impact on the constitutional structure of Pakistan and its federal-provincial power relations.

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Chapter Eleven

IS THERE A SILVER BULLET TO PAKISTAN'S ENERGY CRISES?

Naveed Arshad and Fiaz Chaudhry

For many years now, the energy sector of Pakistan has been unable to meet the energy demands of the country. This is primarily due to limited generation capacity, but other factors such as the choice of fuel mix, inadequate transmission capacity and fragile and loss-prone distribution infrastructure have also contributed to the difficulties of this sector. Successive governments have attempted to solve these problems, but it seems like the energy sector, in particular the power sector, is in a downward spiral with no resolution in sight. Circular debt keeps on piling and the government is forced to bail it out periodically, in one way or the other. In this chapter, we will try to understand Pakistan's power sector and explore the possibilities of ameliorating its problems and challenges. Our discussion will not be limited to the traditional methods and technologies; it will rather take into account the use of new, disruptive technologies for meeting the longer-term energy demands of the country. Far from being a wish list of an armchair expert, the discussion presented below is a result of correspondence with more than 200 power sector professionals, researchers and industry leaders over the past five years. The problems identified, and the solutions suggested herein, are backed up by evidence-based research carried out by a team of professional researchers and doctoral students at the LUMS (Lahore University of Management Sciences) Energy Institute.

Understanding the Power Sector

Before turning to the solutions, we must understand three important concepts that are vital for solving the problems of the power sector.

First, the power sector comprises three separate functions namely *generation*, *transmission* and *distribution*. Generation is simply the production of electricity either from renewable resources (hydro, solar, wind, biomass, waste-to-energy and so on) or from non-renewable resources (oil, coal and natural gas); nuclear power[1] is a form of energy that cannot be readily placed in renewable or non-renewable categories due to its geopolitical importance. Transmission comprises a bulk power delivery system of extra high voltage transmission lines and substations, while distribution consists of low voltage network for supplying electricity to the consumers. In any new power-related initiative, all three types of assets have to be developed concurrently; usually, generation takes up 55–60 per cent of the total cost while transmission and distribution cost 15–20 per cent

and 20–25 per cent respectively. Renewable generation tends to have a higher capital cost but negligible fuel cost, while non-renewable generation has low capital cost but high and possibly fluctuating operational (fuel) cost due to its dependence on the market prices of fossil fuels. We must also understand that these cost calculations do not include the long-term impact on the environment; it is estimated that during energy production from non-renewable resources, one unit of energy results in emission of more than a kilogram of carbon dioxide and other hazardous compounds.

Second, power is perhaps the only commodity that must be consumed in real-time, at the moment it is produced. Moreover, the demand varies continuously; in 2017, for example, the electricity demand of Pakistan vacillated between 8,000 MW in winters to 26,700 MW in the summer. Even during a single day, the demand for electricity varies between base load and peak demand: in the winter of 2017, the demand varied between 8,000 MW to 12,500 MW, and in the summer of 2018, it varied between 16,000 MW and 26,700 MW.[2]

Third, the power sector is the most capital-intensive sector of the economy after defence. One suboptimal decision in this sector may have financial repercussions that last for generations. Therefore, the creation of an optimal balance between power generation and demand is absolutely critical to the financial viability of the power sector since both excess or shortage of generation capacity could create problems. Needless to say, demand forecasting and associated power system planning is fundamentally important to the power sector. Moreover, the power sector has traditionally been planned and managed by power engineers and professionals. But with the introduction of renewable energy and other new technologies, the power grid is becoming an interdisciplinary area where specialties in electrical engineering, computer science, economics, law and policy and business studies are required to run a sustainable and cost-effective power grid.

In our view, the problems of Pakistan's power sector stem from a misunderstanding and gross underestimation of the importance of the aforementioned concepts. Now we will briefly describe the problems of the power sector and then turn to a discussion of its possible solutions.

Avoiding Short-term Capacity Traps and Long-term Energy Shortages

The first major problem the country is about to face is the short-term capacity trap and the subsequent long-term energy shortage. The country has already committed sufficient power generation projects[3] that will increase peak generation capacity to over 50,000 MW by 2025. Most of these new power plants are fossil-fuel based that remain available up to and beyond their maximum contracted plant factors in their respective Power Purchase Agreements[4] (PPAs). Therefore, according to these PPAs, the state will pay for idle capacity of these plants and, according to some estimates,[5] by 2025 the capacity payments of the grid-connected plants may increase from the current Rs. 664 billion in 2018–19 to Rs. 1,300+ billion in 2025! Out of these capacity payments, Rs. 162 billion are idle capacity payments in 2018–19 which expects to rise by Rs. 419–518 billion in 2025.

Unfortunately, Pakistan's power sector has been oscillating between excess capacity and shortage for the past three decades. When the country started facing power crises in the mid-1990s, successive governments followed the knee-jerk reaction of installing excessive generation capacity. Due to excess capacity in early part of the twenty-first century, the government again took a knee-jerk decision of halting any expansion of the generation capacity.

Again, after 2013, the government moved to install generation; and today when we are heading towards excess capacity in the generation, the government has suspended the initiation of any new power projects. This haphazard and unplanned decision of adding generation capacity has resulted in huge financial consequences in the short term and generation shortages in the long term.

While in the short term, generation is likely to outstrip demand by some margin, our demand forecasts estimate a rapid rise over the next decades (2030 and beyond) mainly due to the demographics; half of our population is less than 23 years old. We estimate that Pakistan's yearly energy demands in the power sector will rise from the current 158 TWh to 252 TWh in 2025. In the next three decades, we expect it to increase at an even faster rate, to 335 TWh in 2030, 599 TWh in 2040 and 946 TWh in 2050.[6]

The question here is: how can we fix the short-term excess capacity issue while also avoiding long-term shortages? The impending excess capacity crisis provides us with a unique opportunity to convert some other energy dependent sectors to electricity. One such sector is transportation, one of the main consumers of imported oil. Electric transportation is taking the world by storm and many countries have plans to encourage the penetration of electrical vehicles (EVs) during the next decade. Electric transportation provides a number of benefits to Pakistan including reduced imported fuel bill, low maintenance cost and better air quality. In fact, electric transportation not only can absorb the excess power generation, it can also, with the right technology adoption, help avoid the peak demand hours and provide better power management at the distribution side. By its very nature, electric transportation provides the flexible load needed for the grid to alleviate peak demand periods. Therefore, if the electric transportation is mostly charged at off-peak hours, such as at night time or during early morning, idle generation in off-peak hours may be utilised, which decreases the overall cost of electricity through avoiding idle capacity payments.

Similarly, owing to its young population, Pakistan will also need excess natural gas for household usage. An estimated four million new dwellings are needed for our next generation in the next decade or so. We do not have natural gas reserves to fulfil the demands of these new households. Here, too, alternate energy sources are needed to fulfil the energy demand of the new building stock. Due to excess energy in the short term, one possible solution would be to fulfil the kitchen-related household energy needs with electricity. This may be a bit expensive in the short term, but in the long run, with the right management and planning, households will benefit immensely from cheaper electricity produced from renewable projects.

To solve the longer-term energy problems of Pakistan, it is vital that we accurately forecast the energy demands of Pakistan for the purposes of planning our energy production as well as estimating the requirements of associated services, including transmission and distribution systems. Traditionally, energy forecasts have been made at the national

and regional levels, and planning is done accordingly. But due to the extremely capital-intensive nature of the power sector, forecasting at the national level may not be enough. Moreover, renewable sources tend to have variations and intermittences and this requires a much more accurate demand forecasting. For an accurate forecasting of demand, we need to separately estimate demand in different areas of Pakistan; for example, we need to estimate demands for each of the islanded and grid-connected districts of the four provinces, as well as the districts of Azad Kashmir and Gilgit Baltistan. Furthermore, we also need to forecast demand variations across days and seasons. Taken together, this spatiotemporal demand forecasting is critical for longer-term energy planning.

Once this spatiotemporal demand forecasting is made available, the next step is to match this demand with adequate generation located at optimal locations. The generation mix should be such that it closely matches the seasonal and intraday variations of power demand. We will have more to say on long-term energy planning in a later section.

Power Sector Leadership and Capacity Building

The power sector leadership is a textbook case study of ad hoc appointments and its detrimental effects on the whole energy ecosystem. After the unbundling of Water and Power Development Authority (WAPDA) , the power sector is now divided into many public sector companies – intended to be corporate entities. This includes the National Transmission and Dispatch Company (NTDC) and 10 geographically-spread-out distribution companies (DISCOs). Presently, almost of all of these companies lack a permanent head and appointments are not made on merit. Most of the time a junior officer from the power sector, or a bureaucrat from the civil services, is given additional charge. Even those who are appointed through a process are appointed for only six months to a year before their retirement, leaving them almost no time to turn the company around.

To improve these power sector companies, the selection of leadership requires a high entry bar including education, relevant experience and some exposure to the power industry internationally. However, once this bar is crossed, the heads must be given full autonomy and time of around three to four years to improve their respective organisations. Beyond the leadership, these companies suffer from a severe lack of capacity at the lower levels. Except for a few individuals, most of the staff does not even feel comfortable operating a computer. Any move towards grid modernisation requires a basic understanding of energy economics, data collection and analysis and new methods of communication, all of which are found wanting in the lower level staff of these organisations. In countries like Pakistan, machinery and equipment always take precedence when it comes to cost allocation, and the amount allocated for meaningful capacity building and training remains negligible. The key to improvement, then, lies in transparent leadership selection and capacity building of the staff.

Reorganisation of the National Electric Power Regulatory Authority

The National Electric Power Regulatory Authority (NEPRA) is the main regulator of the power sector. The role of NEPRA has traditionally consisted in granting approval

for power sector initiatives and determining the prices of energy. However, NEPRA has to play a major role in the new economy where electric transportation and household energy may be the major users of electricity. Moreover, environmental concerns around the world require stringent checks on emissions, and NEPRA, as the regulatory authority, must place checks on emissions originating from the power sector. Presently, emissions are not a problem for Pakistan, but with more and more fossil-fuel based plants, emissions may become a serious problem in the future, and, at that time, it would be almost impossible to find a short-term solution.

The expanding role of NEPRA requires a reorganisation. At present, NEPRA is governed by a chairman and four members from the four provinces. For a professional regulatory authority, this organisational structure is beyond comprehension. Typically, members represent various aspects of the energy value chain such as generation, transmission, distribution, consumer services and so on. The role of the regulator is so critical that without its proper and professional reorganisation, any intervention in the power sector will be difficult to sustain.

Information and Communication Technologies

Grid modernisation, curtailment of losses and introduction of any kind of accountability requires massive use of information and communication technologies (ICT). While billing, human resource and resource planning are automated in one way or the other at many companies, most of the actual operations of the power sector are not ICT-enabled. For instance, smart metring efforts have not been carried out in the power sector. Smart metres are special metres that are fitted with a 2G/3G communication device which sends out the data after every 15 minutes or half an hour. At present, only 30 per cent of generation plants[7] are fitted with a smart metre. On the distribution side, a limited smart metring effort was carried out in 2015 with USAID's help. Almost 12,000 feeders and around 50,000 consumer points were fitted with smart metres at Multan Electric Power Company (MEPCO) and Peshawar Electric Supply Company (PESCO). Compared to the total figure of over 20 million consumers, this is a miniscule number; no further efforts on ground have been made on smart metring since the USAID project that ended in 2015. Without smart metring, it is close to impossible to fix the issues of line losses, over- or under-billing, demand side management and so on. Some believe that smart metring may require huge amounts of money, but compared to the size of the power sector and the amount of circular debt, the funds needed for smart metring are a fraction of the financial volume. Smart metring produces enormous amounts of data, which is a gold mine for improving energy supply services, demand forecasting, generation planning and for providing empirical analysis of improving the grid services and maintenance.

Decision and Their Implications: Water, Environment and Food

Traditionally in our country, we have looked at economic areas in silos. Due to this limited vision in decision making, we have often overlooked or even completely ignored

the implications of the decisions in other sectors of economy. Energy, water, environment and food supply are tightly linked areas; a decision pertaining to any one of them could lead to problems in other areas. For example, the installation of a 1.2 GW coal-fired power plant in Sahiwal, presumably one of the most fertile regions, has started to have an impact on the air quality of the region.[8] Bad air quality not only will cause long-term health-related problems for the people living in the vicinity but will also impact the agricultural productivity of the region. Without a holistic view, even some seemingly innocent decisions end up having detrimental effects on other sectors of the economy. A prime example of such a decision is installation of solar powered tubewells in Balochistan. In Balochistan, the water table is already alarmingly low. Installing solar tubewells may encourage farmers to use as much water as they can extract without using efficient water management methods. This may increase agriculture productivity in the short term but will lead to a situation where ground water is exhausted beyond replenishment.

Indigenous Research and Development

Despite annual recurring transactions of Rs. 1.5 trillion[9] or more, the power sector has zero indigenous research and development (R&D) budget. Except for traditional manufacturing of a few types of transmission line towers and conductors, distribution transformers and power metres, no efforts have been made to enhance manufacturing capability and to improve the national grid using local available resources for R&D. All the new kind of equipment has been imported from abroad at horrendous costs, even though it could have been made in the country with some research and development.

The world is moving from the traditional grid to the smart grid, where the whole power sector is inundated with multidisciplinary disruptive technologies like distributed generation, large-scale batteries and energy informatics, to name a few. Unfortunately, due to a lack of capacity and visionless leadership, our power sector is still trying to solve the problems of today with the technology of yesterday. Not every problem requires new equipment; many a times the solution may very well use soft technologies that could save squillions of rupees.

It is pertinent to say that the way the power grid is changing, we will see a very different architecture for the energy ecosystem during the next decade or so. This provides a golden opportunity for Pakistan to leapfrog the world through indigenous R&D and not only develop technology to solve our own problems but also sell it to the world. However, universities and industries have to be taken aboard in this effort; they may not be able to provide quick solutions in the short term, but in the medium to long term they can play a major role in the sustainability of the power sector.

Energy Plan 2050

In Pakistan, the official planning horizon is five years, and we have had successive five-year plans for the past many decades. A five-year plan may suit a political government, but it does not suit a sector that has long-term impacts and requires planning that spans decades. Many countries are planning to transition their power sector to 100 per cent

renewable, or close, by 2050. Germany and Denmark are prime examples of effective long-term energy planning, where they have a complete plan to shift from carbon-locked economy to an economy based on mostly renewables. In Pakistan, a 25-year energy plan was developed[10] in 1994, but it remained unimplemented in its letter and spirit. The inability of successive governments in implementing that plan has resulted in a situation where there is no end in sight to the problems of the power sector. We need another long-term plan that looks into the future of energy value chain in the country and how to achieve it in financially and environmentally sustainable ways.

As discussed before, the grid is transforming from its traditional one-way energy delivery model to a smart grid model. The smart grid is a combination of various new methods and technologies of energy delivery that each country is customising in its own way. This provides us with an opportunity to transform our grid to the new smart grid. Due to the geopolitical nature of Pakistan, the future is difficult to predict. Forecasts quickly become mis-forecasts due to the changing ground realities. Moreover, the innovation cycle in technology has become so rapid that predicting the future of power grid with today's energy technologies is very difficult. For example, nobody could have predicted that solar energy prices will come down so drastically in the past five years. For the last many years, the Energy Information Agency (EIA) has mis-forecasted[11] the number of new solar energy generation plants added worldwide. In Pakistan, demand is tightly linked to many factors that cannot be predicted with accuracy. To counter it, we need a new paradigm in energy planning. For example, instead of printed energy plan which may not provide much flexibility in the future, we need to use the power of software technologies to forecast, plan, simulate, verify and validate the future energy demand and supply scenarios. Software provides us with the flexibility to simulate myriad scenarios of future demand forecasts, energy generation mix, effect on environment, economy and so on. With changing needs of the country, software could aid in re-planning with new data for as many times as one wants.

However, power projects are long-term projects that cannot indeed be constructed with the same speed as software-simulated plans. Therefore, with the changing energy needs, we need to identify generation sources that could be rapidly and modularly added to the generation capacity. Solar photovoltaics (PVs) are one such technology that directly matches with the daytime energy demand patterns in the country. Since Pakistan has abundant resources of solar energy, three types of solar energy generation plants are of particular importance. Floating solar PV is a technology that uses water as real estate to place solar cells. Pakistan has ample water bodies to place solar panels. These include dams, canals, waste water channels and fish farms. According to our estimates, even if we are only able to cover 20 per cent of dam surfaces with floating solar PV, we will be able to generate 30 GWp of electricity. Floating solar PV, in combination with hydropower, could provide an ideal complementary combination for electricity generation using the same transmission infrastructure. Similarly, rooftop solar also provides a great resource for clean energy. Using rooftops of buildings could provide energy generation where it is required, thus reducing costs and energy losses to transmit energy over long distances. Similarly, utility scale distributed solar power plants at appropriate locations could also provide energy to various load centres in the country. In addition, wind energy,

hydropower and energy from local fuels such as Thar coal should be of prime significance in our energy plan after weighing in their financial and environmental implications. While the world is moving rapidly towards large-scale energy storage, we already have energy storage in the form of large dams. To maximise efficiency of these dams, we have not yet looked into the possibility of pumped hydro for our newly planned dams. Bhasha, Mohmand and many small dams could be designed with the ability to pump the water up during off-peak hours for better water management and energy provision. Pumped hydro is basically a specialised dam where after energy generation water can be pumped back into the reservoir using large motors. These motors are operated during off-peak hours when energy requirements and costs are low. Such dams are common in many countries and, besides optimising energy, provide better water management. At the distribution level, prices of large-scale battery banks are on the decline. We need to look into the possibility of incorporating large-scale batteries into our grid for managing short-term intermittencies. This will not only increase the resilience of our grid but could also help us in adding renewable sources much more efficiently.

Conclusion

Coming back to the question of whether there is a silver bullet to Pakistan's energy sector woes, the short answer is "yes" but with a catch. Power sector is a complex sector with innumerable, intermingled problems that make it difficult to identify the single biggest problem. The unbundling of WAPDA has created a situation where there is immense clumsiness among the regulator, the power sector companies in the public sector and various federal and provincial government ministries and departments. The sector needs to be further restructured and reorganised. It is particularly important that after filling key leadership positions with honest, competent and dedicated professionals, a close coordination within power sector entities is established. Many companies have experience in carrying out interventions that have resulted in improvement of the grid. For example, the smart metring effort at MEPCO is one such intervention where energy services have improved and line losses have been curtailed. Other companies could replicate the interventions that have improved the grid in one way or the other. Similarly, integrated energy planning effort requires a close coordination within the energy sector. In our humble opinion, the aforementioned steps will take us out of the energy crises, but short-sighted or politically motivated decisions without any evidence-based research may take us deeper into the energy crises quagmire.

Notes

1 We do caution that for Pakistan to consider nuclear energy, it has to be evaluated thoroughly as the cost of its fuel supplies could be a major bottleneck for long-term energy security. Safety of nuclear plants should also be a major consideration in view of the Chernobyl and Fukushima disasters.

2 Central Power Purchasing Agency (CPPA), *CPPA Annual Report 2018*. http://www.cppa.gov.pk/DownloadFiles/Annual%20Reports/1.pdf.

3 Ibid.

4 Power Purchase Agreements (PPAs) are signed for 25–30 years, mostly with sovereign guarantees, by the Government of Pakistan.
5 National Electric Power Regulatory Authority, *State of Industry Report 2017*. 2017. https://www.nepra.org.pk/Publications/State%20of%20Industry%20Reports/State%20of%20industry%20report%202017.pdf.
6 In the meantime, the peak power requirement may grow from the current 28 GW to 34 GW, 58 GW, 104 GW and 190 GW in 2020, 2030, 2040 and 2050 respectively. Please note that these are peak power demands for June of the respective year and seasonal variations in power demands may oscillate throughout the year.
7 Energy metres at generation plants are read manually and values are communicated over telephone. CPPA is currently working on replacing these metres with smart metres that automatically sends readings after a given interval.
8 Greenpeace, "Mapped: Nitrogen Dioxide Pollution around the World." October 2018. https://unearthed.greenpeace.org/2018/10/29/nitrogen-dioxide-no2-pollution-world-map/.
9 Central Power Purchasing Agency, *CPPA Annual Report 2018*
10 National Power Plan (NPP) 1994 covering the period 1995–2018.
11 US Energy Information Administration, "Wind and Solar Data and Projections from the U.S. Energy Information Administration: Past Performance and Ongoing Enhancements." March 2016. https://www.eia.gov/outlooks/aeo/supplement/renewable/pdf/projections.pdf.

Chapter Twelve

PAKISTAN'S CLIMATE AGENDA

Tariq Banuri

Introduction

A recent study commissioned by the Asian Development Bank provides extensive details on the challenges being faced by Pakistan due to climate change (see box).[1] These include variability in river flows (leading to both floods and droughts), heat waves, temperature increases, reduced water availability (leading to declines in crop yields as well as power generation), coastal erosion and storm surges. The study goes on to ask for a concerted effort by the government and civil society at all levels to mitigate these threats.

Two points need to be noted while planning a response to these threats. First, these challenges do not reside in the future; they are already here. The most-cited annual assessment of climate impacts, namely the Germanwatch's Global Climate Risk Index, reveals that Pakistan has consistently ranked in the top 10 of countries adversely affected by climate change in the past 20 years. In this period, the country has suffered from frequent and devastating floods, persistent and prolonged droughts and recurrent heat waves, as well as the impacts of sea level rise, coastal erosion and storm surges.

Second, these impacts are likely to be persistent regardless of any change in policies or actions. The Fifth Assessment Report (AR5) of the Inter-governmental Panel on Climate Change (IPCC) introduces a term, "the era of committed climate change", meaning a period when climate change and its myriad risks (including climate-related disasters, crop collapses, health impacts, heat waves and worsening of air quality) would become inevitable and long-lasting. Although targeted policies and actions will be able to reduce risk levels in *some* cases, effects like extreme, frequent flooding have already become irreversible. Over time, more and more of the risk categories would fall into the irreversible box, and the hazards being caused by each category would become higher and higher.

Key Findings of Past Trends and Future Projections for Pakistan

- *Temperature*: During the last century, Pakistan's average annual temperature increased by 0.57°C. The increase was highest (0.6°–1.0°C between 1960 and 2007) over the hyper arid plains, arid coastal areas and mountains regions of Pakistan. Heat wave days per year increased by 31 days from 1980 to 2007. Cold waves decreased in some parts, and increased in others. Regionally, minimum temperatures increased over central parts of Pakistan, declined in

extreme north and south and were stable in coastal and delta regions. In the future, Pakistan's projected temperature increase is expected to be higher than the global average, and the frequency of hot days and hot nights is expected to increase significantly.

- *Precipitation*: During the last century, while average annual precipitation increased by 25 per cent, it was mainly due to an increase (18–32 per cent) in the summer rainfall over the core monsoon region. Precipitation decreased (10–15 per cent between 1960 and 2007) in the winter and over arid plains and coastal areas. Northern regions, outside the monsoon region, have suffered from expanding aridity. Also, rainfall decreased from 17 per cent to 64 per cent during the seven strong El Niño events. In the future, mean rainfall projections do not indicate any systematic changing trends, but there is an increasing trend over the Upper Indus Basin and decreasing trend in the Lower Basin. Overall water availability per capita is projected to decrease to an alarming level.
- *Sea level*: sea level has risen 1.1 mm per year along Karachi in the past century.
- *Crop yields*: Major crop yields such as of wheat and rice are expected to decrease significantly.[2]

How Does It Affect Pakistan?

This is a sobering thought. Climate change is already here, and it is here to stay. The past actions of the human race have "committed" the world to a future defined by climate change. And every passing day deepens this "commitment" to climate change.

In other words, unfortunately, climate change is not a temporary problem that can be fixed; it is a permanent condition with which we will have to live for the foreseeable future. It is not like a fever that could be cured with medical treatment; it is rather like a heart condition, with which people have to live for the rest of their lives.

The time has come to recognise that, from here on, climate change provides the context within which development will take place. The best analogy is the cold war, which was recognised universally as the context that defined challenges as well as opportunities until the late 1980s. No country sought simply to survive the cold war; rather, they asked how to prosper and succeed in a world defined by the cold war. Likewise, it does not make sense for any country to seek simply to cope with climate change. Yet, that is what countries are still doing. Pakistan's policy system, for example, continues to treat climate change as if it were an affliction, and a minor one at that, which needs to be cured, can be cured and, in due course, will be cured. This explains why climate change is bundled together with environmental problems, which, of course, can be cured and ought to be cured. Besides creating misplaced priorities, it lowers the policy importance of climate change and detracts from its effectiveness.

Collective global action, if successful, will help mitigate the challenge somewhat, but it still will not allow us to revert to a world to which we have become accustomed. Most countries will need to invest in adaptation programmes, and this will affect the prospects for economic growth. The growth agenda will also need to incorporate the changes

required in energy systems. Taken together, these changes may lead to heightened conflict, between and within nations.

This calls for a major reflection about Pakistan's future social, geopolitical and developmental strategies. Every major goal of Pakistan's strategic interests is affected by climate change. We are losing lives and property because of climate-related disasters, crop losses and health crises; our development agenda is being affected by the additional cost of disasters and their remediation, not to mention the new imperatives for clean energy development; and our security agenda, both domestic and international, is being affected by the forthcoming water scarcity as well as the prospect of climate refugees. In other words, the country needs to structure its actions in such a way that they will be effective and successful in a future world defined by climate change.

What Is Pakistan's Response (Policies, Institutions, and Results)?

Pakistan is woefully unprepared to meet the challenges of the twenty-first century. The current response to climate change can be divided into three categories: conscious policymaking, unstated policy orientation and unconscious policy implementation. We now turn to these.

1. Conscious Policymaking

Pakistan's conscious policymaking on climate change has three major milestones, namely the National Climate Change Policy 2012 (NCCP), the Framework for Implementation of Climate Change Policy 2013 (FICCP) and the Pakistan Climate Change Act 2017 (PCCA).

The overarching goal of the NCCP is "to ensure that climate change is mainstreamed in the economically and socially vulnerable sectors of the economy and to steer Pakistan towards climate resilient development". Ignoring the rather unclear language, it seems that the policy has two goals: (i) to protect vulnerable groups against the adverse impacts of climate change and (ii) to ensure that the pursuit of sustainable development is not affected adversely by climate change. To these, we can add a third goal: (iii) to fulfil Pakistan's international commitments on climate change.

Having said that, the policy chooses to adopt a very reactive approach and simply compiles a laundry list of issues to be addressed under major headings: water, agriculture, health, forests, biodiversity, critical ecosystems, disaster preparedness, energy (including transport, industry and urban planning) and carbon sequestration. Each of the items is accompanied by a long list of "policy measures", with no attempt to distinguish between policies that might already be in place (though with varying degrees of efficiency) and those that might be new or innovative. Nor is there an attempt to inquire as to how such policies could be made operational or effective.

The FICCP is a curious exercise in that its total contribution lies in adding a brief background section to each of the policy goals mentioned earlier, separating the recommended actions into four categories – priority (within the next 2 years), short term

(2–5 years), medium term (5–10 years) and long term (10–20 years) – and listing all the agencies that may be responsible for implementing each set of policy goals, albeit without identifying a lead agency that could be held accountable, or establishing any quantitative or qualitative targets against which to assess such accountability.

These sectorial lists are followed by a number of implementation-related measures, including capacity building, awareness raising, international cooperation, finance, technology transfer and policy coordination. Once again, neither is a distinction made between existing and proposed policies nor any effort expended in assigning lead responsibility. The unintended consequence of the failure to identify a single lead agency, with clearly defined targets and expectations, is that by default, the Ministry of Climate Change becomes responsible for all actions that span the entire spectrum of the development agenda (water, agriculture, energy, economy, biodiversity and so forth). Furthermore, while the policy ends with a recommendation to establish a National Climate Change Policy Implementation Committee (NCCPIC), chaired by the Federal Minister for Climate Change, the mandate, functions and authority of the committee are left undefined. I have argued elsewhere that a weak and marginalised ministry, such as the Ministry of Climate Change, is ill equipped to handle such a large responsibility. It should come as no surprise that five years after the adoption of the NCCP and the FICCP, most of the priority action items (with two years target time) remain unmet, leave alone the medium-term targets.

It was perhaps in recognition of this failure that the government enacted the PCCA 2017. The institutional structure envisaged under this legislation was designed to overcome the weaknesses in the older structure. In particular, it proposed the establishment of an apex policymaking body, the National Climate Change Council (NCCC), headed by the prime minister, and a professional executive institution, the National Climate Change Authority (NCCA), with operational autonomy, clear targets of performance, appropriate technical staff and strong leadership. However, it is difficult to imagine a weak institution like the Ministry of Climate Change ceding space to a potentially powerful institution (the NCCA) that would take over much of its turf and perquisites. Unsurprisingly, no action has so far been taken towards the convening of the NCCC, or the establishment of the NCCA, despite a lapse of over a year since the enactment of the bill.

2. Unstated Policy Orientation

It is difficult to escape the conclusion that the real objective of the policy is neither to protect human lives or property or the development momentum nor to honour international commitments, but to make a case for attracting international financial resources.

Internationally, it is clear that developmental finance is moving steadily towards climate change and sustainable development objectives. The Green Climate Fund has been established with a potential size of hundreds of billions of dollars, international financial institutions have reoriented their programmes significantly towards climate finance and bilateral funding is increasingly targeted towards this area.

While Pakistan has attracted a small trickle of resources in this domain, for example, for protecting communities against glacial lake outburst flows (GLOFs), the size of the inflow remains minuscule in comparison both with the scale of the challenge and with the scale of resource flows to similar countries. Most observers attribute this failure to the weak institutional structure, in particular the lack of capacity in the apex body, the Ministry of Climate Change, to project the national interest abroad or to create confidence among donors for an enhanced flow of resources.

3. Unconscious Policy Implementation

However, the situation is not entirely bleak. A number of creditable actions have been undertaken in areas relevant to climate change, although these actions were based on their own rationales and were not a result of climate change policies or institutions. As a result, these actions stay uncoordinated, un-integrated and occasionally inconsistent, in addition to being reactive rather than proactive. Among these would be included actions pertaining to disaster management, renewable energy, afforestation and public health.

One of the major achievements has been the establishment of a national disaster management system in 2010, with both policymaking and executive structures at national, provincial and district levels. By all accounts, the system has developed rapidly into an effective force for responding to climate-related and other types of disasters. However, it has not been placed within a broader framework that can aim at the reduction of hazards, especially the hazards potentially posed by climate change.

Similarly, the government has introduced a number of promising initiatives in such areas as renewable energy, afforestation and public health, but these initiatives have been taken in spite of, rather than because of, the Ministry of Climate Change. Another positive experience is the establishment of a system to manage epidemics. This followed up on the dengue epidemic in 2011 and was spearheaded by the Punjab Information Technology Board (PITB) in collaboration with the provincial health ministry. Climate change is likely to result in more frequent disease outbreaks and the emergence of newer diseases. On the mitigation side, Pakistan has invested heavily in a number of low-carbon energy options, including solar, wind, hydropower, bio-energy and nuclear power. Again, this remains disconnected from climate change policies or institutions; in particular, no attempt appears to have been made to leverage these actions into a larger programme with heightened international support. On energy efficiency, one of the major national initiatives appears to be the Metrobus (or Bus Rapid Transit, BRT) systems established or in the process of being established in several major metropolitan areas. Yet, there is a lack of awareness of the impact of even these energy-efficient systems on national greenhouse gas emissions. Lastly, significant progress has been made in the area of climate monitoring – a critically important field, both to provide early warning of future threats and to assess progress on ongoing initiatives – as a result of autonomous actions taken by the Pakistan Meteorological Department (PMD), Space and Upper Atmosphere Research Commission (SUPARCO) and Water and Power Development Authority (WAPDA).

What Can Be Done?

To paraphrase an old saying, climate change is too important to be left to climate bureaucrats. Indeed, it could be argued that while the threat of climate change is imminent, there is no "climate agenda" as such; rather, there is a water agenda, a food security agenda, an agricultural agenda, a health agenda, an energy agenda, a forestry agenda, a biomass and security agenda, an urbanisation agenda, a coastal zone management agenda and a development agenda. All of these are the mandates of different ministries and other national institutions.

The NCCP and FICCP have made a good start in identifying key actions necessary to address climate change impacts. The time has come to take the next step, assign primary responsibility clearly (and exclusively), set numerical targets wherever feasible (and appropriate, qualitative targets elsewhere) and establish an effective mechanism to monitor performance. What is needed is a system in which each of these ministries and institutions will centrally incorporate climate change considerations into their mandates, rather than one in which the entire mandate is relegated to a weak and marginalised ministry. I have argued elsewhere that this requires the immediate convening of the NCCC under the chairmanship of the prime minister, followed by the establishment of the NCCA, not under the aegis of the Ministry of Climate Change, but directly by the Prime Minister's Secretariat. This will enable the creation of an effective coordination mechanism. Furthermore, this mechanism would also be in a good position to enhance access to international financial resources for climate projects and to mobilise effective government agencies as well as the private sector and non-profit entities behind the effort. Over time, development finance has become increasingly linked to climate change, and developing countries need international climate finance both to address climate threats and to position their country for success in a climate-constrained world. Currently, Pakistan receives peanuts in terms of international climate finance.

These two steps, however, are not enough. In addition to these, it must also be recognised that climate change is the new reality and what is needed is a strategy that helps us not only to cope with its worst impacts but also to thrive and prosper in a world defined by this new reality. In other words, what is needed is the recasting of the development agenda for a climate-constrained world. Once this simple fact is recognised, countries will need to look not only at threats but also at opportunities created by climate change. So how can Pakistan prosper in a world defined by climate change? The answer is simple: by asking what kinds of goods and services will experience increased demand in the international market. It is a truism of development theory that economic growth depends critically on exports and international trade. It is equally a truism that the expansion of exports requires a country to position itself in expanding markets and to abandon shrinking markets. The expanding global market is that of climate solutions; the entire world is searching for means to mitigate and adapt to climate change. Successful countries are those that can cater to the needs of the rest of the world by providing goods, services, technologies, lessons and leadership. Pakistan cannot afford to be missing in action.

In this regard, the Chinese example is instructive. In the early 2000s, when China came under pressure to act on climate change, the government responded by supporting

its businesses, both in the public and private sectors, to build a base in climate-related technologies, *mainly for export*. As a result of this policy, the country built up a huge comparative advantage in a range of industries relevant to climate change, including solar energy, wind energy and nuclear energy. In 2000, China produced only 3 MW of solar photovoltaic (PV) panels; by 2010, it had become the world's largest producer of solar PV panels, producing 10,852 MW (45 per cent of the world production). Similarly, China's wind turbine production increased from a very low base to a supply capacity of 17 GW in 2005 (41 per cent of the world trade). The bulk of this production is for exports, making China the world's largest exporter of renewable energy and climate-friendly energy technologies. Of course, a specialisation in the production of such components also helped bring down their costs, which not only benefited the world but also enabled China to start installing renewable energy plants domestically. Once the production costs came down significantly, these technologies proved helpful in addressing domestic challenges as well. As a result, China today is a world leader in domestic investment in renewable energy: in 2015, it invested $ 103 billion in this sector, two and half times that of the United States.

Pakistan can leverage its special relationship with China to build an industrial base in these and other forward-looking industries. Some of the groundwork has been laid for such an initiative, especially in the form of what was referred to here as "unconscious climate policy implementation". In other words, the strategy should be to approach every climate challenge as if the purpose was to export the solution. Here are some examples:

- Pakistan has become a water scarce country and needs to invest in water efficiency. It should do so with an eye on the potential for exporting water efficiency technologies and practices to other countries. The government should support industries in developing solutions for exports.
- One of Pakistan's most dynamic sectors in the recent past has been the livestock and dairy industry. Since it, too, will be affected by climate change, the government should support this industry in finding climate-friendly solutions not only for maintaining its profitability but also, and more importantly, for exporting these solutions to other countries.
- As mentioned above, renewable energy is one of the fastest growing sectors in the world. Pakistan should invest in its industrial units to enable them to produce and export renewable energy components internationally.
- Pakistan is one of the countries most affected by climate change. We have faced floods, droughts, heat waves, sea level rise, coastal erosion and storm surges. Our situation, of low income and institutional weakness, is similar to that of most developing countries, but so would be our experience in finding solutions to climate impacts in this situation. Our strategy should be to make our solutions available to others at a price. This would mean investing in the National Disaster Management Authority (NDMA), Pakistan Meteorological Department (PMD), Pakistan Agricultural Research Council (PARC), National Institute of Health (NIH) and associated private sector entities to turn them into exporters of technologies, practices and services.

If the government can engender such a shift in its approach to climate policy, it will simultaneously enhance the profitability of its industrial and service sectors, create

incentives for sustained improvements in efficiency, reduce the cost of addressing climate change, promote economic growth as well as mitigate and adapt to climate change. The national climate policy needs to be reconfigured and weaned from its reactive and diagnostic stance towards a proactive and substantive one. The private sector still sees climate change either as a corporate responsibility issue or as a potential source for subsidies, but not as a potential source of profitability, exports or industrial growth.

The NCCC has the mandate and the potential to become a driver of change, supported not only by the directly climate-related institutions – the NCCA as its main executive and financing body, PMD as a monitoring institution and Global Change Impact Studies Centre (GCISC) as a research branch – but also other critical national institutions such as Alternative Energy Development Board (AEDB), National Energy Efficiency & Conservation Authority (NEECA), Water and Power Development Authority (WAPDA), the State Bank and other financing institutions (JS Bank and National Rural Support Programme [NRSP]), PARC, Pakistan Council of Research in Water Resources (PCRWR) and the Higher Education Commission (HEC). The NCCA can facilitate the development of bankable projects by the entities mentioned here, mobilise national and international resources, work with the private sector, engage in international negotiations and position the country for success in the future.

Notes

1 Asian Development Bank, "Climate Change Profile of Pakistan." 2017. https://www.adb.org/sites/default/files/publication/357876/climate-change-profile-pakistan.pdf.

2 Adapted from Box 2, Asian Development Bank, "Climate Change Profile of Pakistan." 2017, 13.

Chapter Thirteen

BRINGING SCIENCE TO LIFE IN PAKISTAN

Pervez Hoodbhoy

A drive along Islamabad's Constitution Avenue would make you believe that the Pakistani state is totally dedicated to science, even more than Nehru's India. This magnificent eight-lane arterial road, cutting into the heart of the country's political establishment, is lined with Pakistan's most important buildings – the Presidency, prime minister's residence, Supreme Court, National Library and so on. On the other side of the road are the science buildings, privileged to stand in the highest company. They bear such names as the Pakistan Academy of Sciences, Pakistan Science Foundation, Islamic Academy of Sciences, Pakistan Council for Science and Technology, Organisation of Islamic Cooperation's Standing Committee on Scientific and Technological Cooperation (COMSTECH), Commission on Science and Technology for Sustainable Development in the South (COMSATS) and others. A short distance from the Presidency is the head office of the Pakistan Atomic Energy Commission, the largest single science-based institution in the country. About two miles away, on the campus of Quaid-e-Azam University, is the National Centre for Physics (NCP). Other such institutions are dotted across the country.

All radiate opulence, visible in the shiny new cars parked in their driveways. Some are tasked with doing scientific research and development; others with managing science or popularising it. Their presence in the nation's capital gives the impression of a country enthusiastic about modernising itself. But one is hard-pressed to see what they have actually done over the decades; anything at all? They have done so little in fact that if any, or all, of these grand buildings were to vanish suddenly into thin air, the world of science would not ever notice. Same goes for the so-called science "incubators" in various cities. These were supposed to create new products for industry and business and new ideas for the world of academia. But nothing is visible.

Something has gone terribly wrong. No one really takes Pakistan's science institutions seriously – except perhaps those related to agriculture – or expects them to perform. Why, then, are they located on prime land with phenomenally high real estate value (imagine the dividends with residential skyscrapers or hotels)? And why are they endowed with a large staff paid out of public money? The reason, perhaps, is that the Pakistani ruling establishment wants to be *seen* taking science seriously. The people in charge of affairs do not want to be seen doing nothing while the rest of the world invests heavily in science.

This tokenism would have been absent if science had been just a bunch of admirable but abstract principles. But, as it happens, no one can get away from the fact that science, through technology, is what makes the modern world tick. Electricity, automotive power,

antibiotics and computers have changed human life irreversibly. Artificial intelligence is here, and humanoids are around the corner. Whether this is for better or worse, everyone wants more.

Of course, there is a lot of lip service these days about returning to the great days of the seventh-century Medina state but no one actually wants that. Once upon a time, those wedded to the past had fiercely resisted new technologies that threatened old patterns of life or conflicted with some aspect of tradition or faith. But even the most religiously conservative people in today's Pakistan – including those who staff or head religious institutions – are unwilling to travel on camels or horses and instead prefer cars and airplanes. They line up outside hospitals and clinics, not the *mazars* and *hakeems* peddling homeopathic stuff. In the twenty-first century, no one wants to get his or her tooth pulled out, or appendix removed, without an anaesthetic. In terms of electricity, power breakdowns lead to a nervous breakdown of society, and governments come under stress. In the age of smart phones, *mullahs* and *moulvis* have overcome their earlier injunctions against the depiction of human images. They, too, post selfies on their Facebook pages and appear on television talk shows. The loudspeaker, denounced in the early part of the twentieth century as an invention of the devil, is now an essential tool for them. Can the Tehreek-e-Labbaik Pakistan (TLP) do without social media? Even the Taliban – who had once forbidden television and the internet and promised dire punishments such as public whipping – now make full use of new consumer technologies.

It is, therefore, not surprising that the state and the society have woken up to the fact that the world has changed. Consequently, some excess ideological baggage has indeed been shed. In fact, rather than opposition to science, it is common these days to hear expressions of regret and remorse that Pakistan's contribution to scientific innovation and discovery, as well as that of Muslim-majority countries today, is near zero. Moreover, India's visible progress in multiple scientific fields is viewed with jealousy.

But the traditional, anti-scientific mindset is actually extremely tenacious. It is willing to accept new creature comforts and products of science, but nothing more than that. Some of those in charge of Pakistan's science and education wear suits and ties, and have the outward appearance of being modern men. But they too do not understand from where science draws its mysterious strength or how to steer these forces. They are clueless about how to boost science or, if they do, lack the courage to say and implement what is actually needed; hence the frequent recourse to the default solution of creating more "scientific centres" and "institutes of excellence" as well as setting up more universities with science departments. Somehow, making more buildings and institutions is supposed to turn things around, but that miracle is yet to happen. Costly equipment lies unused or is used far below its true potential. Still, heads of institutes and academies perennially plead for more resources for science.

Camel-age thinking and space-age consumerism run side by side. When was the last time you heard some well-known Pakistani scientist speak about the exercise of scientific method, critical thinking or scepticism? All stood struck, deaf and dumb, after the October 2005 earthquake. Not one moved to challenge non-scientific beliefs, forcefully propagated over the mass media, that this earthquake was God's punishment for sinful behaviour. Similarly, it is hard to forget the national embarrassment that followed after

hundreds of Pakistani scientists, including national heroes like Dr A.Q. Khan and Dr Samar Mubarakmand, famously endorsed the "water car", a car that could supposedly run without fuel and needed only mineral water. That episode of scientific fraud showed vividly that the nation's scientific leaders lack an understanding of even basic scientific principles. It also showed that they care more about being important than about evidence.[1]

Although the purpose of this chapter is to suggest remedies, it must be stressed that there is no magic-wand solution and there are no shortcuts. Over the long term, societal attitudes must be fundamentally changed, and that calls for an overhaul of the very character of Pakistani education. At the core of Pakistan's scientific backwardness is the attitude towards knowledge and the methods by which it is acquired. But first, let us quickly assess the current state of science in Pakistan.

Assessing the Present

For much of society, science is about solving practical problems of daily life. It is seen as providing air and ground transport vehicles, computers and smart phones, vaccines, cures for diseases, better crops, novel energy sources, satellites, spacecraft and varied civilian or military technologies. Given that this is the common understanding of science, one must ask a number of questions: How well is Pakistan doing in technological adaptation in areas of applied science where research and development is essential? Are there locally invented processes and products that have significantly impacted the economy or established some foothold overseas?

These questions cannot be answered precisely, because no systematic study has been attempted, nor has an adequate framework been developed to answer them. Therefore, in lieu of a proper study, only a qualitative impression of various sectors will be attempted below.

- **Agricultural research:** This aims at raising yields of sugar, cotton, wheat, rice and other crops by adapting and promoting standard techniques of pesticide use, plantation patterns, sowing methods and so on. This relatively simple science, an offshoot of the 1960s' Green Revolution, is crucial for feeding Pakistan's rapidly expanding population, currently estimated at 220 million. Nearly a dozen Pakistani institutions seem to have significantly improved local production and are reputed to have developed better varieties of cotton, wheat, rice, tea and various fruits. One can declare success at some level.
- **Defence technology:** Pakistan manufactures nuclear weapons and intermediate range missiles. It is well known that Chinese assistance in nuclear areas, whether for weapons or power generation, has been crucial. Over time, a burgeoning, increasingly export-oriented Pakistani arms industry has developed, and it now churns out a range of weapons, from grenades to tanks, night vision devices to laser-guided weapons and small submarines to the training aircraft, Mushak. The Al-Khalid tank is a key product. Similarly, electronic simulation systems for tanks and ships have been successfully developed locally. According to the website of the Defence Export Promotion

Organization, there are about 20 major public and 100 private sector firms engaged in manufacturing defence-related products, mostly in and around the city of Wah. Much of the production is under licence from foreign countries and some is from CKD (Completely Knocked-Down) kits. Most of the machinery for arms factories is imported from the West or from China. According to the ministry of defence production, Pakistan exported about $ 63 million of arms between 2014 and 2016.[2] While this has increased from zero, it is not large. To set the scale: a single F-16 costs around $ 100 million[3] and a French Agosta 90-B submarine is about $ 270 million.[4]

- **Space programme:** Pakistan does not have any significant satellite or outer space programme. In the 1960s, it had acquired American weather sounding rockets (Rehbar series), and Pakistan's Space and Upper Atmospheric Research Commission (SUPARCO) has had six decades to mature. But the space programme has stalled. India, on the other hand, has clocked several major achievements such as the successful orbiter missions to the moon (2008) and to Mars (2013). In 2017, India launched a record 100 satellites into orbit from the Indian Polar Space Launch Vehicle.
- **Civilian technology sector:** According to Index Mundi, Pakistan exported high-technology items worth $ 300 million in 2016, the largest reported earning presently recorded.[5] Hi-tech exports are defined as products with high R&D intensity, such as in aerospace, computers, pharmaceuticals, scientific instruments and electrical machinery. For the same year, Index Mundi gives $ 13,300 for India, about 44 times that of Pakistan.[6] Although Pakistan's economy is currently growing well, it is critically dependent upon remittances from overseas workers, most of whom constitute unskilled labour in Middle Eastern countries. According to a 2006 World Bank report,[7] the industrial sector accounts for about 24 per cent of GDP with textile and apparel manufacturing accounting for about 66 per cent of the merchandise exports and almost 40 per cent of the employed labour force. The remainder is shared between cement, fertilizer, edible oil, sugar, steel, tobacco, chemicals, machinery and food processing.

The situation has not improved in recent years. A 2018 report of the Pakistan Business Council says that local industries are increasingly unable to compete even in local markets which are being flooded with cheap imports from China.[8] In fact, exports have declined 13 per cent to US$ 21.9bn in FY17, down from US$ 25bn in FY14. During the same time, imports have increased 16 per cent. While Pakistan's share of world exports has declined, Bangladesh's and Vietnam's grew two- and seven-fold, respectively, in the last two decades. The report says Pakistan's exports are narrow in range, low in value-addition, sophistication or import incorporation and targeted mainly at the EU and the United States.

These indicators demand sombre reflection. In spite of well-funded ministries of science and technology and an explosive growth in the number of universities and numbers of PhDs produced, these have had little impact on indigenous technical capabilities. The gap between Pakistan and India, and even Pakistan and Iran, has been widening for decades. Something critically important seems to be missing. I contend that the kind and quality of education imparted in Pakistani institutions is primarily responsible, particularly the extremely low level of mathematical capability. This, in turn, comes

about because school education generally does not encourage students to reason. In fact there is plenty of discouragement for those who dare to use reason in lower-end schools.

Pakistan's Mathematical Disability

To most Pakistanis, mathematics is like a bitter pill to be swallowed during their school years, a dry subject that seems to be only about manipulating numbers and dealing with them in different situations. The abysmally poor teaching of this subject is responsible for such attitudes. All but a few of the brightest students, who can see the light at the end of the tunnel, are, therefore, deterred away from it. In a culture that prizes utility over curiosity, math in school is tolerated only because the basic demands of modern living cannot be met without numeracy. But even those with college and university degrees rarely see much utility in mathematics beyond that of strict functionality.

I am sure many intelligent readers are also suspicious of my insistence upon the crucial role of math. Curiously, pure mathematicians are partly to blame. Some have enthusiastically added to the notion that mathematics is useless. The famous English number theorist G. H. Hardy took much pride in the lack of application of his discoveries to anything in the real world.

But physicists have a different take. For E. P. Wigner, a guru of physicists, mathematics is "unreasonably" effective in applications to physics. From the time of Plato and Pythagoras to the present, mathematics has been known to hold the deepest secrets of how the world works. In contrast to lower species, evolution has somehow primed humans to think mathematically and to follow long chains of closely reasoned statements. While it indeed started with numbers, mathematics has, over the centuries, reached such levels of deep abstraction that actual computation is now only a small part.

Pure science is "useless" in a similar sense. It is curiosity-driven and seeks to uncover principles that govern the inner workings of nature. Its discoveries, such as in cosmology or elementary particle physics, often have little or no relation to any kind of technology or economic need. In a utilitarian society, one where most people have the mindset of shopkeepers and businessmen, mathematics and theoretical physics are viewed as idle pursuits. Most find these disciplines abstract, their specialisation labyrinthine, and the language of their aficionados impossible to comprehend. The least enlightened parts of American society, that of the Bible Belt and the cowboy mid-West, resolutely opposed the (admittedly expensive) Superconducting Super Collider and led to its scrapping even after the project was well under way. As a consequence, the United States no longer enjoys its former repute in the world of high energy physics.

Nonetheless, without foundational works in pure science and mathematics, there would be no applied science, and no technology. This is the way it was historically: modern science (the Newtonian revolution) in Europe had been initiated by discoveries in mathematics and theoretical physics, about 400 years ago. Without them there would be no electricity, no vehicles except animal-drawn carts and no modern industry. You and I would probably be herding goats or growing wheat and corn, surgeries would be carried out with butcher's knives without anaesthesia and most people would be dead or dying before reaching the age of 40. The fact is that science, and physics and

mathematics in particular, was creatively applied by individuals of brilliance and ultimately led to the world we know today.

This kind of pure science is critical to the development of various technologies. Applied science works within the accepted scientific paradigm and uses known scientific facts and discoveries in non-obvious ways with the goal of creating processes and procedures, devices, pharmaceutical drugs, machines, computing systems and so on. Among the prime examples is the application of Maxwell's equations leading to wireless and television, abstract quantum mechanics to the transistor and integrated circuit, and Einstein's relativity to uncovering the secrets of the atom and the power within it.

Given this close connection, it is unsurprising that prowess in mathematics and theoretical physics is an important gauge of a nation's scientific potential. Indeed, every country which has excelled in other areas of science, such as the life sciences or in applied science and technology, also has much to show in theoretical science. There are no counter examples that I am aware of. The United States, many European countries, China, Japan and India are recognised for the strength of their economies, but they also lead the world in pure science and math. Among Muslim countries, Turkey and Iran are the most technologically capable. They, too, are relatively strong in theoretical fields.

Why should these "useless" subjects in fact be so useful? The reason is that doing first rate mathematics and physics demands exceptionally nimble minds adept at problem solving. When properly taught at the school and college levels, these subjects discipline the mind to think logically, to explore various pathways towards a solution and to develop analytical capabilities. This is why the hard sciences are pursued in universities and technical institutes of industrialised countries with ever greater vigour. The very best students often choose the challenge and excitement of the "pure" sciences, whose fundamental agenda is inquiry into the laws of nature and whose success is a gauge of civilizational progress.

Even though it is without regard to application to problems of technological importance, theoretical work of high calibre is highly regarded in societies that have learnt to appreciate knowledge. Although the hard sciences require greater intellectual effort and discipline than "softer" sciences like chemistry or geology, globally many more students are studying physics and mathematics today than at any time in the past. Most do so because these subjects are a stepping stone to traditional applied subjects like electronics or computer sciences, aeronautics or ship-building, industrial engineering or systems dynamics, and so on. Some graduates venture into more adventurous hi-tech areas like molecular engineering of DNA materials or design of high-density semiconductors.

The non-development of mathematics or theoretical physics in a given society is not because of paucity of financial resources. Mathematicians and physicists do not bemoan their lack; the theoretical sciences are exceedingly parsimonious and undemanding. They do not demand expensive equipment or elaborate laboratories. Rather, these fields require a strong basic education and inquisitive but disciplined minds. This often translates into many years of good training. Only then can a newcomer to these fields understand the difficult concepts and mathematical details. Those engaged in the pursuit of pure science see their task to be the elucidation of those physical principles that govern the workings of all that is around us, or to push the limits of mathematics. Still, in spite of the abstruse nature of these fields, scientists like Albert Einstein or Stephen

Hawking have achieved fame going well beyond that which is enjoyed by film stars and rock musicians. This has helped propel the world's best and brightest minds towards these abstract pursuits.

Irrespective of the area of science, the key point that makes a scientist valuable is adaptability. An adaptable scientist manages to find a niche in academia, industry or elsewhere because of a broad range of interests and knowledge. For example, a recent survey showed that two-thirds of all US PhDs in physics chose to find work in areas removed from the areas in which they did their theses.[9] They may move into computation, molecular genetics, neuroscience, toy design, sci-fi movie making or even school teaching. Fresh PhDs in theoretical physics from leading US universities are eagerly sought as analysts by firms on Wall Street and are offered starting salaries at par with, or better than, those offered to MBAs. Why? The reason is that a good scientist brings attitudes of critical reasoning which have applicability in vastly different situations. These habits, learnt in one environment, can be equally valuable in another. A good scientific education, in any branch of science, creates a certain attitude of mind, one that restlessly poses questions and looks for answers. While this is not unique to the pure scientist, it is usually more often found there.

Unlike in Pakistan, where only a few students would even think of pursuing a career in science, India's young ones are hugely enthusiastic. While speaking at schools and colleges in various Indian cities, I was intrigued to see how many 12–16-year-olds practically worship Albert Einstein and Stephen Hawking, are fascinated by black holes and Schrödinger cats, and most want a career in science. They see more prestige in this than becoming doctors, lawyers, financial managers or army officers. Of course, in the end pragmatism prevails and most eventually settle for more conventional professions like engineers and doctors. Still, this eagerness leads India's very best students towards wanting to be scientists.

There is no reason to doubt that Pakistani children are just as genetically well-equipped for science and math as, say, children in Japan. And yet, an average Pakistani schoolchild of age 16 performs worse than a Japanese child of age 11. This huge gap becomes impossible to bridge in later years. Unsurprisingly perhaps, Pakistan is not among the countries that produce significant research in the pure sciences and mathematics. At a rough guess, there must be no more than 10–15 Pakistani physicists and mathematicians, working in Pakistani universities, who could successfully land a research and teaching position at a good US university.

Although the number of universities in Pakistan has increased from 10 in 1970 to about 250 in 2018, this tiny number of eligible physicists/mathematicians remains unchanged. On the other hand, in spite of its many education problems, India probably has a few thousand such individuals. Indeed, science departments in Western universities are filled with Indians. Pakistanis holding even some low-level academic position in a physics or mathematics department in a US or European university are few and far between.

Using Numbers to Deceive

Pakistani policy planners, confronted by the lack of visible scientific achievement, have chosen to draw attention away from the real problems facing science by focusing on a set of numbers that prima facie seem to indicate that things are fairly good and rapidly

improving. Writing in the prestigious journal *Nature*, the former head of the Higher Education Commission, Dr Atta-ur-Rahman, bemoaned the state of scientific research in Islamic countries and offered his recommendations for improving it. This, he wrote, lies in increasing the number of scientific publications and the number of science PhDs. He went on to declare Pakistan as a prime success story:[10]

> During the period 2001 to 2003, the sharpest increase has come from Pakistan, with a 40% increase from 636 to 890. This is a result of a system introduced in 2002 that provides researchers with an opportunity to more than quadruple their earnings if they increase the numbers of their papers published in peer-reviewed journals.

Since that time, the numbers have grown exponentially. Thomson Reuters, a Canada-based multinational media commercial organisation, issued a report stating thus:[11]

> In the last decade, Pakistan's scientific research productivity has increased by more than 4 times, from approximately 2000 articles per year in 2006 to more than 9000 articles in 2015. During this time, the number of Highly Cited Papers (HCPs) featuring Pakistan based authors increased tenfold from 9 articles in 2006 to 98 in 2015.

As academic readers know, every citation is an acknowledgement by other researchers of important research or useful new findings. The more citations a researcher earns, the more impact he or she is supposed to have had upon that field. Research evaluations, through multiple pathways, count for 50–70 per cent of a university's ranking, if not more. In principle, the ability to conduct independent research and present the results in a professional journal is the most important qualification of a university faculty member, and it is even more important than his ability to communicate with students. The grant of tenure at the world's top-notch universities is almost exclusively based upon research output, measured by the impact that that research has had upon the field.

But now let us think through the claims made by Atta-ur-Rahman and Thomson Reuters. If they have it right, then Pakistan has overtaken India scientifically, and also surged ahead of the world's most advanced countries, Russia and China. This steroid-propelled growth means Pakistan will overtake America in just a decade or two. This would be huge cause for celebration.

But just a little analysis shows something is amiss. Surely a four-fold increase in scientific productivity would have some obvious manifestations. Does one see science laboratories in Pakistani universities four times busier? Are there four times as many seminars presenting new results? Does one hear animated discussions on scientific topics four times more frequently? Are their inventions and experimental results to show?

In fact nothing is visible. Academic activity on Pakistani campuses certainly does not appear different from a decade ago. The apparent hyper-productivity owes actually to an incentive structure created in recent years by higher education authorities. This system places a near-total emphasis upon numbers. Cash prizes, academic promotions, foreign trips, research grants and national prizes have become increasingly linked to the number of publications and citation points earned by a faculty member.

The sad truth is that incentivising paper production has had hugely negative consequences. A university teacher today can generate countless research papers without doing any real, hard research. This requires mastery of several steps: selective cut and paste, choosing research topics of low relevance and noticeability, trivially changing parameters, inventing data or plagiarising ideas. Some chop up one piece of actual research into many publishable bits. Carefully selecting or manipulating a journal makes publication a cinch. Refereeing exists only in name. Citation cartels have created "paper kings" who rake in the benefits.[12]

Experience in other countries points to almost identical consequences. Two Iranian chemists, Mohamed Yalpani and Dr Akbar Heydari of Tarbiat Modarres University, in a 2005 scientometric paper argued that this approach has failed in Iran.[13] Intrigued by the fact that publications by Iranian scientists had exploded from a total of 1,040 in 1998 to 3,277 in 2003, with over 30 per cent of these in chemistry, these two scientists set about uncovering a number of facts that many had suspected but none had adequately documented.

Working systematically, paper-by-paper, Yalpani and Heydari discovered that:

1. Many scientific papers by Iranian chemists that were claimed as "original" by their authors, and which had been published in internationally peer-reviewed journals, had actually been published twice, and sometimes thrice, by the same authors with identical or nearly identical contents. Trivial changes had been made in the titles, with the contents, graphs, and references being 90 per cent or more similar. These were clear cut-and-paste papers. Others were plagiarised papers that could have been easily detected by any reasonably careful referee.
2. Many Iranian researchers have chosen to repeat the same basic chemical reactions, of dubious practical or scientific value, over and over again. While this generates a lot of data and graphs, it is unlikely to be of much use for anything other than increasing the number of their publications.
3. Interestingly, in some of the papers published by Iranian groups, the exchange of N for O had been represented as acid catalysed and in some as oxidative! Clearly, the international journal referees were sleeping.
4. Many important details, which ought to be provided by journal authors (such as sample preparation procedures, curing temperatures, etc.), were missing. This leads to a suspicion that the experiments were carried out under circumstances that make the results unreliable.
5. While certain international journals are careful and demanding, others are fairly sloppy. Prospective authors, whose work is shoddy, obviously prefer journals which do not require a high degree of proof. Under pressure to publish, or attracted by the incentives offered by the Iranian system, authors often chose to follow the path of least resistance paved for them by the increasingly commercialised policies of many scientific journals. Prospective authors are well aware that editors are under pressure to produce a journal of a certain thickness every month.
6. Referring to the incentives proposed by Dr Atta-ur-Rahman in his self-congratulatory *Nature* article referred to above, Yalpani and Heydari show their strong disapproval

> and note that "significantly, there is no mention of quality in his entire article". They censure his approach for rewarding the "cut-and-paste" method which his incentives encourage. In their opinion, this damages the scientific enterprise because it focuses the attention of the Third World scientist primarily on momentary personal gain. When reporting a finding in a Western scientific journal, the essence is lost because individuals often attempt only a minimal mimic of the formalism that lies behind true science.

The two authors note the general decline of the scientific quality of papers published by Iranian chemists, although chemical concepts, reagents, instrumentation and other tools had progressively become more sophisticated. Simply put: there is an explosion of junk scientific papers, perhaps cleverly packaged and capable of getting past referees, but of little use.

No one doubts that publishing research articles in good journals and counting citations is important in assessing individual and institutional academic achievement, just as having PhD students certainly helps generate a culture of research. But, as experience is now showing, associating research quality with numbers is creating more problems than it solves. Social scientists call it Campbell's Law: "The more any quantitative social indicator is used for social decision-making, the more subject it will be to corruption pressures and the more apt it will be to distort and corrupt the social processes it is intended to monitor."

To conclude: healthier systems may suffer some distortion, but weaker ones, such as in Pakistan, can be wilfully deformed and massively manipulated by the prevailing local interests. Until the time that someone can devise sufficiently robust metrics and procedures, it is best to pay minimal attention to numbers. They only tell you of the ease with which crookery happens in Pakistan's academia.

Way Forward – the Dos and the Don'ts

They say that, to make an omelette, you must first break an egg. That egg, in Pakistan's context, is a traditional value system that is at odds with the value system of science. Doing real science means accepting as valid only that which is verifiable and repeatable, and doing away with any putative authority that lays claims to knowledge of the physical universe based upon individual revelation. Moreover, the tribal nature of social relations in academia, where selection of candidates for academic posts is determined by ethnic and sectarian factors rather than technical merit, is inimical to a culture of science.

Of course, one can still have science and education institutions and one may call them universities. But these should really be called "cargo-cult science" and "cargo-cult universities" respectively. The phrase "cargo science", borrowed from anthropology, was introduced by the physicist Richard Feynman during his 1974 commencement address at the California Institute of Technology. In his inimitable way Feynman pointed at a particular kind of science:[14]

> In the South Seas there is a cargo cult of people. During WW-II they saw airplanes land with lots of good materials, and they want the same thing to happen now. So they've arranged to

> imitate things like runways, to put fires along the sides of the runways, to make a wooden hut for a man to sit in, with two wooden pieces on his head like headphones and bars of bamboo sticking out like antennas – he's the controller – and they wait for the airplanes to land. They're doing everything right. The form is perfect. But it doesn't work. No airplanes land. So I call these things cargo cult science, because they follow all the apparent precepts and forms of scientific investigation, but they're missing something essential, because the planes don't land.

By this token, cloaks, gowns and mortar boards or handing out degrees does not make a real university. Instead the path towards making actual universities and doing actual science necessarily begins with a school level education that encourages true inquiry. Presently, the Pakistani system is solidly based on learning by rote. This is the only kind of learning that the Muslim traditional system ever had. It served its needs well a thousand years ago. But this also insists upon dulling the critical faculties. Art, music, poetry and science cannot function under it. You cannot have a student asking why this or that. He must simply obey. The teacher's job is not to present proofs or arguments, but to transfer what is in the textbook into a student's memory. His authority is unchallengeable.

These habits and attitudes, which are essential to traditional learning, carry over automatically into other areas and to the college and university level. Comprehension is impaired, as are abilities to solve problems or write imaginatively. The overwhelming majority of students find it hard to break with rote learning and hence impossible to cope with modern subjects at the level they are taught in, say, the United States or Japan. Indeed, they should be recognised as *hafiz-e-science*[15] or *hafiz-e-riyazi*. But they cannot work out unsolved problems or write a good essay. University teachers, who are products of the rote system, reinforce this kind of learning.

Some students with normal backgrounds but high ambition refuse to submit to fate. Drawn by the glamour of high science, they try to fight their way out. But only a few – the very smartest ones – actually succeed. They must make up for years that have been lost. Personally, having seen so many who have made it to the West, and succeeded brilliantly, this tells me that there is much to be explored under the Bell Curve.

Here is what forward movement would entail:

Do Not Mix Religion and Science: Demanding that science and faith be tied together has resulted in national bewilderment and intellectual enfeeblement. Massive doses of religion are injected today into the teaching of science, a practice that began under Zia ul Haq's regime. It was not just school textbooks that were hijacked. In the 1980s, as an applicant to a university teaching position in whichever department, the university's selection committee would first check your faith. The failure of this system is evident. Millions of Pakistanis have studied science subjects in school and then gone on to study technical, science-based subjects in college and university. And yet, most, including science teachers, would flunk if given even the simplest science quiz. Tying faith with science does disservice to both. Science has no need for Pakistan; in the rest of the world it roars ahead. The attempt to create an "Islamic Science", which began at the time of General Zia ul Haq, has never been completely laid to rest and exists in various forms even today.

The truth needs to be recognised: while Muslims did some excellent science about a thousand years ago, science was not created by Muslims. Islam is not a source of science, and never has been. Instead, science is the cumulative effort of humankind with its earliest recorded origins in Babylon and Egypt about 6,000 years ago, thereafter moving to China and India, and then Greece. It was a millennium later that science reached the lands of Islam, where it flourished for 400 years before moving on to Europe. Omar Khayyam, a Muslim, was doubtless a brilliant mathematician. But so was Aryabhatta, a Hindu. Religious faith and science are two completely different things. Progress in science in the West came only after matters of faith were cleanly separated from matters of science. This is how peoples around the world today manage to keep their beliefs intact and yet prosper.

Meritocracy Must Reign: Today there are no entrance tests for students to any government university or college, including Pakistan's premier public university in Islamabad, Quaid-e-Azam University. Entrance tests were scrapped in 1990 after the erstwhile vice chancellor decided that they caused politicisation in the student community. An attempt to revive them failed, largely because university teachers felt disinclined to put in extra effort and because they do not trust the integrity of their colleagues. Therefore, almost all student admissions are, as of 2018, made on the basis of marks obtained at the lower levels of the educational ladder in spite of the clear recognition that many mark-sheets are faked, unfair means are regularly employed by prospective students and the integrity of examinations is highly suspect.

These difficulties are prominent because Pakistani society functions in a partly tribal and feudal mode. Merit-based selection often raises hackles. The Government of Sindh, for example, fearing that rural Sindhis will be put at a disadvantage relative to urban Karachiites, refuses to recognise the legitimacy of any test for deciding upon admissions to professional colleges and universities. In Khyber Pakhtunkhwa, the *Islami Jamiat-e-Talaba* organised student demonstrations to press for scrapping a proposed admissions test for university admission, arguing that students from tribal areas would suffer a disadvantage if they had to compete against students from urban areas.

A poor selection process has created the current situation where a majority of university professors, including those with PhD degrees in a scientific field, lack adequate subject competence. Linguistic, sectarian and personal factors overcome all else. Local yardsticks for assessing teacher competence must, therefore, be considered unreliable. However, alternatives do exist. One possible, relatively objective assessment method in science subjects, as well as in others, is the Graduate Record Examination.[16]

Whereas in Western universities, the tenure system helps protect academic freedom, it has had no such salutary benefit in a system where basic academic integrity is in short supply. Very often, though not always, life-long tenure protects the "right" of professors to not work, essentially handing them a life-long security from the day they enter the university system. To my knowledge, no university professor in Pakistan has been fired from any public university on grounds of laziness or incompetence.

Focus upon Technical Skills: Pakistan's economy is severely skill-starved. This is evident, for example, from the composition of the Pakistani labour in the Middle East. This

has increasingly shifted towards the unskilled and semi-skilled; the high-paying skilled jobs have long been taken over by Indians, Filipinos, Malaysians and others. Industries find it difficult to find skilled persons, and the lack of a well-disciplined and skilled labour force is the principal reason why multinationals choose other countries in Asia over Pakistan for manufacturing.

Skill-starvation is evident in every sector but is particularly glaring in the technical trades: operation and maintenance of industrial and domestic electronic equipment; computer repair and programming; industrial process and quality control; operation and maintenance of medical and laboratory equipment; refrigeration and air-conditioning; precision machining and metal-working; the technology of plastics and special materials; construction of moulds and dies; and a host of other areas.

This suggests that having institutions focused upon these trades would be far better than to endlessly produce graduates who know only how to reproduce set formulae but not how to use them. Individuals with technical training are likely to find fulfilment in acquiring real skills which they may successfully barter for a decent wage.

Institutionalise Transparency: As in India, in Pakistan all publicly funded national research institutions in the civilian sector, as well as universities, should be required by law to put their achievements on the internet so that some level of monitoring is possible. Without transparency, unlimited amounts of money can easily disappear without increasing real scientific productivity.

Although many institutions maintain websites, there is much less information than needed to assess their performance levels. Unfortunately, monitoring agencies do not ask such questions as: which industries have benefitted, and to what extent, from activities of the Pakistan Council for Scientific and Industrial Research (PCSIR)? Has the much-vaunted HEJ Institute of Chemistry impacted the pharmaceutical industry in any measurable way? Or, with the big-ticket items purchased by the NCP, has any significant research been produced?

To conclude, at the core of scientific prowess is appreciation for knowledge and respect for the scientific method. The future of science in Pakistan, 10–20 years, hence, will depend fundamentally upon the kind and quality of education that students receive in their schools and colleges today. Fancy equipment for scientific research, or increased access to the internet and various glitzy technologies, are add-ons that acquire meaning and importance only after there is an adequate understanding of fundamental concepts.

Pakistani society, in spite of a superficial layer of modernity, remains largely the kind of society Sir Sayyid Ahmad Khan had tried hard to change 150 years ago. Believing that modern knowledge and science were of Western origin and dangerous to the faith, conservative Indian Muslim society was deeply suspicious and reluctant to adopt modern education. While the utility of science is making it necessary to now accept certain parts of science, the situation is unlikely to change much until there is an understanding that science brings with it a worldview, or *weltanschauung*, within which creativity, freedom, intellectual rigor and scientific honesty are considered valuable.

In a nutshell, pre-modern societies with PhD scientists who disagree with the very basis of science simply cannot produce meaningful science. Scientific progress or the

pursuit of unbiased truth requires accepting reason, observation and evidence as the sole criteria for separating truth from all else. Within this paradigm, social change becomes necessary in many ways: freeing women from traditional roles and fighting against superstition and fatalism. Bringing science to Pakistan requires much more than better teaching methods or acquiring more gadgetry. These will have to go side-by-side with a much wider struggle for a social transformation that brings with it modern thought, the arts, philosophy and pluralism.

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15 Hafiz, in Urdu, is a title for a person who knows the Qur'an by heart.
16 The GRE, or Graduate Record Examination, is a test of international standing which measures understanding of basic subject principles at the US undergraduate (Pakistani M.Sc.) level. It is used by many US universities to select candidates for admission into their PhD programmes, and Pakistan's ministry of science and technology uses it as a criterion for selecting students for overseas scholarships. Because the GREs test the problem-solving capacity rather than memorization ability, they are a relatively reliable means of assessing competence.

Part III

Rights, Repression and Resistance

Chapter Fourteen

RESCUING THE WHITE IN THE FLAG

Zohra Yusuf

Even after 71 years of independence Pakistan continues to face a crisis of identity. As a country born out of a two-nation theory (i.e. Hindus and Muslims are different) with Islam as its *raison d'être*, it was perhaps inevitable that faith-related problems would challenge its very existence. While it is General Zia ul Haq who is largely responsible for the spread of religiosity in Pakistan, the seeds were sown by the first prime minister and the first constitution of the country. It was Liaquat Ali Khan who defined the nature of the state as "Islamic" through the preamble to the constitution, also known as "Objectives Resolution".

Many believe that Pakistan, while retaining its Islamic identity, would have seen a more tolerant Islam if East Pakistan had remained with the federation. Islam was supposed to be the binding force between East and West Pakistan, but it failed to be so in the face of rising Bengali nationalism; this nationalism, which later developed into an independence movement, was distinctly secular. In response, Pakistan hung on even more desperately to Islam – Pakistani soldiers taking part in the crackdown against East Pakistan's freedom movement were brainwashed into believing that Bengalis were somehow "lesser" Muslims. The violence inflicted on both Bengali Muslims and Hindus by the Pakistan Army in 1971 is a matter of record, though there may be differences in the numbers cited of those killed or raped.

The break-up of the country did not lead to soul-searching vis-à-vis its overdependence on the Islamic identity. In fact, treated as a pariah state by Western powers for its actions in East Pakistan, the government of Zulfikar Ali Bhutto turned towards Arab countries for support. The Arab financial assistance came with a price tag that would prove to be very expensive: the condition of indebtedness essentially turned Pakistan into a slave nation as conservative Arab governments, led by Saudi Arabia, began to dictate state policies in matters of faith. Soon after, Ahmedis were declared non-Muslims and the Wahhabi interpretation of Islam began to permeate various segments of the society. After the July 1977 military takeover, General Zia ul Haq got down to the business of "Islamisation" which included the addition of Sections B and C to Pakistan Penal Code 295 (commonly known as blasphemy laws), the victims of which were primarily non-Muslims; since then, over 60 people have been killed on suspicion of blasphemy, either by enraged mobs or individuals (including policemen) in prisons.[1]

The Christian Victims of Blasphemy

The first case of false blasphemy accusation that came to public attention was that of Naimat Ahmar in 1992, a 45-year old Christian schoolteacher in Faisalabad who was stabbed to death by a student.[2] According to subsequent reports, he was targeted for refusing to be transferred to another town; his position in the government school was desired by a Muslim teacher. Following wall chalking accusing Ahmar of blasphemy, a 20-year old student, Farooq Ahmed, killed him.[3] Since then the toll has risen. Manzoor Masih, accused of blasphemy, was killed at a bus stop in Lahore in April 1994.[4] Samuel Masih was killed by a policeman assigned to guard him in hospital in 2003.[5] In April 2008, a factory worker in Karachi, Jagdish Kumar, was lynched by fellow workers.[6] And so the list goes on. Even after acquittal, the people accused of blasphemy cannot go back to their homes due to constant threat of vigilante justice. Many of them are forced to seek asylum in another country. Whether it is a matter of targeting an individual or a community, personal enmity or an eye on property has almost always been a factor. Shantinagar in 1997, Gojra in 2009 and Joseph Colony (Lahore) and Francis Colony (Gujranwala) in 2013 are examples where crowds have been instigated to attack entire neighbourhoods of Christians allegedly by property grabbers.[7]

In all the above cases, no one was convicted. The course of "justice" in each case reveals the painful reality that non-Muslims cannot pin their hopes on either the administration or the justice system. Our credibility is stretched when in each case we are informed that the Christian community after incurring deaths and damage to property has "forgiven" the perpetrators – the Muslim majority. This happened in the case of Gojra when seven Christians were burnt alive and four shot dead while many homes were left damaged because a Christian man had allegedly destroyed pages of the Qur'an.[8] The Punjab government proudly spoke of "reconciliation" achieved through its efforts. Although many homes were reconstructed, the acute sense of injustice the community continues to feel is understandable.[9] In the case of Joseph Colony, those arrested for destroying over 160 Christian homes were quickly released on bail with no further progress reported on their trial. In a rare display of speedy justice, the only person charged was Sawan Masih, a Christian whose alleged blasphemy had been used to instigate mobs.

The recent acquittal by the Supreme Court of Asia Bibi, who spent over eight years in prison (mostly in solitary confinement), should have brought an end to the turmoil the peasant field worker underwent. Asia Bibi, a Christian woman was arrested and sentenced to death for allegedly making blasphemous remarks in 2009.[10] Her death sentence was upheld in October 2014 by the high court in Lahore.[11] She filed an appeal in the Supreme Court in November but the postponement of hearings continued; eventually, however, her death sentence was suspended and she was acquitted in the blasphemy case.[12] In the meantime, two leading politicians who dared to speak for her lost their lives: the Punjab Governor Salman Taseer and Minister for Minority Affairs Shahbaz Bhatti. Asia Bibi's case could have served as a turning point for not only dealing with false allegations of blasphemy but also in confronting those opposed to due process. However, this was not to be. The Supreme Court is being praised for its "courageous" judgement; what is overlooked is the fact that the judges acted only as per the law and the evidence

before them – and that too four years too late. The violent and uncontrolled protests that followed Asia's acquittal resulted in total capitulation of the government and raised serious questions on the writ of the state. While Asia Bibi's case and the lingering uncertainties associated with it continue to dominate the news media, among the most horrific incidents of violence was one that took place on 4 November, 2014, when a young couple Shama and Sajjad were lynched by a mob in Kot Radha Krishan, Punjab.[13] They were beaten to death and then burned by an angry mob that heard announcements from mosques that the couple had desecrated a copy of the Holy Qur'an. Shama and Sajjad were working as bonded labourers at a brick kiln, and when they met their violent death, Shama was expecting her fifth child.[14]

Christians remain vulnerable both as individuals and for being associated with institutions such as the church. Recent years have seen two major attacks on churches. On 22 September 2013, twin suicide attacks on the All Saints Church in Peshawar killed over 120 worshippers and injured 250.[15] On 15 March 2015, twin suicide attacks on two churches in Youhanabad, Lahore, killed 20 people.[16] The responsibility for both the attacks was claimed by the Tehreek-e-Taliban Pakistan.[17] Again, in March 2016, a suicide bomb attack at Gulshan-e-Iqbal Park in Lahore left over 70 dead; it is believed the target was Christians who were out to celebrate Easter.[18]

The Plight of Pakistani Hindus

Hindus, concentrated mostly in Sindh, carry the burden of historical prejudice as well as association with India. According to their representatives, the greatest issue of concern to the community is that of forced conversions; according to their estimates, about a 1,000 Hindus are converted to Islam every year and the majority among them are young women.[19] In most cases the girls are abducted, forcibly converted to Islam and then married to Muslim men. According to reports, even Hindu children are being subjected to forced conversions.[20] While the passage of Hindus Marriage Act in 2017 has provided some protection both to the institution of marriage and to women, it is regrettable that the outgoing Sindh Assembly gave in to pressure and did not pass the bill against forced conversion.[21]

In Sindh, Hindu places of worship are often under attack. A string of Hindu religious places were attacked in 2014 alone. On 15 March 2014, just before midnight in Larkana, a mob burned down a Hindu temple after a rumour spread that a member of the Hindu community had desecrated a copy of the Qur'an.[22] Hundreds of students from local seminaries stormed the temple and the community centre; the mob destroyed all statues and set the buildings on fire. The police arrived quickly and *saved the accused* by making him put on a police uniform.[23] Similarly, on 17 March of the same year, a temple in Badin was attacked; on 28 March, a small Hindu temple was torched in Hyderabad; on 30 March, the Faqir Par Braham Ashram in Tharparkar was desecrated; and on 21 November, an idol of Lord Hanuman and some religious books were burned down by unidentified men at a temple in Tando Mohammad Khan district, Sindh. [24]

The Hindu community also suffers from economic exploitation. Many of those in agricultural labour in Sindh are men and women from the low-caste Bheel and Kohli

communities. They also form the bulk of bonded labour in Sindh, exploited by landowners who use the excuse of loans to enslave them. Violence against women is fairly common as landowners treat their labourers as personal property. However, it is encouraging that with increased awareness the peasants now approach the courts to seek freedom under the new law that has abolished bonded labour laws.

The Case of Sikhs

A small community, the Sikhs living in Khyber Pakhtunkhwa find themselves in an increasingly vulnerable position with the rise of religious militants. In September 2014, two Sikh shop owners were gunned down in Peshawar and Mardan.[25] Representatives of the community also informed the Human Rights Commission of Pakistan at the time that they had to pay *jaziya* (tax) to the Pakistani Taliban to enter and exit Peshawar.[26]

In 2014, a group of Sikhs managed to reach the parliament building to voice their protests. Apart from concerns of security, they said they were afraid to go to their *gurdwaras* to worship and many of their religious places were closed due to poor security situation in the province. Many Sikhs traders also had to close down their shops, and parents stopped sending their children, especially boys, to school because they could be easily identified by their headdress.[27]

The Slow Erasure of Ahmedis

General Elections 2018 were yet another elections boycotted by the Ahmedi community as the conditions under which they are expected to participate would be unacceptable to any self-respecting individual or community. When the government of Pervez Musharraf reintroduced the joint electorate system, it excluded the Ahmedis, placing them in a separate voters list, contributing further to their isolation and ghettoisation.[28]

Through a constitutional amendment in 1974, Ahmedis were declared non-Muslim in Pakistan.[29] Through amendments later brought in by the military government of General Zia ul Haq, they were also barred from identifying themselves as Muslims, reciting or printing the *kalma* or calling their places of worship "masjid".[30] Since then, Ahmedis have become the most highly persecuted religious group in Pakistan. From targeting of their congregations to attacks on their graveyards, the Ahmedis have seen the worst of intolerance in Pakistan. The most serious attack took place in May 2010 when Ahmedi mosques in Garhi Shahu and Model Town Lahore were targeted, killing 86 people and injuring over 120.[31] In another horrific incident, over 100 Ahmedi graves were desecrated in Lahore in 2012.[32] In 2014 alone, there were several serious incidents of persecution. On 27 July, a mob went to a police station in Gujranwala to register a blasphemy case against an Ahmedi man, claiming that he had posted something blasphemous on Facebook. At the same time, another mob went to an Ahmedi neighbourhood in Gujranwala and burned down eight houses; an Ahmedi woman and two girls died in the attack due to suffocation.[33] The mob also stopped fire brigades and ambulances from reaching the attacked houses. The police did little to stop this violence. Other than this, a total of 11 Ahmedis were killed in targeted attacks in

2014. On 16 May, while Khalil Ahmad was in police custody for allegedly committing blasphemy, a man entered the police station and shot him.[34] Ahmad died on the spot and the perpetrator was arrested by the police. On 26 May, Dr Mehdi Ali Qamar, a Canadian-American cardiologist who had come to Pakistan to serve his community, was gunned down by two unidentified motorcyclists while he was walking to a cemetery in Rabwah.[35]

The Ahmedi community also faced discrimination and harassment at various educational institutions and government offices. They were denied economic and employment opportunities; the social boycott of Ahmedis is evident in the fact that in 2017, 90 per cent of shops in Nankana Sahib and several shops in Lahore and southern Punjab carried signs barring the entry of Ahmedis.[36] In the meantime, Ahmedis continued to face propaganda in the media, and hate speech against them can still be encountered in posters, rallies, pamphlets and sermons.

Shias, Hazaras and the Sectarian Scourge

If Punjab has exhibited intolerance towards Ahmedis and Christians, in Quetta the target of extremists has been the small Hazara community. From major attacks that have claimed over 100 lives to targeted killings of high-profile men of the community, sectarian outfits such as the Lashkar-e-Jhangvi have openly accepted responsibility. It is only recently that some action is seen against these extremist organisations. According to Shia Hazara sources, targeted killings of Hazaras began in 1999 with the murderous attack on Balochistan Education Minister Nisar Ali Hazara in which his driver and bodyguard were killed on the spot.[37] These community sources have documented the daylight assassination of multiple prominent Hazara Shias in the streets of Quetta up until 2009; those assassinated included civil servants, engineers, doctors and political activists. On the whole, Shia Hazara representatives have documented the killing of more than 650 members of their community from 1999 till November 2016.[38]

In January 2014, buses carrying Shia pilgrims were targeted by Lashkar-e-Jhangvi in Mastung, Balochistan; at least 28 persons were killed and casualties included children and women, leading to countrywide protests by the Shia community.[39] On the first day of the new year, militant group Jaish-ul-Islam targeted a Shia pilgrim bus travelling from Iran to Quetta in a suicide attack. Three Shia pilgrims were killed and 34 injured, including the policemen escorting the vehicle.[40]

Apart from the Hazaras, Shias of other denominations in other parts of the country have also been targeted. There have been major attacks on *Imambargahs* and *Ashura* processions, including the deadly one in Karachi in 2010. Today, Parachinar, Peshawar, Gilgit, Karachi as well as southern Punjab are among the most volatile areas in this regard.[41] In Karachi, Shia professionals – doctors, lawyers and teachers – are frequently targeted.[42] These attacks have led to many professionals leaving the country. Little action is seen against the banned Sunni extremist organisations believed to be behind the attack, such as the Lashkar-e-Jhangvi and the Ahle-Sunnat Wal Jamaat. The memory of the attack on Abbas Town, a primarily Shia neighbourhood in Karachi, in March 2013 is still fresh in the minds of those who lost their homes and loved ones.[43]

How Can Minority Rights Be Protected?

With the recent state policy of mainstreaming extremist parties prior to the 2018 General Elections and the entry of parties such as the Tehreek-e-Labbaik Pakistan in the legislature, the prospects of minority rights in Pakistan appear grimmer than ever. But what can we do about this? If we were living in an ideal country and society, I would have recommended the separation of religion from the business of the state. However, since this is a prescription unlikely to see the light of day in my lifetime, I would suggest that the starting point should be the Supreme Court of Pakistan's directives to the federal government in 2014 to set up a National Council for Minorities Rights. The then Chief Justice Tassaduq Hussain Jillani issued a 32-page judgement after he took *suo motu* notice of the twin attacks on churches in Peshawar.[44] Identifying the role of the proposed council, the judgement reads: "The function of the said Council should inter alia be to monitor the practical realization of the rights and safeguards provided to the minorities under the Constitution and law. The Council should also be mandated to frame policy recommendations for safeguarding and protecting minority rights by the provincial and federal government."[45] The court also instructed the government to form a task force for the protection of places of worship of the minorities. The wide-ranging directives also referred to the need for curriculum review, job quotas in federal and provincial governments and action against hate speech. Of course, little was done apart from providing extra protection to the places of worship. The setting up of a national commission on minority rights has been on the cards for many years; the proposal has been supported by the Senate and the National Assembly. Ideally, it should be set up on the lines of the National Commission on Human Rights which, in spite of its struggles against the impediments placed in its working, is beginning to carve a space for itself. The National Commission on Minorities should be formed through an act of parliament, guaranteeing its autonomy and adequate financial support for effective functioning. It should consist of credible representatives of all minority groups as well as Muslims. The presence of Muslim members, respected for their human rights work, would perhaps ensure greater commitment and authority.

Furthermore, a programme of sensitisation is needed at all levels of education and training. Sadly, prejudice against minorities starts at the top, and it is thus essential that the process of sensitisation should also start from the top – that is, the judiciary. In the past few months alone, remarks made or directives given by members of the superior judiciary have undermined the status of minorities in Pakistan. The most dangerous was the statement given by Justice Shaukat Siddiqui of the Islamabad High Court in July 2018. According to Justice Siddiqui, public declaration of faith should be made mandatory for all civil servants and armed forces personnel.[46] This was clearly an anti-Ahmedi directive, further adding to the community's vulnerability. It is regrettable that the caretaker law minister, Ali Zafar, while announcing the government's intention to challenge this decision, took no action. While it is extremely difficult to end deep-rooted prejudices, the process of sensitisation must begin with the training of senior judicial and police officers. In many cases of faith-based violence, there are reports of police openly

siding with the perpetrators – this is especially evident in incidents involving the Ahmedi community.

Despite the launch of National Action Plan that provides for action against hate speech, there has been poor response from the authorities. If effectively implemented, the ban on hate speech – or postings on social media – could help in giving a sense of security to minority communities. Similarly, the blasphemy laws continue to hang like a sword over the heads of non-Muslims. There is an urgent need for reforms to end its abuse. One can only be optimistic in hoping that the new parliament will show some spine and devise a plan to reform these laws, taking input from all stakeholders, including rights activists. Going by past incidents of targeted violence, it is equally important to provide adequate protection to the accused, their lawyers, witnesses and the judges hearing the cases.

The overarching solution lies in making non-Muslims an integral part of the majority. What this means is that non-Muslims should not be treated as deserving token attention on special occasions, such as Christmas or Diwali – they should instead be made a part of the average Pakistani's life. But what would such a course of action entail? Of course, the first steps would have to be taken through the curriculum. While many initiatives have been taken to take prejudicial material out of textbooks, in most instances it has been a case of one step forward, two steps back. Apart from eliminating hate material, there is a need for inclusion – the projection of non-Muslims as any other citizen of Pakistan and not as "the other". For example, a boy in a story may have the name Joseph, rather than Yusuf, and be integrated in the narrative not as a curiosity but just as any other character. The media, particularly private television channels, must play their role in promoting tolerance: a code of ethics focusing on the projection of non-Muslims in the media needs to be developed and implemented by a watchdog body. Again, mainstreaming through roles in plays and entertainment programmes, as well as greater coverage in the news, would lead to greater acceptance and tolerance.

Our deep-seated biases against non-Muslims have developed over decades due to discriminatory legislation as well as prejudice promoted from the pulpit and the media. If change is to come, and the white in the flag is to be rescued, there is little time to lose.

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Chapter Fifteen

CRISIS OF IMPUNITY: ENFORCED DISAPPEARANCES IN PAKISTAN

Reema Omer

While there are reports that the practice of enforced disappearance has existed in Pakistan since at least the 1970s, such cases have been recorded in significant numbers in the early 2000s, beginning with Pakistan's involvement in the US-led "war on terror" in late 2001. Since then, hundreds of people accused of terrorism-related offences have reportedly been "disappeared" after being abducted by security agencies and detained in secret facilities. The practice continues unabated until today, with spikes in numbers of alleged enforced disappearances every time the military launches an offensive in the northwestern region of Pakistan, notably in the Federally Administered Tribal Areas (now legally a part of Khyber Pakhtunkhwa).

Cases of enforced disappearances are also reported in Balochistan, where the practice is used against political activists and people who are considered sympathetic to separatist or nationalist movements in the province. In recent years, there has been a rise in the number of cases of enforced disappearance in Sindh, where political activists have largely been targeted.[1]

With the "disappearance" of a number of bloggers and activists from major cities in Punjab earlier this year[2] and Zeenat Shahzadi, a Pakistani journalist, going "missing" in August 2015, enforced disappearance has now become a national phenomenon.[3]

However, the government has failed to bring perpetrators to account in even a single case involving enforced disappearance. On the contrary, it has enacted legislation that facilitates the perpetration of enforced disappearance, including by explicitly legalising forms of secret, unacknowledged and incommunicado detention and giving immunity to those responsible.[4]

National Legal Framework

Enforced disappearance is not recognised as a distinct crime in Pakistan. On the rare occasion that the police register criminal complaints in such cases, they do so for the crimes of "abduction" or "kidnapping".[5] Police also register complaints of enforced disappearances under Section 346 of the Penal Code that relates to "wrongful confinement in secret" and prescribes a penalty of two years imprisonment.

When registering a complaint under these provisions for alleged enforced disappearances, police often refuse to identify members of the security or intelligence

forces as the alleged perpetrators. In most cases, such complaints are filed against "unknown persons".

Pakistan's constitution guarantees the right to life, liberty and security of a person; the right to a fair trial; and the right to freedom from arbitrary arrest and detention as "fundamental rights". Allegations of violations of these constitutional protections, which are necessarily invoked in cases of enforced disappearance, have been challenged at the Supreme Court and high courts as human rights petitions.

Families of "disappeared" people have also made *habeas corpus* petitions in the high courts and the Supreme Court under Article 199 and 184(3) of the constitution respectively, requesting the courts to find out the whereabouts of their "missing" loved ones. Courts have responded by directing the concerned authorities to "trace" the whereabouts of "missing persons" and produce them before court. However, despite the defiant attitude and repeated failure of members of security forces to follow the directions of the courts in cases of enforced disappearances, the courts have refrained from using its contempt of court powers to compel authorities to implement their orders.

Supreme Court's Jurisprudence

The Supreme Court first took up the issue of the widespread practice of enforced disappearances in Pakistan in December 2005, when it took *suo motu* notice under Article 184(3) of the constitution of a news report citing the growing numbers of enforced disappearances in the country.[6] Soon after, the Human Rights Commission of Pakistan (HRCP) petitioned the Supreme Court under Article 184(3) to look into more cases of enforced disappearance. The HRCP submitted a list of 148 "missing persons", individuals allegedly subjected to enforced disappearance, to the Supreme Court. During the hearings, the Supreme Court acknowledged evidence, establishing that many of the "disappeared" were in the custody of the security agencies and summoned high-level military intelligence officials before the Supreme Court to explain the legal basis of the detention and to physically produce the detainees.[7]

As the number of cases of enforced disappearances pending in the Supreme Court steadily grew, the court directed the government to establish a Commission of Inquiry on Enforced Disappearance (CoIoED) to investigate enforced disappearances across Pakistan and to provide recommendations to curb the practice. The government complied with the court's orders and constituted a commission in 2010.

In October 2012, the Supreme Court issued an interim order in what is known as the "Balochistan Law and Order Case". The court held that there was "overwhelming evidence" implicating the Frontier Corps (a paramilitary force) in cases of "missing persons" and acknowledged that at least a hundred people were still "missing" from Balochistan.[8] The court also noted that the issue of "missing persons" has "become a dilemma as their nears and dears are running from pillar to post spending their energy despite poverty and helplessness but without any success, which aggravated the mistrust not only on law enforcing agencies but also on civil administration".[9]

A year later, in one its strongest judgements yet on the practice of enforced disappearances, the Supreme Court held in the *Mohabbat Shah* case[10] that the unauthorised

and unacknowledged removal of detainees from an internment centre amounted to an enforced disappearance. The court expressed concern at the "Kafkaesque workings"[11] of the security forces and held that "no law enforcing agency can forcibly detain a person without showing his whereabouts to his relatives for a long period" and that, currently, there was no law in force in Pakistan that allowed the armed forces to "unauthorisedly detain undeclared detainees". The court gave reference to a number of international instruments including the Declaration on Enforced Disappearances (DED) and All Persons from Enforced Disappearance (ICPPED) and said that the practice of enforced disappearance is considered a "crime against humanity" all over the world.[12] Finally, the court held that the armed forces personnel responsible for the enforced disappearances should be dealt with "strictly in accordance with law".[13]

Notably, the Supreme Court also held that even though Pakistan has not yet become a party to the ICPPED, principles enunciated in the convention are applicable in Pakistan in the interpretation of other rights such as the right to life.[14] The government responded by filing for a review of the judgement, asking the court to delete remarks implicating the agencies, as such findings could "demoralize the troops".

In March 2014, after repeated court orders, the defence minister lodged FIRs for wrongful confinement against some military officers allegedly responsible for the "disappearances". However, the provincial government reportedly referred the matter to the military for further investigation and possible trial under the Army Act, 1952.[15] Since military trials are secret and not open to the public, what became of the case is not known.

Most recently, in October 2018, the Peshawar High Court set aside the convictions of over 70 people who were tried by military courts on various terrorism-related charges. The court ordered their release after finding the proceedings had been conducted in bad faith, and that there was effectively no evidence against them. Significantly, the judgement highlighted the link between enforced disappearances and proceedings before military courts. It described how a number of accused were picked up by security authorities as far back as 2008 and kept in secret detention for many years before their military trials. Even when questioned by the courts, state agencies kept denying any knowledge of their whereabouts, until their names appeared in their press statements about people convicted and sentenced to death. The court indicated that in many cases, the proceedings appeared to have been a way of giving legal cover to the practice of enforced disappearances and secret detentions in internment centres.[16]

Commission of Inquiry

As discussed earlier, the government constituted a the CoIoED in 2010 on the orders of the Supreme Court. The mandate of the commission expired in December 2010, and in March 2011, the Interior Ministry formed a new commission to continue its work. The 2011 commission was initially established for six months, but its mandate has since been extended a number of times, most recently in September 2017 for another three years.

Among other functions, the commission has the mandate to "trace the whereabouts of allegedly enforced disappeared persons", "fix responsibility on individuals or

organizations responsible" and "register or direct the registration of FIRs against named individuals […] who were involved either directly or indirectly in the disappearance of an untraced person."[17]

The extensions in the commission's mandate seem to indicate that it has been a success. Yet, many victims' groups, especially from Balochistan, have boycotted the CoIoED, and other human rights organisations are deeply critical of its work. The UN Human Rights Committee and the UN Working Group on Enforced or Involuntary Disappearances have also expressed concerns about the commission, including the insufficient resources allocated to it and law enforcement agencies' non-compliance with its binding orders.

While the commission has done well to document cases of enforced disappearances and "trace the whereabouts" of a number of disappeared people, it has completely failed in holding the perpetrators accountable. The commission's monthly reports show that even when missing persons have eventually been found in internment centres or other detention facilities in the country, it has not fixed responsibility on any person or organisation or directed the registration of FIRs against those responsible.

This is not surprising as, curiously, the CoIoED's terms of reference specify that it may direct the registration of FIRs only in the disappearance of an "untraced" person. This effectively means that once a person subjected to an enforced disappearance is found, the commission no longer has the competency to register FIRs against perpetrators. It also ignores the fact that the crime of enforced disappearance does not depend on whether the disappearance is ongoing or not; states have the obligation to hold perpetrators accountable even after the disappeared person is traced or released.

A related issue is the definition of enforced disappearance used by the CoIoED; the commission's regulations define it as "such person as has been picked up/taken into custody by any law enforcing/intelligence agency, working under the civilian or military control, in a manner which is contrary to the provisions of the law".

Compare this to the definition of enforced disappearance under international law: the "arrest, detention, abduction or any other form of deprivation of liberty by agents of the state or by persons or groups of persons acting with the authorization, support or acquiescence of the state, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law".

The CoIoED's definition is problematic for a number of reasons. It does not recognise secret detention or detention in which the whereabouts of the detainee is not disclosed as enforced disappearance. It does not recognise that if deprivation of liberty is not acknowledged or the whereabouts of the detainee are not disclosed, even if this is "legally" mandated, it may still be considered a disappearance. And it does not recognise that the "authorization, support or acquiescence of the state" in such detentions may also make them enforced disappearances if other conditions are met.

These omissions are particularly relevant because multiple "legal" regimes in Pakistan effectively legitimise enforced disappearances. A number of people convicted by military courts for terrorism-related offences, for example, were reportedly subjected to enforced disappearance by military authorities as far back as 2008 and kept in secret detention for many years before their military trials. The laws empowering military courts to try

terrorism-related offences have retrospective effect, and all arrests or detentions made even before the Army Act was amended in 2015 (and subsequently in 2017) are deemed to have been made "legally" under the military's new powers. The CoIoED's narrow definition of enforced disappearance would very likely exclude such people from being considered "disappeared".

Similarly, the controversial Actions (in Aid of Civil Power) Regulations (AACPR), 2011 gives the government or "any person" authorised by it sweeping powers of indefinite detention without charge and judicial supervision. It seems unlikely that the commission would consider such detentions enforced disappearances, even where families are not informed about the whereabouts of their loved ones, as AACPR has the force of law.

Even if the CoIoED recommends registration of FIRs against alleged perpetrators, its regulations are silent as to the specific offence for which they would be charged. Significantly, while it has the mandate to hold perpetrators of enforced disappearance responsible, Pakistan's criminal laws do not currently recognise enforced disappearance as a distinct crime.

This is why enforced disappearances are reported to the police as "missing persons" cases or as those of abduction, kidnapping or wrongful confinement. As discussed in detail in a recent report by the International Commission of Jurists, these offences are inadequate classifications of enforced disappearance cases.[18] They do not recognise the gravity of the crime, do not provide for commensurate penalties and do not address the need to remedy the harm to families of those disappeared who are not legally considered victims.

Pakistan has a long history of establishing commissions of inquiry (COI) to investigate matters of public importance, including allegations of gross human rights violations. Though ostensibly formed to provide a measure of public accountability, COIs have promoted impunity by diverting investigation of human rights violations and crimes from the criminal justice process into a parallel, ad hoc mechanism vulnerable to political interference and manipulation.

The government must reconsider the utility of the CoIoED. If in seven years it has failed to bring even a single perpetrator of enforced disappearance to account, it is now time for a more effective mechanism to provide justice to the hundreds, if not thousands, of victims of enforced disappearance in the country.

International Commitments

The Pakistani government has committed to criminalise enforced disappearances and bring perpetrators to account on multiple occasions before a number of international forums. However, it has taken no concrete steps to fulfil this commitment. This includes accepting recommendations during Pakistan's first and second Universal Periodic Reviews on recognising enforced disappearance as an autonomous crime.[19]

On 26 February 2013, the United Nations Working Group on Enforced and Involuntary Disappearances (WGEID) published its report on Pakistan, following the WGEID's visit to the country in September 2012. The report expressed concern at the continuing practice of enforced disappearances in Pakistan and made a series of recommendations to the

government. One of the recommendations was that the crime of enforced disappearance be established and included in the Criminal Code of Pakistan in line with the definition given in the Convention on Enforced Disappearances.[20] The WGEID also recommended that Pakistan review its "constitutional, legislative and regulatory provisions, in particular 'preventive detention' regimes and rules allowing for arrest without warrant" and ensure "deprived of liberty shall be held in an officially recognised place of detention."

In its follow-up report to the Human Rights Council in September 2016, the WGEID regretted that "most of the recommendations contained in its country visit report have not been implemented", and again reiterated the importance of recognizing enforced disappearance as a distinct, autonomous crime.[21]

Similarly, in its concluding observations following the first review of Pakistan's implementation of the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment, the Committee against Torture also recommended that Pakistan "should ensure that enforced disappearance is a specific crime in domestic law, with penalties that take into account the grave nature of such disappearances."[22]

The UN Human Rights Committee also made similar recommendations in its concluding observations issued after Pakistan's first International Covenant on Civil and Political Rights (ICCPR) review in July 2017. The committee expressed concern at the "absence of explicit criminalization of enforced disappearances in domestic law" and recommended Pakistan should "criminalize enforced disappearance and put an end to the practice of enforced disappearance and secret detention".[23] The committee also urged that Pakistan should also ensure that "all allegations of enforced disappearance and extrajudicial killings are promptly and thoroughly investigated; all perpetrators are prosecuted and punished, with penalties commensurate with the gravity of the crimes […]"[24]

At the time of writing, Pakistan has taken no steps to implement the recommendations related to enforced disappearance made by the WGEID, the Committee against Torture or the Human Rights Committee.

Moving Forward

It has become a cliché to speak of a "crisis of impunity", but the phrase is entirely apt in describing the situation in Pakistan, where impunity for human rights violations has become institutionalised and systemised. It is also essential in understanding why the practice of enforced disappearances has persisted and is spreading – in terms of both geographical reach and also the categories of people being targeted.

"Impunity" means the impossibility of bringing violators of serious crimes and gross human rights violations to account, typically because there is an absence of a proper investigation that would lead to the arrest, prosecution and sentencing of those responsible. It results in concealing the truth; denying victims the right to effective remedy and reparation; and emboldening perpetrators of human rights violations.

If Pakistan is to stop the practice of enforced disappearances, it must start bringing those responsible for this practice to justice. At the minimum, this would require recognising enforced disappearance as an autonomous offence (and until such time,

prosecuting such acts under existing laws); empowering independent institutions like the National Commission For Human Rights (NCHR) to investigate cases of alleged disappearances, notwithstanding the identity of the perpetrators; ensuring cases of serious human rights violations are only tried by civilian courts, including where members of the security apparatus are allegedly responsible; and, as recommended by the WGEID, enacting "clear rules and dedicated institutions […] to ensure the oversight and accountability of law enforcement and intelligence agencies".

In a welcome move, in August 2018, the Senate's Functional Committee on Human Rights urged the human rights ministry to draft legislation to recognise "enforced disappearance" as a distinct, autonomous offence. A few days later, Minister for Human Rights Shireen Mazari announced that the government is considering tabling a law to criminalise enforced disappearance.

It is imperative that these assurances are followed up with concrete steps, not just to enact legislation to criminalise "disappearance" but also to ensure that perpetrators are brought to justice. While a comprehensive set of reforms, both in law and policy, is required to end the practice and combat entrenched impunity for enforced disappearances in Pakistan, the enactment of a law criminalising the practice in line with international standards would be a significant first step in this direction.

The crisis of impunity must end, not only to bring justice to victims and their families, but also to avoid irreparable damage to the rule of law in the country.

Notes

1 See, for example, "Concerns Voiced over Rise in 'Enforced Disappearances' in Sindh." *News*, 29 July 2017. https://www.thenews.com.pk/print/219686-Concerns-voiced-over-rise-in-enforced-disappearances-in-Sindh. See also, Human Rights Commission of Pakistan (HRCP), "HRCP's Alarm at Missing Men in Sindh Turning up Dead." 5 December 2014.

2 See United Nations, "Pakistan: UN Expert Calls for Return of Four Disappeared Human Rights and Social Media Activists." 11 January 2017. http://www.un.org/apps/news/story.asp?NewsID=55943#.WM8JHIUmQ5U. See also, "Pakistan Activist Waqass Goraya: The State Tortured Me." *BBC News*, 9 March 2017. http://www.bbc.co.uk/news/world-asia-39219307.

3 There is a wide range in estimates of the overall number of cases. Defence of Human Rights, a non-governmental organisation working towards the recovery of disappeared persons, has reported that more than 5,000 cases of enforced disappearance have still not been resolved. The Voice of Baloch Missing Persons alleges 18,000 people have been forcibly disappeared from Balochistan alone since 2001. The officially constituted Commission of Inquiry on Enforced Disappearances (CoIoED), on the other hand, reports 1,256 cases of alleged enforced disappearance as of 31 July 2017. The Human Rights Commission of Pakistan, which documents human rights violations in 60 selected districts in the country, has documented nearly 400 cases of enforced disappearance since 2014 from the 60 districts it monitors. Thus, even taking the most conservative estimates, a significant number of enforced disappearances remain unresolved in the country.

4 International Commission of Jurists, "Military Injustice in Pakistan." June 2016. http://www.icj.org/wp-content/uploads/2016/06/Pakistan-Military-court-Advocacy-Analysis-brief-2016-ENG.pdf.

5 Sections 359 to 368 of the Pakistan Penal Code relate to the crimes of "kidnapping" and "abduction". The crime of kidnapping is of two kinds: kidnapping from Pakistan and

kidnapping from lawful guardianship, and is punishable with a maximum of seven years imprisonment and a fine. The crime of "abduction" is regulated by Section 362 of the Penal Code and is defined as "whoever by force compels, or by any deceitful means induces, any person to go from any place." Section 364 prescribes a punishment of 10 years imprisonment for the crime of "kidnapping or abducting in order to murder". Section 365 relates to kidnapping or abducting "any person with intent to cause that person to be secretly and wrongfully confined" and prescribes a punishment of a maximum of seven years imprisonment.

6 Article 184(3) of Pakistan's constitution enables the Supreme Court to assume jurisdiction over matters involving a question of 'public importance' with reference to the 'enforcement of any of the fundamental rights' of the citizens of Pakistan. It may do so either on the application of party (a petition) or of its own accord (commonly referred to as *suo motu* notice).

7 See, for example, Reema Omer, "Justice for the Disappeared." *Dawn*, 29 July 2013. https://www.dawn.com/news/1032711/justice-for-the-disappeared.

8 Constitution Petition no.77 of 2010, para 14.

9 Ibid., para 10.

10 HRC No. 29388-K/13, 10 December 2013.

11 Ibid., para 15.

12 Ibid., para 16. Under international law, an enforced disappearance is a crime against humanity if committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack (See Article 7, para 1 of the Rome Statute).

13 International Commission of Jurists, "ICJ Urges Senate to Reject 'Protection of Pakistan' Bill." 14 May 2014. http://www.icj.org/icj-urges-senate-to-reject-protection-of-pakistan-bill/.

14 Ibid.

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Chapter Sixteen

OF KINGS, QUEENS AND PAWNS: CIVIL-MILITARY RELATIONS IN PAKISTAN

Ayesha Siddiqa

In July 2018, Pakistan witnessed its eleventh general election and the third one in which power was transferred from one political government to another without any interruption from the military. Can this, then, be defined as a watershed moment when civil-military relations (CMR) have started to shift in favour of the former? Or do we require a different lens to evaluate the power of the military versus civilian institutions? The CMR imbalance lies at the heart of the nature and quality of governance and is a critical determinant of the future of politics, state and society in Pakistan.

Indeed, Pakistan is less likely to see a military coup as it experienced in 1958, 1969, 1977 and 1988. Is this because of greater political activity as in the case of the Pashtun Tahafuz Movement (PTM), a movement comprising a younger Pashtun ethnic leadership demanding rights for their people based on the 1973 constitution? Or is it due to a visibility of mild discomfort in Punjab, expressed during the 2018 elections, in favour of the Pakistan Muslim League-Nawaz (PML-N)? In both cases, the deep state, a term used to refer to the military, used mild to extreme force to curb dissent. Despite that, scholars like Akbar Zaidi believe that the use of force in itself is indicative of change, because such actions denote panic among the generals that, in turn, could be the beginning of the end of military power in Pakistan.[1] Looking at public protests against General Pervez Musharraf, from the mid-2000s, Zaidi believes that people have gradually gained the power to challenge a political army.[2]

However, I argue in this chapter that while these developments are exciting to watch, the country is nowhere close to a shift in the balance of power. The lack of change is because stable democracy is a by-product of two factors: a steady electoral process and political liberalism in which civilian institutions, such as the civil society and media, thrive. Elections alone cannot ensure improvement in the CMR imbalance, and that too elections fraught with rigging. There is resistance from some segments of the Pashtuns that will not stop other parts of the same ethnicity from cooperating with the state. Similarly, Imran Khan might not have gained a majority in 2018 elections, and the PML-N won over 60 National Assembly and 108 Punjab Provincial Assembly seats, but Pakistan's electoral politics in itself does not reflect any decisive political shift. The Punjabi society continues to have strong feelings in favour of the military, and there is absence of a robust alternative political narrative that could one day make the military less of a reality in the country's power politics. As long as civilian forces remain weak and

structural flaws in the political system continue, democracy will not get institutionalised, and the power of the military will continue unabated. My view is that without a potent combination of electoral democracy and political liberalism, democracy as an institution is likely to remain weak.

The Pattern of Civil-Military Relations in Pakistan

Although it is a fact that, power has shifted from one civilian leader to another from 2008 to 2018, this alone is not a sufficient condition to vouch for improvement in the state of Pakistan's democracy. While rigging during elections is a persistent problem, the 2018 elections were certainly not the ones to give confidence to observers. The team of European Union election observers voiced their dissatisfaction with numerous things, including accountability and transparency of the Election Commission of Pakistan (ECP) and the absence of a level-playing field for all candidates and parties.[3] Election day rigging, beyond the various claims made soon after every election, requires concrete evidence, but in 2018, pre-poll rigging was a hard reality: it indicated the involvement of non-parliamentary forces in determining the political future of the country. The higher judiciary and other non-parliamentary organisations such as the National Accountability Bureau (NAB) could be seen putting selective pressure on a single party, the PML-N.[4] The NAB, in any case, was created in 1999 for accountability but, in reality, has always been used to manipulate politicians.[5] The fact of the matter is that a thrice-elected prime minister was disqualified and barred from politics even before a concrete case could be presented and proven against him. Corruption may definitely have taken place, but the fact that the institution could not sustain its allegations makes this exercise more of a witch-hunt. The selective accountability of certain politicians was accompanied by media censorship. All of this was topped up by the deployment of 300,000 troops inside and outside the polling stations on the polling day.

But an even more severe dimension pertains to the condition of civil liberties and civilian institutions. While the deep state insists on describing the media and the judiciary as "free and robust", which would eventually improve the CMR balance in the country, in the past four to five years civil liberties in the country seem to have taken a negative dip. [6] At the end of 2018, most institutions are weak, and there are severe challenges for human rights and freedom of speech. For those like Zaidi who continue to argue about improvement in CMR, their assessment is based on a linear trajectory in which a coup d'état, or the absence of it, determines political balance. I will not argue that situation in Pakistan has remained the same as it was in 1958 or 1969 or even 1977. My contention is that the military's power has not been sufficiently challenged in favour of civilian institutions. Furthermore, the absence of a coup does not indicate improvement in CMR balance. There are deep structural flaws in Pakistan's political system without improving which the conditions will not change.

The fact is that the military in Pakistan seems to be the only institution with an upward learning curve. It has indeed learnt from every single experience of previous coups about managing the state and drawing legitimacy from the public. As an institution, the army stays long enough to tweak the sociopolitical system to its advantage but leaves after it

sees challenges to its reputation, thus legitimacy. Measured with military's previous stints in power, the impact of the learning curve becomes obvious. The first coup in 1958 was carried out in partnership with the civilian bureaucracy; I consider the 1969 coup an extension of the first. The army was still in power through its field marshal-president when the then army chief took over to secure his institution's reputation. It was with the third martial law in 1977 that the strategy to drive out civilian leaders became of age. The manner in which governments were thrown out, civilian institutions dealt with and legal framework managed speaks volumes about the lessons learned by the army.

In 1977, the military overthrew a popularly elected government of Zulfikar Ali Bhutto. The coup took place despite the fact that Bhutto had added a provision in the 1973 constitution that made coup d'état an act of treason. General Zia ul Haq, the then army chief, found a way out by suspending the constitution rather than repealing it. Haq was also responsible for sacking a second prime minister, Muhammad Khan Junejo, who was hand-picked by the military dictator to head a parliament elected in 1985. The elections were held on a non-party basis.

Moreover, Haq further strengthened the military by inserting Article 58-2(b), or the 8th amendment, to the 1973 constitution which made the president more powerful than the prime minister by granting him the power to sack an elected government. This method was used by General Zia ul Haq to keep the "guided democracy" he introduced in 1985 under control. He used the amendment to sack his own hand-picked prime minister, Muhammad Khan Junejo, in 1988 when the latter publicly promised to probe into the Ojhri camp disaster.[7] Later, Article 58-2(b) was used thrice: to sack Benazir Bhutto in 1990 and 1996 and Nawaz Sharif in 1992. The 8th amendment schooled the army's top brass in removing civilian governments without visible involvement of the military.

The pattern was interrupted in 1997 when Nawaz Sharif's government came together with its opponent, the Pakistan Peoples Party (PPP), to debunk the controversial amendment to the constitution. General Pervez Musharraf argued that intervention in 1999 was his only option.[8] Pervez Musharraf's coup and later his government, which lasted until 2007, developed a new political ethos in the military. Post-1999 was a period when the officer cadre got more conscious of their capacity to run the country or handle functions that were non-military. Musharraf's generals like Syed Muhammad Amjad would argue, "If de Gaulle can run France, why can't Pakistani generals?"[9] This thinking was not limited to the upper echelons of the military, but had reached the junior officer cadre as well.

The inflated sense of importance went hand in hand with a new social and political environment marked by the growth of media and the then growing populist judiciary. These two indeed turned into new partners of the Army General Headquarters (GHQ). In the absence of a more centralised system to dismiss governments through extra powers of the president, the judiciary was used to destabilise governments from 2008 to 2018, but much more proactively in the later part of the third Nawaz Sharif government.

Hence, any assessment of CMR depends on three critical factors. First, there is a need to re-examine the analytical bias that CMR balance gets fractured only when militaries take over directly. The issue in a modern state system is of control and maximising organisational gains at minimal cost. Pakistan's army did not intervene in the last decade, not

because it has developed greater tolerance for the civilian rule but due to the emergence of other means designed to ensure economic and political gains. The understanding of CMR in Pakistan is that the military tends to intervene after a decade; that there is a pattern of a decade of military control, followed by a decade of civilian control, followed by another 10 years of intervention. Indeed, this is what seems to have happened from 1958 to 2007. The 10 years of military and military president's rule by General Ayub (and later a brief intervention by General Yahya Khan) was replaced in 1973 for five years by the popularly elected government of Zulfikar Ali Bhutto. He was, however, overthrown in July 1977 and later hung to death in 1979. Given the international environment, the then army chief General Zia ul Haq restored his version of "guided" democracy through holding elections in 1985. A parliament led by the general's nominated prime minister passed the controversial 8th amendment to the 1973 constitution.

The 1980s was a watershed moment for military's politics in Pakistan since the organisation tested the art of hybrid democracy under Zia ul Haq for the first time. A partnership between a civilian government and a military president was tested. Haq might have continued with his formula had he not died in a mysterious plane crash in 1988. His method, nevertheless, was tested further during the 1990s known as a decade of the "troika" running the state – the army chief in the background managing, through an excessively powerful president, the elected government run by the prime minister. This situation might have continued if the civilian government had not passed the 13th amendment in 1997, through which it scrapped the earlier 8th amendment.

Instituting Hybrid Democracy

From 1985 to 1999, the military learned the tact of hybrid democracy that they implemented later, after 2007. The government would thus be Janus-faced, a civilian government at the front with the army in control of strategic decision-making. The tactic depends mostly on keeping civilian dispensations unstable; while in the 1990s it was through the use of anti-corruption narrative, after 2007 the attacks on the government became more subtle. For instance, the Pakistan Peoples Party government could never find a breathing space in its entire tenure, from 2008 to 2013. Besides the Memogate scandal, in which a plan was hatched to break the government's moral capacity to continue working, a National Reconciliation Ordinance (NRO) case was used to send Prime Minister Yusuf Raza Gillani packing. [10] When Gillani refused to write a letter to the Swiss courts to initiate the corruption case against President Asif Ali Zardari, because Zardari had immunity as president of the country, the chief adjudicator disqualified the former.[11] Instability, and not allowing a prime minister to complete his term, was a method used again against the Sharif government in 2018.

The military, which has the highest learning curve of all the state institutions, managed to find the perfect method: keep the civilian government superficially in control of the state while the GHQ was the de facto ruler. In this manner, the GHQ could counter the allegation of Pakistan being a subnormal state that lacked democracy. A hybrid democracy seems to be the ideal formula to manage the image which is an obsession of the military and its sponsored thinkers.[12] Narrative management is fundamental to

this approach which is why we can see the growing clamp down on civil society and the media. The period after 2013 is marked with a rise in disappearances of political activists and journalists and increased investment into military's image as the only surviving institution.

Military Hegemony

The coercion went hand in hand with developing the military's institutional prowess. The army always had an active political and economic role, but the second function grew exponentially after the 2000s. The organisation expanded itself much more ambitiously in the economic sphere, dominating heavy construction like roads, highways and dams, toll collection and entering into new areas of operation like setting up meat supply, investing in oil and gas production and copper mining. Real estate remained on top of the agenda with state land, claimed as army land, distributed endlessly to retired and serving officers.

While military, and its civilian supporters like Shireen Mazari, assert that the organisation has better accountability systems,[13] others have challenged this claim.[14] It was during this period that the armed forces launched itself in the media industry, financing films and theatre and setting up television and radio channels.[15] Developing a role in the media was done primarily to control the national narrative and change the direction of the discourse. This narrative management was not tactical but strategic, as it catapulted the army into becoming a societal player.

A point of more significant interest, however, is that civilian leaders continued to see this expansion of the military as merely a matter for the generals. The reason for not attending to military's role expansion was fear of reprisal from the armed forces, but also the very nature of civilian leadership. The most vital point is that any assessment of CMR has to take into account the history and quality of the current civil-military partnership. Our evaluation of CMR balance tends to be clouded by Samuel P. Huntington's theoretical framework of CMR balance being right if civilians legally and constitutionally control the military.[16] The Huntingtonian formula means that as long as there is no coup d'état the civilian is supposedly in control. Militaries agreeing to civilian control were viewed as professional, which is precisely the NATO's definition of good CMR balance. This framework was built upon by others like Amos Perlmutter[17] and Alfred Stepan,[18] who argued that in states with weaker political class, militaries often undertake additional, non-security roles. Militaries performing secondary roles were defined as neo-professionalism, and such definition justified the military's non-military functions.

But what this also achieved was building a method for the military's political role. Other categories were created such as "arbiter" military, which, on the one hand, justified military intervention as a temporary action driven by the need to put the state on the right course but, on the other, laid out the method for armed forces to engage in a partnership with weak civilian stakeholders. This allowed a political army to proverbially stay in the barracks while controlling the state through its partners. The Pakistan military, like the Turkish military, was considered an "arbiter" that would intervene periodically to save the country from chaos and set the record straight.[19] The process of going back to the

barracks included passing on power to trusted civilian stakeholders. In this respect, the Pakistan military has searched for partners since its first intervention in 1958. While the civil bureaucracy and the feudal landowners were its partners during the 1960s, by 2007 the partnership had changed to the more urban elements such as the civilian bureaucracy, judiciary, media, the NGO sector and Pakistan's foreign expatriates.[20] Therefore, the media and judiciary cannot be considered independent.

This pattern is similar to what happened in Egypt where the military's diverse partnership helped it fathom the ideological change. An armed force that had the image of a liberal, pro-American organisation could comfortably negotiate with radical organisations such as the Muslim Brotherhood. According to Zeinab Abul-Magd, Egyptian generals cultivated economic interests of Muslim Brotherhood members like the grocery retail giants.[21] Similarly, the Muslim Brotherhood business interests sought a relationship with the generals, thus building a linkage that ultimately benefitted the junta. In the final analysis, the Arab spring and winning elections did not help Mohamed Morsi. While focusing on bringing constitutional changes, Morsi forgot to neutralise military's economic power, which was primarily an extension of its political strength, or demolish the latter's different societal links that aided the army chief General al-Sisi in pushing out the elected prime minister. In any case, the civil society in Egypt was too weak, fragmented and militarised due to long spells of a military-led rule to stand on its feet and survive for long.

In assessing military power, we cannot ignore the significance of civilian partnership of the military that is tantamount to penetration of the latter into the polity and society. A civilian partnership is sought to legalise military power, and it leaves permanent marks on the democratic development of the civil society. The partners that Pakistan military sought since coming into power in 1958 formed a clientele that either remained invested in the GHQ or could only imagine negotiating power with the generals rather than the masses. The powerful army created all major political players starting from Zulfikar Ali Bhutto. While the military did not design the PPP per se, the party's leadership did find some support from the echelons of the army; the same cannot be said about leadership in the eastern wing of the country. Driven by ethnic bias[22] and suspicion of Sheikh Mujeeb-ur-Rehman's demand for greater national autonomy, General Yahya and his cabal preferred Bhutto to Rehman.[23] However, power was eventually transferred to Bhutto after losing the 1971 war with India. Bhutto was not the only leader created during the early period. The Ayub regime, and later Zia ul Haq and Musharraf governments, deployed their respective schemes to recruit new stakeholders to politics in the guise of devolving democracy. Ayub Khan's basic democracy system was used to elect the general as president indirectly. Zia ul Haq's local government ordinance brought people like Mian Nawaz Sharif, Yusuf Raza Gillani and many other current breed of politicians to the top. Similarly, Pervez Musharraf poached leaders like Hina Rabbani Khar, Khusro Bakhtiar and many more. Furthermore, the former head of Inter-services Intelligence (ISI), Lt General Hameed Gul, is seen as responsible for nurturing the cricketer-turned-politician Imran Khan.[24] However, it was a later ISI chief, Lt General Zaheer-ul-Islam, who apparently provided support in organising the 2014 sit-in.[25] The help provided to Khan by the army, with the intention of catapulting him into winning 2018 general elections, speaks volumes about military's influence in politics.

A bird's eye view of Pakistani politics shows that, since the 1950s, the three major political parties – the PPP, Pakistan Muslim League (all groups) and Pakistan Tehreek-e-Insaf (PTI) – were influenced by the military at some point. Furthermore, the Islami Jamhoori Ittihad (IJI) formed in 1990 to overthrow Benazir Bhutto's government was a creation of the ISI, and in this alliance the PML-N also played a role.[26] Similarly, the army is accused of creating the urban Sindh-based Mutahida Qaumi Movement (MQM) and breaking the PML-N into two, forming the Pakistan Muslim League-Quaid (PML-Q) out of it. The army uses special laws like Ayub Khan's Election Bodies Disqualification Order (EBDO) of 1959 or more recently the accountability law to selectively target those viewed as questioning its organisational power in some form or the other. More significantly, the development of entities representing interests and counter-interests offers the defence establishment options to blackmail its partners into what Alfred Stepan defined as "Brumairean moments". The term refers to "strategic fractions of the bourgeoisie abdicating their claim on power to the military".[27] In short, there will be continued fragmentation among non-military stakeholders.

Thus, even those not directly created by the military – like Benazir Bhutto, her husband Asif Ali Zardari and son Bilawal Bhutto Zardari – operate in an environment in which they are either surrounded by military's political clients or have no other option but to deal with the army as a source of power. Benazir Bhutto's willingness to negotiate the NRO with the Musharraf government indicated her acceptance of military's ability. Senior journalists like Muhammad Zia-ud-Din believe that military's clients in the PPP have surrounded Bilawal Bhutto, the young chairman of the PPP, who inherited the party after his mother's assassination in 2007.[28]

The politicians are not the only ones patronised and manipulated by the military. The economic field and the civil society have witnessed huge penetration by the army. Clients were created in business and industry dating back to the 1950s and the 1960s. The Ayub regime not only established the military's non-military industries but also helped build the private sector by providing financial loans and other incentives through the Pakistan Industrial Development Corporation (PIDC).[29] During the 1960s, some of the senior generals like Ayub Khan, Ali Quli Khan and a few others also used this methodology to establish their private business interests. For instance, General Ayub Khan's son became an entrepreneur and used his father's connections to build himself up.

Over the years, all major societal stakeholders have turned into clients of the GHQ. The stakeholders include the media, the NGO sector and the legal community. American political scientist Stanley Kochanek identified the legal community as one of the major interest groups in Pakistan that vied for power.[30] The history of constitutional law in Pakistan bears witness to how the echelons of judiciary played second fiddle to the armed forces. This did not necessarily change with the lawyer's movement of the mid-2000s. In fact, Justice Iftikhar Chaudhry's turning of the judiciary into a populist entity made it more vulnerable to the public narrative that, in any case, is influenced by the military. The military's partnership with the judiciary and its influence over the latter is most evident in the behaviour of Chief Justice Saqib Nisar, who selectively used the justice system to punish Nawaz Sharif, who was disliked by the army, while ignoring other relevant cases.[31]

Under the circumstances, it could be argued that, though direct military takeover in Pakistan is a maximalist position that is not likely to happen soon, the influence of the security sector over the state would continue. A change cannot occur because a counter-power to the armed forces has not emerged in the country. While always claiming to support democracy, the GHQ would not let up the pressure on civilian stakeholders. One of the reasons for this is its propensity for power and interest in maintaining a dominant position. But another significant factor is the training of the military mind which the Pakistani-American scholar Aqil Shah has written about in his book.

Based on hundreds of interviews, Shah concluded that the military has a culture according to which it is difficult for its men to accept civilian superiority.[32] The army remains entrenched in polity through its multiple political and societal partners. However, faced with geopolitical challenges or the understanding that direct governance poses problems, it will remain inclined to rule indirectly through its civilian partners. Notwithstanding the issue of the credibility of the judgement against Nawaz Sharif, the former prime minister's ouster through what some see as a "judicial coup" is likely to insert a higher level of nervousness among the political class and reduce the initiative to find means to push back against a powerful military. While it would always be argued that improved governance will empower the politicians, this in itself may not be easy to achieve given the patronage system of politics in which the military has an equal share. Thus, the hybrid-democratic model may not produce a situation, argued by Rebecca Schiff, in which the military, the political elite and the citizenry form a cooperative relationship to ensure "objective control".[33] The partnership dominated by the military will remain exploitative.

A professionally structured army with a protracted political role and ambition has a higher capacity to manipulate a democratic system. It achieves this goal through establishing its hegemony, a process that Antonio Gramsci identifies as "the "spontaneous" consent given by the great masses of the population to the general direction imposed on social life by the dominant fundamental group",[34] which in Pakistan's case is its military. Gramsci and Max Weber, though representing different normative and theoretical perspectives, talked about the central control of "coercive apparatus" in modern authoritarian states.[35] The military tends to maintain its prominent position in power politics in two ways: by manipulating the national narrative and by establishing control over both the state and the society. The first component is ensured by emphasising the significance of national security, which, as it has happened in other cases too, allows for the military's expanded role in politics.[36] Establishing control over the society, on the other hand, is achieved through both hard and soft coercion. I would argue that if a military evolves a robust organisational structure, establishes the perimeter of its corporate interests and attains political ascendency in a state, a strong civil society tends to become a contradiction in terms. This is because such a sociopolitical environment is ridden with a high element of militarisation of the nation, the national narrative and its ethos. As can also be observed in Egypt's case, the military projects itself, through careful management of the narrative, as the most principled institution that would provide security against the internal and external threats. The peril to the nation is amplified in several ways for image projection.

Pakistan's renowned political scientist Muhammad Waseem remains hopeful of change. He is of the view that other powerful forces are emerging that may counterbalance the military in the future. One of the military's critical grievances against Nawaz Sharif is his image as a possible counterweight. Then, there are others such as the religious and militant elite.[37] The counterweight theory is attractive but pales in the face of societal penetration of the armed forces and its ability to successfully market the primacy of national security. However, a change could take place with a more significant and overt confrontation between the military and the public. The continued use of force to silence dissent, which has increased since 2013, or political friction might result in anarchy, which, in the medium to long term, might become a cause for the military to withdraw into its barracks. In the absence of any severe pressure on its power, the military is likely to remain in control of the state. It is only a significant event that will bring a political metamorphosis. As long as the military continues to find partners and weaken the civil society through divide and rule, change is not possible.

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Chapter Seventeen

FUTURE OF MEDIA FREEDOM

Umar Cheema

In January 2017, in a secretive swoop across the country, four prominent social media activists were picked up by security agencies for being critical of state's actions and policies.[1] While all of them were eventually released after weeks of hue and cry in the media, they came out tainted for life with the allegation of having committed blasphemy, a baseless allegation[2] that endangered their lives and forced them to move abroad. In the months that followed, there were two more cases of a similar nature: Gul Bukhari, a columnist for *The Nation* and a commentator on Waqt TV, was picked up in June this year[3] while the house of Marvi Sirmed, a columnist for *Daily Times*, was burgled by mysterious intruders who were only interested in taking away her laptop and passport.[4]

In Pakistan, the known unknowns have multiple ways of silencing dissenting voices. Other than direct threats and abduction, one tactic seeks to silence defiant journalists by pressurising the top management of the media houses. In most cases the management caves in because if it dares refuse, the powers that be will shut the channel down illegally; there is no executive or judicial forum to hold the perpetrators to account. Geo TV, the biggest broadcast network of Pakistan, was put off the air in March 2018; according to Reuters, it was restored only after the management negotiated a deal with the military.[5] *Dawn* newspaper was the next in the firing line: its distribution was disrupted in many areas and hawkers were allegedly forced not to carry its copies from the newspaper office. *Dawn* editorialised its ordeals but in vain. Several articles, published in the international press, highlighted the growing menace of censorship in Pakistan, but this also failed to alleviate the crisis.

Efforts to muzzle the media are not new. They date back to the creation of Pakistan, and the country's founder was the first target. Zamir Niazi, a late journalist, details in his book *Press in Chains* how an effort was made to censor a portion of Jinnah's speech in 1947: "Immediately after [the speech] was over, the principal information officer Colonel Majid Malik phoned the *Dawn* office and instructed that the portion relating to citizens' right and religious beliefs should be omitted from the speech."[6] That the editor of *Dawn* refused to follow this advice is another story.

Being a former colony, Pakistan inherited many of the repressive laws that Imperial Britain had drafted to regulate the press in united India. Only two years after the birth of Pakistan, when the founding father had already died, as many as 16 newspapers were directed to publish an identical editorial under the headline "treason" in order to condemn a contemporary journal for a story that the government thought was wrong. Furthermore, the journal under attack, *The Civil and Military Gazette*, was forced to suspend

publication for six months even after it had published an apology on the directions of the government. In the first six years of Pakistan, the security establishment banned around 58 magazines and books of progressive publishers and writers. But the worst was yet to come. After the imposition of martial rule in 1958, General Ayub Khan further amended legislation to take over the English and Urdu publications of a progressive media group, the Progressive Papers Limited. Another punitive legislation, the Press and Publication Ordinance, was introduced in 1962; it allowed the government to confiscate any newspaper, close down its operations and arrest journalists.[7]

After Ayub Khan stepped aside in 1969 amid public protests, the reins of power were handed to General Yahya Khan who presided over the disintegration of Pakistan in 1971 as East Pakistan broke away to become Bangladesh; in hindsight, information blackout and absence of independent media proved to be major factors in this tragic secession. After the East Pakistan debacle, power was transferred to a civilian set up that drafted a new constitution in 1973 which is still in place with certain amendments. But this constitution also failed to encourage freedom of expression. In this regard, the clause governing freedom of expression is quite instructive. It reads: "Every citizen shall have the right to freedom of speech and expression and there shall be freedom of press, subject to any reasonable restrictions imposed by law in the interest of the glory of Islam, or integrity, security or defence of Pakistan, or any part thereof, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court or incitement of an offence." The vagueness and generality of the phrase "reasonable restrictions" in this clause indicates how it is inhibitive of freedom of expression.

This limited freedom faced another blow after yet another army rule was imposed by General Zia ul Haq in 1977. One of the architects of the Afghan jihad, Haq had amended the laws to empower the authorities to punish and prosecute a publisher in case their publication carried a story that the government disapproved of. The amendments were designed to further the Islamisation agenda of Haq and bind the military and the religious parties into an unbreakable alliance. Censorship during Haq's time was harsher than before. It was direct and dictatorial to the core. For example, army officers were posted in the newsroom to filter the content before publication. But journalists showed defiance; many landed in jails and torture chambers; others fled the country. On the other hand, journalists that responded to the call of the authorities were rewarded with monetary and legal benefits, and this led to the rise of right-wing elements in the profession.[8]

After Haq's 11-year rule, Pakistan witnessed a decade of fragile and unstable civilian rule which nonetheless provided some relief to the journalistic community by amending many of the draconian laws. But the period of relief came to an end in 1999, with the coup d'état orchestrated by General Pervez Musharraf. The press faced pressure in Musharraf's early days and at the end of his tenure. However, journalist unions braved against the odds and blunted all instruments of suppression. In this regard, the role of Pakistan Federal Union of Journalists (PFUJ) was quite decisive.

But that was history. Now, a radical transformation has taken place in the media landscape and the tools and methods of censorship have evolved simultaneously. Today's censorship is much more subtle and strategic, but also hegemonic in that it seeks to

cultivate consent among those who are censored. Furthermore, in the absence of direct and naked oppression, journalist unions have fragmented and dispersed. The PFUJ, for example, is now divided into three groups with each following its own agenda. These unions are loud in claims but soft in action. A recent incident would explain this situation better. In a press conference in June 2017, the Director General Inter Services Public Relations (ISPR) came hard on some journalists as he pointed to "growing negative propaganda on social media against Pakistan and its institutions, including the army". He displayed twitter handles of some journalists on a multimedia slide, and resented the media community with allegations of foreign links. This act of displaying names of selected journalists was a shockingly public way of delivering a threat and a warning that they are being watched. All of this was couched in the language of national security and was being done at a time when the media was already under blanket censorship as newspapers took extra care in picking up stories and opinion pieces and dropped everything that was even mildly critical of the establishment. Today, the electronic media is facing harsher restrictions. Many channels have opted to become mouthpieces of the establishment; others are walking a tightrope, leaving no option for journalists but to vent out their frustration on social media. The PFUJ first reacted to the aforementioned ISPR presser by expressing "strong reservations over the dubbing of some senior journalists as anti-state elements" and "rejected the charges against journalists and termed it baseless and uncalled for".[9] The next day, however, the high ups of PFUJ were called in at the ISPR office and the delegation returned "satisfied". Subsequently, the PFUJ revised their stance and released another statement elaborating that the ISPR presser was "not meant to target any individual or the journalist community."[10]

Similarly, the All Pakistan Newspapers Society (APNS), a body of newspaper publishers, is yet another organisation that failed to take a stand for press freedom. Although the APNS largely deals with the business aspects of print journalism, like advertisement, the ongoing censorship is also a business concern as disruption of sales and distribution is being used as a tool of censorship. This is most evident in the case of *Dawn*. A fact-finding report of the Human Rights Commission of Pakistan (HRCP), released a couple of days before the July 2018 elections, indicated how the *supply* of *Dawn* newspaper was being disrupted: "Interviews carried out independently by HRCP with distributors in Balochistan, Punjab and Sindh corroborate allegations by Dawn that disruptions and intermittent closures in commercial establishments and residential areas associated with the army have had a serious impact on business."[11] It all started with the publication of an interview of former Prime Minister Nawaz Sharif on 12 May 2018 in which Sharif was vocal about the role of military in country's politics. Sales agents allege that the distribution of *Dawn* was disrupted daily in at least 20 targeted cities and towns – specifically in cantonment areas and army offices and schools. So, even though this disruption had a direct impact on business, APNS had been unable to take up this matter effectively. Same is the case in electronic media. When Geo started to face intermittent suspension, there was no protest from the Pakistan Broadcasters Association (PBA), an association of TV owners. The HRCP documented instances where cable operators reportedly received calls from people identifying themselves as "state or intelligence officials, warning them to remove Geo TV from the list of channels being transmitted or to move it to the

very end".[12] One reason why organisations like APNS and PBA proved spineless is the nature of media ownership in the country; many news organisations today are owned by people who have other business interests and who launched television channels or newspapers simply to buy political influence. Such individuals, as should be obvious, have little interest in press freedom. This is in stark contrast to the ownership of Geo TV and *Dawn*, both of which are owned by families that have been in the media business since before the creation of Pakistan.

In an ideal setting, the parliament and the judiciary should have played their role to ensure that media freedom is respected within the confines of the constitution. Unfortunately, though, they failed the test. The government of Pakistan Muslim League-Nawaz (PML-N) was struggling for its own survival after the disqualification of Prime Minister Nawaz Sharif. Other political parties also gave in to expediency and chose to remain silent. This silence, however, was not without its price which was paid by both the former government (PML-N) and the former opposition, Pakistan Peoples Party (PPP). When Nawaz Sharif returned from London on 13 July to offer himself up for arrest, after the accountability court's verdict, a record number of his followers came out to greet him at the Lahore airport, but the media was not allowed to report it. Likewise, the pre-poll election rigging largely went unreported, and on the polling day, all major political parties except the Pakistan Tehreek-e-Insaf (PTI) alleged rigging which was also not allowed to be reported. Disunity in the civilian camp allowed non-democratic forces to divide and rule. As for the judiciary, the former Chief Justice Saqib Nisar proved quite active in taking suo moto notices on various incidents, but he too failed to intervene when his attention was drawn to the illegal shutdown of two of the leading television channels. This is particularly disappointing because it was the media that sustained the Lawyers' Movement which resulted in the restoration of former Chief Justice Iftikhar Chaudhry in March 2009 and enabled the judiciary to be truly strong and independent for the very first time in the history of Pakistan.

So, against this background of the present and the past, what does the future hold for press freedom in Pakistan? In this sorry state of affairs, practicing journalists are left with no option other than that of forging consensus over issues of common interests and initiating a struggle on their own, instead of looking towards other pillars of the state like the parliament or the judiciary. But instead of giving up on these institutions, journalists must keep pressing them to ensure the public's right to know. Other than petitioning, beseeching and pressuring these institutions, journalists need collaborative effort on multiple levels. First of all, a council of senior journalists with impeccable credentials must be set up. This council should oversee the working of trade unions, in particular the PFUJ, and must have representation from all the major newspapers and TV channels operating in the country. While this council's task would be to deal with matters relating to settlement of differences among union bodies, a subordinate body under this council should be constituted to deal with complaints of the public and the government bodies with respect to the content published and aired.

Other than this, journalists need to collaborate to avoid being picked out individually. Many stories go unpublished due to corporate pressures on media houses as the state holds off new advertisements or blocks payment of the already published ads in case of

adverse reporting. But imagine the impact if that story is simultaneously published in more than one newspaper or aired on more than one TV channel. Let us admit at the outset that no journalist wishes to share credit with others. However, journalists must realise that the impact of a story is more important than personal credit; more so when solo flight may end up nowhere. Collaborative journalism is more than just an antidote to censorship; it also effectively shields individual reporters from potential threats. Stopping one journalist, or harassing them into silence, is an easy task, but it is quite difficult to kill a story when it is being reported by multiple journalists from different news organisations. The case of Panama Papers is a living example of such collaborative journalism: as an international investigative project, it was carried out by more than 100 media houses and around 400 journalists from 60 countries. And the impact was phenomenal: heads were rolled, protests sparked, cases initiated and reforms triggered.

Last but not the least, the institution of the editor must be strengthened. Without a professional and empowered editor, there can be no professionalism in any news business, and lack of professionalism is one of the major reasons why we have lost freedom and the trust of the public. Today, objective journalism has been replaced by agenda journalism with extreme polarisation that is sustained by a "with us or against us" mentality. Unprofessional practices have not only compromised media freedom, it has also exposed practicing journalists to unnecessary security risks. A professional editor will ensure that the story is balanced and journalistic standards have been fulfilled before it is published. Doing so would win the confidence of the public at large, generate due impact and ward off unnecessary pressures. Although professional editorship is no insurance against censorship and security threats, it will ensure that these occupational hazards are minimised.

Freedom can only be protected by remaining vigilant about our rights and by adhering to journalistic standards. In the absence of either of these, it will be compromised, nay, it has already been lost. Regaining it is a challenge. For that to happen, struggle must be initiated by the media. Cleansing our ranks of the black sheep by focusing on professionalism and by demonstrating an unflinching commitment to our rights is the only road to freedom. Freedom is not granted; it has to be earned. The sooner we realise this, the better off we will be.

Notes

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Chapter Eighteen

UNDERSTANDING THE BALOCHISTAN CONUNDRUM

Rafiullah Kakar

Background

Balochistan is the largest and most ethnolinguistically diverse province of Pakistan but the smallest in terms of population. Baloch (including Brahuis) and Pashtuns respectively are the biggest ethnic groups, accounting for nearly 90 per cent of the total population of the province. Bordering Iran and Afghanistan, Balochistan occupies a central strategic place at the juncture of world's three important regions – Central Asia, South Asia and the Middle East. The province is rich in gas, copper, gold and other natural resources. Owing to its important strategic location and rich resources, Balochistan has often remained a centre of attention for national, regional and international actors. Over the past decade, the development of a deep seaport at Gwadar and the launching of various trans-state pipeline projects to meet Islamabad's energy needs have further enhanced Balochistan's economic and strategic importance. More recently, the establishment of the China Pakistan Economic Corridor (CPEC) has placed Balochistan at the centre stage of regional geo-economics and geopolitics.[1]

Despite being rich in natural resources and having a large coastline, the province has experienced weak economic growth relative to other provinces and performs poorly on nearly all the social and human development indicators. With nearly three out of every four people living in acute poverty, Balochistan has the highest rate of multidimensional poverty among all the provinces in Pakistan.[2] Similarly, it has the lowest literacy rate, lowest enrolment rates, highest gender gap, and lowest access and poorest learning outcomes.[3] Over one million (39 per cent) children remain out of school.[4] Furthermore, it features highest rates of maternal and infant mortality; for instance, every 785 out of a hundred thousand mothers lose their lives during pregnancy, whereas in the rest of the country this figures stands at 272.[5]

Understanding the Conflict Landscape in Balochistan

Balochistan has remained a hotbed of ethnic conflict since the creation of Pakistan. The province has seen four insurgencies (1948, 1962–69, 1973–77, 2006–present) with the latest wave of violence being the most protracted one. The current insurgency began after the killing of prominent Baloch leader Nawab Akbar Bugti in a security operation in 2006. While Bugti was willing to hold dialogue with the federal government,

his successors – who are predominantly educated young people from middle-class backgrounds – spurn coexistence within the federation of Pakistan.

Over the past decade, conflict landscape in the restive province has become very complex with the rise of sectarian and religious conflicts. Concentrated mainly in the Pashtun-dominated northern region, the roots of religious militancy in the province can be traced back to the US invasion of Afghanistan when a large number of fleeing Taliban fighters and leaders took refuge in the province. These sanctuaries subsequently enabled Taliban to regroup and wage war against the US-led coalition forces and the Afghan government. Northern Balochistan became home to what came to be known as the Quetta Shura.[6] The Americans have accused it of being the most active enemy group in southern Afghanistan. Besides being home to Taliban who are fighting in Afghanistan, Balochistan has also witnessed increasing footprint of Tehreek-e-Taliban Pakistan (TTP) and Islamic State of Iraq and Syria (ISIS).[7] These groups have targeted security forces and law enforcement agencies, shrines, lawyers and universities.

Other than these, Balochistan has also seen a surge in sectarian attacks over the past decade. The roughly half million Hazaras living in Balochistan have been under attack since 2001, and these attacks have intensified since 2008: according to official figures, more than 3,000 members of the Hazara community have been killed since 2011 and more than 70,000 have fled, many of them undertaking perilous journeys to seek refuge in Australia.[8]

Systemic Drivers of the Balochistan Conflict

While the roots of the Baloch ethnic conflict can be traced back to the colonial period and the subsequent forced annexation of the Kalat State and its principalities to Pakistan, a number of complex and interconnected political and economic factors have fuelled and sustained the conflict since the creation of Pakistan. Here are some of the most important systemic drivers of the conflict:

1. Authoritarianism

Pakistan has remained under direct military rule for more than half of its life history. Military regimes not only shut the doors of political participation for the Baloch people but also used force and hard measures such as enforced disappearances and extrajudicial killings to deal with the Baloch ethnic issue. Even during brief periods when democracy returned, the military has exercised considerable political influence, especially in Balochistan.[9]

The real problem in the military's handling of Balochistan lies in the paranoid mindset underpinning its approach.[10] The military has traditionally viewed Balochistan through a very narrow security prism. They regard relatively assertive and independent voices from the province as "traitors" or "foreign agents" and view Baloch insurgency as a "conspiracy" launched by hostile regional and extra-regional players to destabilise and disintegrate Pakistan. This thinking has led the military to use a range of interventionist measures including use of force, political exclusion and co-optation.[11] As mentioned

above, four military operations have been carried out in Balochistan since 1947, and all of them managed to exacerbate the situation.[12]

While the military's use of force is well known, its role in manoeuvring and engineering the political fabric of the province has gone relatively unnoticed.[13] Over the years, the military has tried to suppress and counteract genuine and assertive voices and replace them with more pliant and amenable voices. An entire cadre of artificial leadership has been created.[14] Led by tribal *sardars*,[15] this group of elites is not accountable to the electorate and relies on deeply entrenched patron-client networks and extra-constitutional means to get re-elected. They frequently switch political loyalties and remain part of almost every government.[16] Over the years, the so-called country-wide parties like the Pakistan Muslim League-Nawaz (PML-N), Pakistan Muslim League-Quaid-e-Azam (PML-Q) and Pakistan Peoples Party (PPP) have remained home to this group of evergreen politicians.

In short, periods of direct and indirect military rule along with political exclusion, repression and political engineering have created a deep sense of alienation and frustration among the people of Balochistan. It has not only impeded the growth and strengthening of political parties but has also ended up creating serious crises of legitimacy and governance.

2. Centralisation of Powers

The over-centralisation of powers and suppression of regional identities by the ruling elites of Pakistan is one of the most significant systemic drivers of the Baloch ethnic conflict.[17] Federalism in Pakistan has faced the perennial problem of demographic preponderance of one province over others: first East Pakistan and then, 1971 onwards, the Punjab.[18] The constitutions of 1956 and 1962 provided for a centralised federal system based on equal representation in parliament of the two wings of the state. Baloch and Pashtuns resisted this centralisation of power[19] and laid the foundation of National Awami Party (NAP) to advocate for provincial autonomy.[20]

The 1973 constitution introduced a proper federal system by creating a bicameral legislature, recognising provincial languages, introducing a quota system for provinces in central bureaucracy and establishing the Council of Common Interests (CCI) – a forum for the resolution of disputes between the centre and the federating units and the protection of political rights of the latter. But even though the federal model proposed by the 1973 constitution was better than the previous ones, it established a strong centre and granted little autonomy to the provinces. Baloch and Pashtun leadership reluctantly accepted it on assurances by Zulfikar Ali Bhutto that the vague concurrent list would be reviewed after a decade.[21]

However, the dissolution of NAP government in Balochistan, the ensuing armed rebellion and counter-insurgency military operation squandered whatever little gains had been made. Bhutto's antagonistic policies and actions radicalised the Baloch national movement and alienated those who advocated non-violent parliamentary struggle for the achievement of national rights.[22] These differences over the efficacy of parliamentary politics were one of the reasons why Baloch and Pashtuns could not unite again to

carry out joint struggle the way they did in the 1960s. Moreover, the Baloch national movement also broke into moderate and hard-line factions – a division that persists up to the present day. Although several interethnic political alliances were formed subsequently, none of them survived the test of time. Since the 1980s, the Baloch, Pashtun and Sindhi nationalists have invoked the 1940 resolution to demand maximum autonomy for provinces within the framework of a confederation.

3. Majoritarian Federal Design

With Punjab accounting for 56 per cent of the country's total population, the centralisation of power only resulted in the "Punjabisation" of Pakistan.[23] For example, the Punjab had more seats in the National Assembly than all of the other three provinces combined. The upper house, where all provinces had equal representation, had the potential to balance out Punjab's majoritarian influence, but this was prevented by the fact that the upper house (Senate) had lesser powers as compared to the lower house (National Assembly). The Senate had no control over money bills and little influence over matters affecting the federation such as the appointment of high-level executives. Moreover, the indirect election method for the upper house made Senate elections prone to vote-buying practices, especially in Balochistan. In short, Senate has not been effective in guarding against the overbearing power of the Punjab-dominated National Assembly.

The CCI provided another forum that smaller provinces could have used to counter the political domination of Punjab; the council, however, remained a weak body until the introduction of the 18th amendment.[24] The ineffectiveness of the Senate and the council and under-representation of Balochistan in federal executive institutions, such as the bureaucracy and the military, have severely constrained the ability of Balochistan to protect and promote its interests at the federal level. Furthermore, the minimal authority of the Senate vis-à-vis the National Assembly, combined with the fact of Balochistan's small population, meant that the province remained the least attractive political constituency for political parties seeking power at the federal level.[25] Pakistan's federal system offers political parties no incentives to care about Balochistan. From the perspective of political parties, Balochistan offers the lowest return on investment in electoral terms. This primarily explains why successive governments in Islamabad, regardless of which party is in power, have tended to remain indifferent towards Balochistan. This apathy has been evident in the discriminatory economic and development policies regarding Balochistan of nearly all the governments in Islamabad. In addition, this lack of interest of statewide political parties in Balochistan not only kept it at the margins of Islamabad's economic and political calculus but also translated into reduced political competition, which is one of the essential ingredients of a vibrant democracy.

4. Economic Grievances and Control over Natural Resources

Unfair distribution of resources and exploitation of the natural resources of the province has long remained a bone of contention between Islamabad and the people of

Balochistan. The Baloch blame Islamabad for exploiting the mineral resources and strategic location of the province.

a) Natural gas was first discovered at Sui in Dera Bugti in 1952. Since then, Balochistan has remained the major supplier of natural gas to the country, with the absolute quantity of extracted gas rising from 1,535 Million MCF in 1955 to peak value at 387,368 Million MCF in 2001.[26] While the absolute quantum of extracted gas from Sui has increased, Balochistan's average share in the total national output has been declining consistently due to discoveries in other provinces; its share has fallen from 91 per cent during 1955–69 to approximately 17 per cent in 2015.[27] Despite remaining the largest provider of gas to the national economy for years, Balochistan did not have any gas supply until 1982. After nearly seven decades, Balochistan's share in the national gas consumption (domestic purposes) remains at a mere 4 per cent.[28]

The province has received a raw deal not only in terms of consumption but also the pricing of its natural gas and the associated excise duty. Over the years, the provision of subsidy on gas has benefitted consuming provinces at the expanse of the producing provinces. Between 1955 and 2014, the total gas subsidy has equalled Rs. 21.7 trillion (at the constant price of 2014). With its share equalling Rs. 7.69 trillion (35 per cent), Balochistan has borne the major share of this burden.[29] Moreover, the fixed-rate basis (as opposed to percentage-of-price basis) of excise duty, levied by the federal government, has led to a loss of revenues for gas producing provinces. Consequently, Balochistan has lost at the expanse of gas consuming provinces like the Punjab and Khyber Pakhtunkhwa.

b) The multibillion-dollar Saindak copper-gold project blister produces copper from the indigenous ore found in the area. The project operation was leased out to the Metallurgical Corporation of China (MCC) – a state-owned entity of China – for 10 years beginning in October 2002. As per the lease agreement, 50 per cent of the revenues went to the MCC, 48 per cent to the government of Pakistan and only 2 per cent went to the government of Balochistan.[30] The Aghaz-e-Haqooq-e-Balochistan package envisaged the transfer of the project ownership to the Balochistan government after the completion of its lease term in 2012. But the federal government refused to transfer the ownership of the project to Balochistan, claiming outstanding dues of Rs. 27 billion that it had invested in the project.[31] The federal government made this demand despite earning $ 220 million profit from the project in addition to taxes and rent between 2002 and 2012. In contrast, the government of Balochistan had received only $ 39 million in royalties during the same period.[32]

Instead of transferring ownership of the project to Balochistan, the federal government extended the project lease twice for five years in 2012 and 2017 despite requests by the provincial government to take over the project.[33] Currently, the MCC gets 50 per cent share in the profit earned from the project, federal government gets 20 per

cent and Balochistan government takes 30 per cent of the profits.[34] Besides, there are complaints about excessive mining; for example, the south ore body, which had a life-span of 19 years, has been exhausted in 15 years. Moreover, there is no monitoring mechanism to check and evaluate the production from Saindak. The Chinese have not yet established a refinery in Pakistan to process the gold and copper ores.

c) Baloch people also have serious reservations regarding the development of Gwadar port; they consider their coastal and marine resources a part of their natural wealth. When the federal government in 2001 announced the development of Gwadar port, the Baloch nationalist leadership opposed the plan and voiced their concerns, a stalemate that culminated in the killing of Baloch leader Nawab Akbar Bugti in 2006. These tensions have resurfaced with the development of Gwadar port under the multibillion-dollar CPEC.

While the federal government is hopeful that the economic activity created by CPEC will benefit the local people and weaken support for separatism, locals do not share the government's optimism. Recent media reports show that Balochistan has only a meagre share in investments under the umbrella of CPEC.[35] Furthermore, the tiny investments committed for Balochistan under CPEC have not arrived either. Besides, road projects in Balochistan that are supposed to be completed by 2020 have seen no progress whatsoever as of December 2018.[36] Politicians from across the political spectrum have raised concerns about the province's low share in CPEC-related investments.[37]

The Baloch want control over the revenue and management of Gwadar port.[38] In addition to being concerned about CPEC's economic aspects, the Baloch people also have grievances about its political and strategic aspects. Baloch nationalists maintain that such developmental projects have historically "increased the oppression and isolation of the Baloch rather than providing them socio-economic development and integration".[39] The people fear that the influx of skilled human labour will alter the demographic balance of Balochistan.

d) Balochistan has traditionally raised concerns about unfair distribution of resources and has remained the biggest victim of the population-based criterion for resource distribution.

The passage of the 7th National Finance Commission (NFC) Award in 2009 addressed the concerns of Balochistan and other provinces to a great extent. The new formula assigned weightage to factors other than population such as poverty, revenue generation, revenue collection and area. Balochistan was one of the biggest beneficiaries of the 7th NFC Award; its share in the provincial pool jumped from 5 per cent to 9.09 per cent.[40] Besides, the 7th NFC Award also revised the formula for the computation of gas development surcharge (GDS) and provided for the retroactive payment of GDS arrears to Balochistan on the basis of the new formula. Lastly, the Award accepted provincial rights over revenue from General Sales Tax (GST) on services.[41]

5. Fragmented Polity

Politics in Balochistan is characterised by a high degree of fragmentation and polarisation with adverse consequences for social cohesion, governance and service delivery. The key sources of this fragmentation are ethnic heterogeneity and tribalism. The politics of the province has been marred with Pashtun-Baloch divide since the creation of the province in 1970.[42] In the last days of the Ayub regime, there was a political debate over the form of federation and the basis of new provinces. In Balochistan, this debate was largely focused on whether Pashtun areas should be made a separate province or merged with erstwhile North-West Frontier Province (NWFP) or former Baloch princely states.[43] The way the boundaries of Balochistan were drawn disregarded the wishes of a significant section of Pashtuns and Baloch of the province. Pashtuns had cultural affinity and geographical contiguity with the people of the then-NWFP. Moreover, they had remained a majority in the colonial-era administrative unit of British Balochistan.[44] Therefore, when the Quetta division (former British Balochistan) was merged with the Kalat division (former Kalat State and its principalities) in 1970 to create the new Balochistan province, it resulted in resentment among Pashtuns who got relegated to a minority status overnight. Pashtun nationalists, represented by the Pashtunkhwa Milli Awami Party (PkMAP), have since then demanded a separate province to be carved out of the former British Balochistan or equal power share within existing territorial arrangements.[45]

More than 40 years after the current territorial arrangement was implemented, political differences between the two groups have only sharpened. The situation has been exacerbated by the influx of large number of Afghan refugees into Balochistan who have changed the demographic balance in favour of the Pashtuns. While the Baloch nationalists are staunchly opposed to the presence of Afghan refugees in the province, Pashtun nationalists maintain that the Afghan Pashtuns have shifted location within their own homeland and are, therefore, welcome to stay in the province until the restoration of peace in Afghanistan.

In addition to ethnic diversity, the tribal mode of social organisation in most parts of the province has also contributed to political fragmentation and polarisation. Balochistan has a comprehensive tribal system characterised by a clear leadership structure and lineage patterns, strong bonds of affiliation and well-defined dispute resolution mechanisms.[46] Tribal networks serve as the avenues for political mobilisation and collective action. But this tribal and ethnic fragmentation has encouraged provision of public services through patronage networks and prevented the emergence of inclusive political parties and stable coalitions among ethnic elites. Statewide parties do not have any meaningful organisational presence in the province, and regional parties are mostly divided along ethnic lines. As a result, coalition politics with its accompanying constraints has become a structural reality of Balochistan, resulting in the formation of weak governments. Moreover, the provincial bureaucracy is also infested with ethnic divide. Public servants often receive protection from respective ethnic elites and, therefore, have little incentive to perform their duties in an impartial and objective manner. The cumulative effect of this divide is that decisions regarding development priorities, resource allocation and administrative

postings are often subjected to ethnic considerations, creating serious issues of inefficiency and mismanagement of resources.

18th Amendment and the Politics of Balochistan

The 18th amendment passed in April 2010 is widely regarded as the most important constitutional development after the passage of the 1973 constitution. The amendment aimed to restore the 1973 constitution to its original shape and intent and remove distortions introduced by military dictators.

The 18th amendment, among others, addressed some of the long-standing demands of smaller provinces. From the perspective of the federation and centre-province relations, the devolution of powers to the provinces through the abolition of concurrent list, reinvigoration of the CCI and provision of constitutional protection to the 7th NFC Award were arguably the most important features of the amendment. Some of the changes that particularly affected Balochistan are as follows:

1. The 18th amendment abolished the concurrent list. Most of the subjects in this list were transferred to provinces, giving them full control over social sectors.
2. The CCI was reinvigorated and its membership was revised in favour of the provinces.
3. Another critical contribution of the amendment was that it made the vertical resource distribution formula agreed upon in the 7th NFC Award irreversible.
4. The amendment gave provinces 50 per cent ownership of gas and oil resources within their territorial boundaries. Despite this, however, the Government of Balochistan has not received ownership of its resources owing to differences over interpretation of the concerned article of the constitution.

Even though the 18th amendment was summarily rejected by Baloch hardliners and separatists as "too little too late", moderate Baloch and Pashtun nationalists welcomed it and maintained that it marked the culmination of years of struggle and sacrifices. Since its passage, the 18th amendment has affected the politics of Balochistan in profound and diverse ways.

First, the devolution of powers has strengthened centripetal forces in the provinces and stymied the growth of separatist tendencies and extreme nationalism. Post-18th amendment Balochistan witnessed an improvement in levels of political participation: all major Baloch and Pashtun ethnonationalist parties that had boycotted the 2008 general elections re-entered the electoral fold in the 2013 general elections. While there were multiple factors that shaped this decision, the devolution of powers combined with the relative democratic consolidation in the country served as great pull factors.[47] Compared to previous three general elections, the 2013 elections saw the highest voter turnout in Balochistan.[48] Subsequently, the active participation of ethnonationalists in parliamentary politics at the provincial level conferred much-needed legitimacy on the government and weakened centrifugal forces in the province.

Second, by making provinces more attractive and lucrative centres of power and political contestation, the 18th amendment increased political competition at the regional

level, especially in provinces. Balochistan saw a considerable rise in political competition. Transfer of powers made ethno-regional parties more relevant and encouraged new regional contenders for power to take part in politics. On account of their strong organisational structure and presence at the grassroots level and support among the educated middle class, ethno-regional parties partially succeeded in bringing the government closer to the people, enhancing its legitimacy and widening access to power of previously deprived groups. Moreover, enhanced political competition also compelled these parties to take the politics of service delivery more seriously. Notwithstanding these advantages, ethno-regional parties also faced serious capacity issues.[49] They lacked the technical expertise, governance experience and human and financial resources that statewide parties had access to. As a result, their ability to bring about drastic improvement in governance and service delivery was severely constrained.

Some quarters are concerned that devolution has promoted greater regionalisation of politics and weakened national harmony.[50] As explained above, there is evidence that devolution has strengthened centripetal forces in Balochistan. Yes, it has strengthened ethno-regional parties but this has not necessarily translated into a weakening of the federation. Instead, the rise in protest events along ethno-regional lines indicates the willingness of smaller ethnic groups to integrate in the federation and use non-violent parliamentary means to achieve their goals. Their protests have acted as a stabilising and integrating force rather than a disintegrating one; having said that, it cannot be denied that this devolution has incentivised statewide political parties like PML-N and PPP to increasingly think in terms of narrow regional objectives. However, it can be argued that these parties were hardly "federal" or "national" parties to begin with. PPP, which had traditionally catered to the interests of smaller provinces, had already lost its ideological charm and support outside rural Sindh by the time the 18th amendment was passed. PML-N never cultivated meaningful support outside Punjab. Devolution of powers only exposed their pretence of being "federal" or "national" parties. PML-N, PPP and PML-Q have ruled Balochistan for approximately 17 years between 1970 and 2017 whereas ethno-regional parties have ruled for only six years during the same period.[51] Despite having ruled the province multiple times, these statewide parties have the poorest organisational strength and support base in the province. Their membership is weak and grassroots presence is almost non-existent. Instead of representing the aggregate interest of the public, these parties are widely believed to advance the interests of the military-dominated state apparatus.

To sum up the discussion, the 18th amendment seems to have had a pacifying impact on the conflict in Balochistan. However, it was not sufficient to resolve the conflict in Balochistan. Of the various systematic drivers of the Balochistan conflict identified in the beginning of this essay, the amendment addressed only one driver, namely, centralised federation. All other issues persist.

The Way Forward

- Political reconciliation must precede development initiatives and economic reforms. Repression and development cannot go hand in hand. The state must

immediately initiate dialogue with Baloch insurgents and address the issues of enforced disappearances and abuse at check posts.

- The continuity and consolidation of democracy and establishment of civilian supremacy is indispensable for amicably resolving the Balochistan conundrum. Security agencies operating in the province need to be brought under civilian control. Democratic consolidation will go a long way towards restoring credibility and legitimacy of the government and strengthening federalism.[52]
- The federal design needs to be altered in a way that enables smaller provinces like Balochistan to block legislations that may harm them and incentivises national-level parties to take serious interest in Balochistan. The most effective way to achieve this is through Senate reforms. Senate must be given powers equal to that of the National Assembly in both financial and non-financial matters including money bills, high-level executive appointments, ratification of treaties and other matters affecting the federation.[53] Moreover, the current indirect Senate elections should be replaced by direct elections of senators by the people of each province through a system of proportional representation.
- The issue of creation of new provinces needs to be addressed, and the cumbersome process for the creation of new provinces should be made simpler. Although academia remains divided on the merits of ethno-federalism, it is widely considered to be better than alternatives in ethnically divided societies. Moreover, the boundaries of existing Balochistan should be redrawn along ethno-national lines; Pashtun areas can be separated to form a separate province.
- Baloch concerns regarding control over their natural resources must be addressed. Jobs should be given to the local population, and policies should be devised to appropriate reasonable amounts of money earned from the projects for the infrastructural and social development of Balochistan.
- Steps should be taken for building and improving the capacity of provinces. Both the civil bureaucracy and political parties of Balochistan lack the capacity to effectively and efficiently exercise powers devolved by the 18th amendment. Consequently, the province's capacity to deliver core services remains limited. Federal government and international donor agencies need to play a role in building the capacity of the province. Moreover, political parties need to augment their technical capacity by recruiting professionals and technical people in its cadres.
- Effective and efficient utilisation of the funds allocated for public sector development programmes is vital for the progress and development of the province. Currently, the development funds are spent based on political expediency rather than the needs of the people.[54] A large amount of funds is spent on small projects like tube well, solar plate, water ponds, and so on, even though these projects contribute hardly to the development of the province. A provincial planning and development board comprising technical experts in areas of health, education, agriculture and rural development must be constituted to reduce the control of Members of Provincial Assembly (MPAs)' over development expenditures.

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Part IV

Sex, Gender and Emancipation

Chapter Nineteen

SEX AND SECULARISM AS RESISTANCE POLITICS

Afiya Shehrbano Zia

Two recent events motivated me to write this exploratory piece on sex and secularism in Pakistan. The first was a personal conversation and the second an academic disagreement. Earlier this year, a meeting was called at my house with several generations of women activists who were having public disagreements on the campaigns around sexual harassment and the #MeToo movement. At the end of the intense session, I waited with a young woman at the gate for her Careem to arrive. In my informal but probing queries about being a young single feminist in Karachi, I asked if it was easy for women of her generation to meet men and have relationships. Her response was that not only was it incredibly easy, thanks to Tinder Pakistan, but that the men were often "great guys" and many of them feminists. Sceptical, I asked how they had been "feminised", and her explanation was that many of them had studied feminism or been exposed to it while studying at Western universities. They had been "broken in". Candidly and a bit affronted at my ignorance, she explained how sexual relations were quite easy and consummated in friends' homes or apartments and even hostel accommodation. This was not too different from the time when my generation was growing up and when consensual sex was criminalised under Gen Zia ul Haq's regime (1977–88), but anecdotally, the scale of these encounters has risen and confessing to these is not a standardised cause of shame or taboo.

The second realisation came in response to an academic essay that I had contributed for a forthcoming international edition. I had written about the sexually risqué media star Qandeel Baloch who was murdered by her brother who had claimed his motive to be her compromising of his "honour". This was challenged by the well-respected editors for overestimating the worth of resistance by women like Qandeel as expressed through their sexpositivity. Both these experiences confirm the need to consider the role of women's sexuality in Pakistan.

In this essay about sex and secularism, I make my case for a broader hypothesis: that just like secular resistance exists in different political forms across the country and challenges the majoritarian Islamic hegemony, so too women's sexualities and associated freedoms are a direct threat to the Islamic gendered order and its patriarchal base. However, these practices and their associated ideals are considered anathema or snubbed due to religious and/or male anxiety. When women's sexual expression and secular resistance combine, they become potent weapons of non-conformity and clear the path

for women's autonomy. This is not to suggest that these are the only two determinants that will ensure or enable women's freedoms from patriarchy. Feminism considers capitalism, racialised politics and class differences to be equally grave obstacles to liberties and equality. However, the restrictions on Pakistani women due to prescribed sexual and religious boundaries have directly prevented progress linked to mobility and decision-making and, in many cases, routinely made them targets of violence, punitive behaviour and even death.

Introduction

The Zina Ordinance imposed by General Zia ul Haq in 1979 became a discriminatory and dangerous tool of control over women's sexualities and autonomies. The subsequent rise of women's movements challenging this law marked the most serious confrontation against the patriarchal use of religion. The activism of women's movements over the next 27 years points to the importance of secular resistance against such religious politics. As a tool of harassment, the Hudood Ordinances, specifically the Zina provision, enabled husbands to accuse wives of adultery in order to exact revenge for their seeking divorce or to use it as pretext for contracting second marriages themselves.[1] Law enforcement officers extorted bribes from couples who could not prove their marital status. Activists were confronted by many allegations of physical abuse and rape during police custody of the women accused of committing *zina* (fornication).[2] Parents were able to annul their daughters' free-will marriages by accusing their daughters of *zina*, if the police failed to find evidence of coercion.

Due to all this, activists were focused on the wrongful accusations of *zina*, and the victim narrative predominated the pursuit of justice for accused women. This overshadowed the possibility that in many cases women were, in fact, exercising sexual agency and may very well have been "guilty" of sexual transgression. Later on, women activists realised that the same can apply in cases of honour crimes which were only defended in the frame of innocence because acknowledging a woman's sexual transgression would make it impossible to get her justice under the laws of adultery and the criminalisation of consensual sex outside of wedlock. Activists were protesting for the repeal of such laws on the principle that the state must not interfere or intervene on private matters and must guarantee their equality under the constitution. Significantly, the Women's Action Forum went so far as to claim the futility of finding equal rights under Islamic laws and regimes and demanded that the state should be a secular entity but made no overt demand for sexual freedoms and equality for women.

In my recent publication, *Faith and Feminism in Pakistan*, I have attempted to recall some of the main legal, social and religious debates that have shaped and influenced some of Pakistan's progressive women's movements since the 1980s.[3] I track the resistance offered by working women to theocratic regimes and routine Islamist politics as a form of secular opposition to majoritarian, anti-women and anti-minority politics. I argue with evidence that religious politics relies on divinity and sources theology to promote and stabilise patriarchy. The beneficiaries are predominantly Muslim men and capitalism. It is critical

to support and promote secular politics at state and societal levels to ensure the realisation of equal rights and opportunities for women and religious minorities in the Islamic Republic.

The reason for arguing this thesis was that while the various waves of women's historical, political, legal and social developments and their challenges and achievements have been quite well-documented, the post-9/11 period saw a surge of post-secular scholarship that counter-challenged the relevance and contributions of feminism, human rights regimes and liberalism for Pakistan. In these works,[4] secular politics and possibilities have been obscured and their legitimacy scorned. Only rights and ontologies within Islamic framing, histories and laws are prescribed as postcolonial and culturally appropriate alternatives.

Since my focus was on countering such a defeatist and limited scope by underscoring the many examples and significance of secular working-class women's movements and to highlight the value of liberal rights and laws, I was not able to discuss two critically important shifts that have impacted women in Pakistan today. The first is the changing nature of the state since the Islamisation period under General Zia ul Haq. The second has to do with sexuality and the rise of a generation that has a more candid approach to sex and bears a strategic reliance on social media. Comparatively, sex as a practice today is less of a taboo, the boundaries of legitimate sexual relations are more fluid, and social media enables breaking gender boundaries. The passing of the Protection Against Sexual Harassment at the Workplace Act in 2010 by the National Assembly was a precursor to the global #MeToo movement that has had a ripple effect in Pakistan and has compelled a turn in the narrative around sexuality, honour crimes and gender normativity. The murder of Qandeel Baloch reignited the consideration of how propriety, secular resistance and non-traditional sexual expressions represent disruptive, risk-laden and subversive politics. The role of the state and the place of sex on feminist agendas are going to play a pivotal role in deciding the progress of women's rights in times ahead.

Not an Anti-Women State

The Government of Pakistan is signatory to almost all international conventions and particularly agreements on violence against women and gender-based violence. The Constitution of Pakistan[5] gives an equal status to women: "All citizens are equal before law and are entitled protection by law. There shall be no discrimination on the basis of sex alone. Nothing in this article shall prevent the State from making any special provisions for the protection of women and children." Article 34 of the constitution states: "Steps shall be taken to ensure full participation of women in all spheres of national life." There is a constitutional guarantee of equality between men and women in the law and in personal matters that require protection from the state.

It is on the legislative front that the pushback against doctrinal laws has been most impressive in recent times, as reflected in the passing of some key pro-women laws and amendments and very often in the face of severe resistance from conservatives and

Islamists. These include The Anti-Honour Killing Laws (Criminal Amendment Bill), 2015; The Anti Rape Laws (Criminal Amendment Bill), 2015; The Acid Control and Acid Crime Prevention Act, 2011; Prevention of Anti-Women Practices Act, 2011; The Protection against Harassment of Women at the Workplace Act, 2010; The Criminal Law Amendment Act, 2101; Protection of Women (Criminal Laws Amendment) Act, 2006; Women in Distress and Detention Fund Act, 2010. Some provincial legislative assemblies have been bolder; the Sindh assembly, for example, has passed laws such as the Amendment of the Child Marriage Restraint Act of 1929 (2013) which raises the marriageable age of girls to 18 and which was contested strongly by religious lobbies who consider puberty to be the permissible age according to Islam. The various Commissions for Human and Women's Rights have been functioning effectively as headed by well-respected women's rights activists.

One of the common critiques of the spurt of donor-funded non-governmental organisations (NGOs) during the 1990s used to be over the domination by upper/middle class elite of Western-educated, left-leaning women activists. Today, however, the non-governmental sector has not just mushroomed but its membership is indicative of a clear crack in the "class ceiling". A high number of men have entered into what used to be considered a "soft" sector. The challenge and debate among women's groups still remain though, over the precarious balance between feminist political transformation and the compromises of working for women's and minority rights within the neoliberal social development sector.

The reforms under General Musharraf (1999–2008) – problematic as they were for democratic tenets – particularly the dilution of the Islamic law of Zina in 2006, were not just historic victories for secular women's rights, but they also offered a symbolic opportunity towards reclaiming the secular possibilities of gendered relations in the Islamic Republic and raised the bar for liberal women's rights. Increasingly, feminists, human rights activists and secularists are not dismissed as "traitors" by the state like before, even though, Islamists of all variants are increasingly threatened and express their fear of such secularisation in zealous and often violent ways.[6]

Women's increasing mobility, economic and educational empowerment, marital choices based on free will and information and connectivity provided by the media all confirm (by empirical and observational evidence) and testify to Pakistani women's amazing spirit and determination to climb out of patriarchal cobwebs and pull on the strings of modernity.[7] The legal psyche of the state which used to accept the informal laws of settlement for rural, tribal peripheries as non-state issues is now being redefined by an active and sometimes adventurist judiciary. Violence against women in the private and public sectors is seen as a cognisable offence that requires justice; this is important, inefficiencies aside. The vocabulary of law enforcers has changed considerably under pressure by the state.

The role of the Benazir Income Support Programme (BISP) in the economic assistance of women of the poorest households has been crucial, and, in a major shift from earlier observations, evaluations have shown that economic empowerment of beneficiaries has actually improved their domestic status too.[8] It sends the message out to the men in their families that the state sees these women as the de facto heads of households.

The programme is constantly being reinvented and may just be a major game changer for poor women in the coming years.

State structures are experiencing gender policy infiltration if one cannot term it governance per se. The Election Commission of Pakistan has set up a Gender Unit and appointed a gender specialist; women in the Ombudsmen's offices are gaining voice in state structures; and women parliamentarians are vocal and active in the legislative processes. A woman has served as the Speaker of the Parliament (and acting president), and the provinces of Khyber Pakhtunkhwa and Balochistan, which used to hardly have any women representatives in the past, have elected a woman Deputy Speaker and Speaker respectively for their assemblies. Male bureaucrats in all provinces do not resist the "genderising" of their offices and projects, although women officials report informally that when it comes down to implementing programmes, there is either apathy or genuine incompetency on institutionalising gender policies.

These articulations of demands for women's/feminist rights have not been limited to influential women. They have been sounded by working women's organisations across all provinces of the country including the nationwide Lady Health Workers' Programme and the Women Councillors' Network; nurses' organisations across the country; spontaneous initiatives such as the Okara peasant women's movement in Punjab; the public tea-stall occupying Dhaba Girls in Karachi; the literary women's circle Khana Badosh in Hyderabad; the "We The Humans" legal aid group in Balochistan; Khwendo Kor in Khyber Pakhtunkhwa; and the Taqrha Qabaili Khwenday (Tribal Sisterhood Organisation) demanding the merger of the Federally Administered Tribal Areas (FATA) with the neighbouring province of Khyber Pakhtunkhwa. A variety of feminist collectives and online chat groups/networks and university women's groups monitor sexist material and initiate legal challenge against harassment.

Women activists from various NGOs have successfully assisted in drafting and lobbying for a series of legislation and policies for women's rights, which were previously absent from state discourse. Efficacy of these aside, the process of mobilising, articulating and lobbying with legislative assemblies is impressively led by women of middle- and lower-middle-class NGO workers and activists and even rural and tribal women. The seeds of many of these initiatives are inevitably linked in variable ways to many of the founding members of the Women's Action Forum, which hosts chapters in various cities that comprises original members as well as new entrants from a varied class background.

These developments are all the more stark when compared to the ruling of the religious alliance of the Mutahid Majlis-e-Amal (MMA) in Khyber Pakhtunkhwa (2002–8) during General Musharraf's rule. During this period, their faith-based governance included banning of cultural activities, closing down of women's shelters, vicious anti-obscenity campaign whereby billboards and hoardings of women in advertisements were blackened with paint and torn down. The most symbolic act was the provincial government's order that all mannequins must be removed from shops as they represented the (disembodied) female form in public. All forms of femaleness had to be relegated to the private, domestic realm of the family. Women leaders and activists of the Islamist parties were leading and supporting such oppressive campaigns and policies.

All these developments demonstrate that women's relationship with the Pakistani state has come a long way. However, what needs to be more clearly articulated and reclaimed is what an empirical study by Htun and Weldon observes:

> In countries where political and ecclesiastical power are tightly linked, family law tends to discriminate against women. In the context of a separation of secular and religious institutions, family law tends to be more egalitarian. When religion is institutionalised, patriarchal interpretations – and interpreters – of family law gain greater authority and more immunity to contestation, and are increasingly insulated from external influences. What is more, these patriarchal versions of religious tradition get more closely linked to the public status of religion. Challenges to particular versions of family law are seen as challenges to the entire church–state relationship.[9]

Another key factor that threatens the church-state nexus, patriarchal control and the Islamic gendered order is women's autonomy over their sexualities.

Let's *Not* Talk about Sex

The most well-documented experiences and cases that exemplified the perils of religious control over women's sexualities have been documented in the scholarship and activism around the Zina or Adultery Laws passed as part of the Hudood Ordinances (1979). Love in the times of General Zia ul Haq required unusual courage and a place to hide. The pursuit of love became a political act because General Zia ul Haq's regime decided to politicise sexuality and all its illicit manifestations and make it repugnant to the Islamic Republic. Marquez wrote in his epic love story *Love in the Time of Cholera* that "The weak would never enter the kingdom of love", but the Hudood Ordinances were stoning and flogging the love out of the brave. So, most Pakistani love-rebels just relocated – either to the inner sanctum of borrowed rooms, friends' cars or behind hedges of parks where, if the Zina Ordinance found them, curative treatment was administered. Islamisation did not just privatise social relations and conduct but created unwitting lover-criminals and, as always, the burden of love and its penalties were exacted the most on women.

Four decades later, we live in a globalised world that flattens any obstacle or ideological objection that comes in the way of resource extraction, consumption or trade. Inevitably, the way had to be made for the flow of capital and consumerism. All ideological cold-war contradictions and compatibility issues had to be not just resolved but ironed out. But the attacks on America in September 2001 temporarily interrupted this when it witnessed the resurgence of political Islam across the globe. New challenges arose regarding the rights of Muslim women and neoliberal economic expansionism in the form of occupations of Muslim countries.

For the next decade, a polarised discourse emerged regarding the compatibility of Islam with rights and freedoms as contrasted with Western liberalism, feminism, secularism and sexual liberties. A body of defensive academic works by Muslim scholars, including Pakistanis, proliferated, arguing against Muslim women's oppression by highlighting their religious agency and piety.[10] This meant no focus on their economic status, unequal access to legal rights, violence perpetrated against them by Muslim men

and certainly nothing on their sexual agency. The calls came for fusion and hybridisation of Islam with modernity or for Islamic rights as postcolonial alternatives. Global criticism of secularism and deliberate avoidance of the issue of sex meant that Muslim women's religious identities became the only defining markers of theories and prescribed development practices for them.

In the scholarship of this era, Muslim women's pietist agency has received celebratory attention[11] but the assertion of sexual agency by Muslim women is treated more cautiously, suspiciously, or not at all. The new scholarly interest has privileged Muslim women's virtuosity and piety over sexual agency and experiences of violence. Saba Mahmood's influential study is often read as a metanarrative of pietist agency whereby she redefines docility as a dormant condition signified through Muslim women's piety. This qualifies as their "agency". Mahmood cites the pietist women's movement in Egypt as exemplifying "valuable human nourishing" that is not defined by acts that lead to progressive change. Instead, Mahmood's theory relies on uncoupling "the notion of self-realisation from that of the autonomous will, as well as agency from the progressive goal of emancipatory politics".[12]

Such a framing – of the pious, consciously non-feminist, agentive-docile Muslim woman – prohibits any reading of her body as either sexed, unsexed, political or apolitical. Piety in Muslim contexts has filled the vacuum caused by the discontent with both formal religion and secular rulers. Piety movements such as the pre-Partition Tableeghi movement continued in a quietist mode in Pakistan. With the advent of the Al-Huda women's pietist movement in Pakistan from the 1990s, founded by Farhat Hashmi, this method turned quite political. Al-Huda offers its fast multiplying graduates who are looking for an ideological engagement with Islam to transform themselves into pious subjects.

Sadaf Ahmad's research[13] identifies the conscious aim of Al-Huda, which is to bridge the gap between religio-political discourse and daily lives and which Farida Shaheed had insisted was irrelevant to pious women.[14] Instead, it is exactly in this informal, non-institutional space where the pietist Al-Huda woman resides. By drawing upon the indigenous culture, idiom, language, symbols and identities, Ahmad argues that the Al-Huda movement propagates nationalist Islamic history as taught in textbooks and the mass media, including the Two Nation Theory. Ahmad also observes that the Al-Huda reinforces a patriarchal system with gender roles as natural and the man as head of the household.

Piety in Muslim contexts has accelerated because of its embrace by celebrities and women. Against this backdrop, in 2015–16, Pakistan witnessed the mercurial rise of celebrity and social media star Qandeel Baloch (Fauzia Azeem) who threatened to subvert this pietist trend as she embraced and symbolised sexual impropriety. Apart from posting risqué online videos, Qandeel incentivised a victory for Pakistan's national cricket team by promising a strip dance if they beat arch-rivals India. Qandeel's defiant threat-promise sabotaged the male gaze and destabilised sexual politics in the Islamic Republic. But her ingenious impropriety caused confusion and political tension – not just for the pious conservatives but also for feminists and progressives.

After her murder by her brother, motivated by the "violation" of his "honour", debates about Qandeel reflected unresolved anxiety over sexual politics in Pakistan.[15] Women

activists who had themselves in the 1980s and 1990s been accused by the conservatives of behaving inappropriately as Muslim women – that is, not wearing veils or *dupattas*, smoking, mixing with men, divorcing and marrying repeatedly – objected that Qandeel was not "a good role model".[16] Some felt pity and thought Qandeel's sexual impropriety was a mental health problem because they consider women's promiscuity, homosexuality and crossing genders to be biological disorders. Ironically, politically assertive women are valued as productive citizens but sexually assertive women are seen as pollutants and/or victims. Several "progressives" were not comfortable with the idea of "sex positivism" and felt that Qandeel should have been rescued by psychological therapy, if not religious teaching.[17] Apparently, a good role model for Pakistani women is only the abstaining, the asexual or the maternal kind.

On the other hand, Qandeel's millennial supporters argued that she turned hetero-patriarchy on its head by using the master's tools (sexual objectification) and by taking control of her sexuality for her own purposes.[18] Nighat Dad is a digital rights activist who experienced the backlash of abuse on social media for supporting and sympathising with Qandeel, and in response several men bid her the same fate of death. Dad mentions that Qandeel's Twitter feed reveals a time where she had celebrated "Malala Day" to honour the young Pakistani survivor of an assassination attempt by the Taliban and Nobel Prize winner. One follower on Qandeel's twitter responded by wishing that Qandeel too would get "shot in the head like Malala" so people could "celebrate #QandeelDay".[19]

Qandeel shot to fame overnight, gathering a captive online audience – largely male – for her erotic posts that won explosive "likes" but also spiteful comments within hours.[20] Her provocative online performances had simultaneously fixated and repelled male viewers. It is interesting how in the industries of politics, sport and entertainment, Pakistanis can virtually "like" but in real life, hatefully reject the same personality. Qandeel's claims of feminist empowerment made her a very different kind of threat – the kind that deliberately combines sex and politics. Her sexual politics contrasted against another fashion model and TV artist, Veena Malik, whose earlier "betrayal" for modelling for an Indian magazine, with the Pakistani spy agency acronym – "ISI" – tattooed on her body, had made her controversial.[21] But Veena Malik and several other entertainment-turned-pietist women artists succumbed to the male-defined rules and chose to be rescued by the religio-nationalist model of redemption that demands conformity, straightness and domesticated sexuality. Malik married, covered her head and redirected her seductive skills to lure men towards religious practice.

Veena Malik's case represents a peculiarly Pakistani version of the Madonna-whore complex – one which accepts seductive performances, capitalist enterprises, game shows and other profane ventures, as long as these promise to entice audiences towards piety, rather than self-gratifying pleasure. Such performative piety is simply part of the market that offers Islamic consumerism but depends on the same gender dynamics where the male gaze dominates and objectifies women. In contrast, Qandeel forfeited marriage, undressed and her performances challenged religious actors and exposed their double-standard hypocrisies. Veena won salvation because she now seduces believers into piety, while Qandeel paid with her life for asserting and encouraging female sexual independence.

The legacy of Qandeel Baloch is not simply that she flung the doors of debate around Pakistani female sexuality wide open but that she demonstrably exposed the uncomfortable connection between sex and the sham of piety and honour. Sexual politics is an unequal, male-dominated field that has historically reduced women to sexual commodities for male possession. The struggle to redress this balance requires methods that create discomfort and challenge the status quo to reclaim women's sexual agency and the right to exercise it.

The influential classes may rightfully claim that their political struggles resulted in the 2016 Amendment to Offences in the Name/Pretext of Honour Act, but societal taboos against women's sexual liberties cannot be expunged by legal action and gender-sensitivity training alone. It is women like Qandeel Baloch who expand the arbitrary and gender-discriminatory boundaries of acceptable sexual behaviour and redefine feminine agency. More defiant and inconvenient women like her would need to survive and be supported to change the narrative around sexual independence and gender equality.

Reforming the Zina Laws ended the practice of converting the victim of a sex-crime into a criminal herself and it is now difficult to accuse and indict a woman of adultery. But the law still makes the state responsible for governing and controlling sexuality. Heads of households act as extensions of the state and exercise and execute legal regimes in their homes, especially when they see that the state is not doing a good enough job. Liberals may support sexual freedoms as a lifestyle but they are equivocating, flippant and unsupportive of the politics of women's sexuality. Millennial activism, on the other hand, has a different relationship with the state and a more candid approach to sex. Social media has become the forum for consciousness-raising, lobbying and personalised empowerment but also a forum for abusive backlash, fake news and an apolitical counterculture to thrive. Further, in a society where complete abstinence and gender segregation are the only prescribed values about sex, there is still no site for conversation – let alone agreement – on what is appropriate conduct between genders, and women's sexual expressions continue to be regarded as transgressive. In this context, the exercise of sexual autonomy on the part of many women reveals a new assertiveness in women's demands for autonomy and control over their bodies and sexuality in the post-2001 era.

Conclusion

In this essay, I have argued that from the traditional notions of empowerment, gender roles have propelled towards non-traditional schematics. The state has turned its policy attention from its earlier paternalistic and even misogynistic partnership with local male-headed communities throughout the 1980s and 1990s towards a more rights-based one in the new millennia and now consciously embraces "gender sensitive" policies. This has encouraged the expectations, demands and practices of women who are channelling themselves more boldly within such policy framings. The state dares to penetrate the private realm of the *chardewari* (four walls of the home) and offers protection via the Domestic Violence Act or amendments to the Child-Restraint Marriage Act and restricts community-based tribunal justice on women's issues and even adjudicates harshly on murders of health workers who go door-to-door providing vaccines to

children.[22] This weakens the traditional power hold of male-headed communities and men as proxies of the state.

At the same time, constitutional state bodies such as the Council of Islamic Ideology (CII) have objected to the term "gender equality" as an "absurd" notion[23], and women's representation in state discourse and the labour force remain one of the lowest in the world.[24] The state will instrumentalise gender-protective governance policies but only towards development goals such as the Millennial Development Goals (MDGs) and Sustainable Development Goals (SDGs). When women's empowerment reaches beyond livelihood and basic needs and translates into sexual agency, this expression clearly threatens heteronormativity and the Islamic gendered order. The state is unsure of how to respond to this; so is the society, the donor/development community and even many members of women's groups.

Like the whack-a-mole game, the state attempts to strike its various adversaries – be they Baloch insurgents, Taliban militants, jihadist elements, peasant rebels and also domestic abusers and practitioners of honour crimes – but it does not know what to do with the untamed, sexually agentive women. Under its newly amended laws and gender action policies, the Pakistani state has distanced itself from its earlier indifference or collusion in patriarchal practices justified as tradition, religion or custom, but its role is still limited to criminalising sexual violence rather than preventing it.

The troubling encounters of sexual politics with theocratic regimes and religious lobbies continue to affect the pursuit of transformative social justice for women. In 2018, under the moral crusading Chief Justice of Pakistan, the court banned Valentine's Day and this reflected a disjunctive moment. Neoconservative values on gender, sexuality and minorities are in sync with greater liberalisation of economic policies. But Pakistanis want to be protectionist about ideas, values and traditions of the past while happily embracing the free market and the freedom to migrate easily to Canada and Europe. Pakistanis sympathise with Muslims who are subjected to surveillance by Western governments and consider these policies to be Islamophobic, but they consider censure and governance of romantic Muslims to be a legitimate and ethical way of practising Islamic culture and consider a sexually free society to be anathema to Islamic gendered norms.

Gender praxis has realigned the Pakistani state's political axis and the woman question has become a pivotal one. Certainly, women will keep paying with their lives for every inch of freedom, mobility and rights, and religious lobbies will continue to resist women's rights, especially over issues related to family laws and sexual rights – abortion, contraception and divorce. The struggles for sexual autonomy and secular freedoms are likely to be the combined landscape across which the next round for women's progressive rights will be contested more openly.

Notes

1 The Islamic law that criminalised adultery was part of the Hudood Ordinances promulgated by President of Pakistan, General Zia ul Haq, in 1979.

2 Asma Jahangir and Hina Jilani, *The Hudood Ordinances: A Divine Sanction?* (Lahore: Rohtas Books, 1990).

3 Afiya Shehrbano Zia, *Faith and Feminism in Pakistan: Religious Agency or Secular Autonomy?* (United Kingdom and Pakistan: Sussex Academic Press and Folio Books: 2018).
4 See, for example, Saba Mahmood, *Politics of Piety: The Islamic Revival and the Feminist Subject* (New Jersey: Princeton University Press, 2005) and "Feminist Theory, Embodiment, and the Docile Agent: Some Reflections on the Egyptian Islamic Revival." *Cultural Anthropology* 16, no. 2 (2001): 202–36.
5 National Assembly of Pakistan, *The Constitution of the Islamic Republic of Pakistan*. http://na.gov.pk/uploads/documents/1333523681_951.pdf.
6 Afiya Shehrbano Zia, "Motivated by Dictatorship, Muted by Democracy." In Sohela Nazneen and Maheen Sultan (eds), *Voicing Demands* (London: Zed Books, 2014).
7 See Arif Hasan, "'Honor' Killings" *Arif Hasan*. 7 August 2016. http://arifhasan.org/development/social-change-development/honour-killings. and S. Akbar Zaidi, "All Power to Women." *News International*, 17 June 2015. https://www.thenews.com.pk/print/46389-all-power-to-women.
8 Benazir Income Support Programme, "Second Impact Evaluation Report." Oxford Policy Management. http://www.bisp.gov.pk/Others/2ndImpactEvaluation.pdf.
9 Mala Htun and Laurel Weldon, *The Logics of Gender Justice: State Action on Women's Rights around the World* (Cambridge and New York: Cambridge University Press, 2018).
10 Zia, *Faith and Feminism in Pakistan*.
11 Mahmood, *Politics of Piety*.
12 Mahmood, "Feminist Theory, Embodiment, and the Docile Agent."
13 Sadaf Ahmad, *Transforming Faith: The Story of Al-Huda and Islamic Revivalism Among Urban Pakistani Women* (New York: Syracuse University Press, 2009).
14 Farida Shaeed, "The Other Side of the Discourse; Women's Experiences of Identity, Religion, and Activism in Pakistan." In A. Basu and P. Jeffery (eds), *Resisting the Sacred and Secular: Women's Activism and Politicised Religion in South Asia* (India: Kali, 1999).
15 See Jon Boone, "'She Feared No One': The Life and Death of Qandeel Baloch." *Guardian*, 22 September 2017 and Nighat Dad, "The Dishonourable Killing of a Pakistani Social Media Celebrity." *Opendemocracy*, 15 December 2016. https://www.opendemocracy.net/5050/nighat-dad/dishonourable-killing-of-pakistani-social-media-celebrity.
16 Fatima Bhutto, "Women Bear the Brunt of Pakistan's Obsession with Dishonour." *Financial Times*, 5 December 2017. https://www.ft.com/content/b1216552-4fe8-11e6-8172-e39ecd3b86fc.
17 Afiya Zia, "A Year after Qandeel Baloch." *News on Sunday*, 9 July 2017. http://tns.thenews.com.pk/year-qandeel-baloch/#.Wi7GT4UZIfo. Also see: Bhutto, "Women Bear the Brunt of Pakistan's Obsession with Dishonour."
18 Dad, "The Dishonourable Killing of a Pakistani Social Media Celebrity."
19 Ibid.
20 Boone, "'She Feared No One'."
21 Zia, "A Year after Qandeel Baloch."
22 "Murderer of Polio Worker Sentenced to Death." *News International*, 7 December 2017. https://www.thenews.com.pk/print/252970-murderer-of-polio-worker-sentenced-to-death.
23 In 2008, the CII objected to the use of the term "gender equality" by the government body, the National Commission on the Status of Women, terming it a "vague," "un-Islamic" and "absurd" and an impractical concept given the distinct differences in "anatomy and mental capacities" between men and women. "'Gender Equality' Vague, "Un-islamic" Term, Says CII." *Dawn*, 17 December 2008. http://www.dawn.com/news/334648/gender-equality-vague-un-islamic-term-says-cii.
24 Federal Bureau of Statistics, *Pakistan Labour Force Survey (2014–2015)*. Government of Pakistan. http://www.pbs.gov.pk/content/labour-force-survey-2014-15-annual-report.

Chapter Twenty

IN SEARCH OF A PAKISTANI FEMINIST DISCOURSE

Bina Shah

A burgeoning feminist movement is underway in Pakistan, but it can succeed only when it starts mirroring the makeup of the women and the society for which it operates – and this country is tricky territory for feminists. Open hostility towards feminism persists based on the deliberate misunderstanding put about by conservative politicians and the religious right that feminism is about hatred of men, Western (and therefore alien) values and moral licentiousness. A certain amount of rehabilitation towards the image feminism has to take place in Pakistan before women can truly become cognisant of the perniciousness of the system that they have been conditioned to accept. Pakistan needs a feminism that elegantly marries both the secular and Islamic tendencies because the country, I believe, was created on the basis of both secular and Islamic principles.

Women make up 52 per cent of Pakistan's population, yet even in the twenty-first century many of them are treated as second class citizens. The struggle for women's empowerment is well underway in the country, but much of it is based on economic factors and financial necessities: women are touted as the missing factor in Pakistan's economy and their inclusion in the labour force is seen as the magic bullet that will fix both the country's economy and their unequal standing in the society. But that is not the whole story.

Deliberate feminist action is the mechanism that Pakistan desperately needs to address the gaping disparity between men and women. But before that, certain theoretical dilemmas must be resolved. First, is feminism compatible with Pakistan's official religion, Islam? Second, how can Pakistani feminism overcome entrenched cultural traditions stemming from the patriarchal nature of our particular sociocultural makeup? Third, what should such a feminism look like? This chapter attempts to answer these questions, first by contextualising the problem of gender inequality and illustrating its scope and then by presenting an argument as to why Pakistan *needs* feminism to embark on the road to progress and prosperity. The latter part of the argument would be approached through real-world examples coupled with a personal testimony.

Is Islam Compatible with Feminism?

Islam embodies many of the principles that feminism fights for: equality, dignity and respect for women. At the time of its birth, Islam was a revolutionary force in terms of

the social and personal rights it granted to women. However, in the lands where this religion took hold, patriarchy was the norm. So what we see today, I contend, is a massive distortion of what Islam was meant to be, for women as well as for men. But Islam is not to be confused with feminism. Feminism is the mechanism by which women can fight for the rights that have been taken away from them. And, in Pakistan's case, these rights have been usurped by men and in the name of Islam. For example, if Islam gave women the right to own property, patriarchy in Pakistan makes it difficult – if not impossible – for women to technically and legally administer and maintain the property they own. If Islam gave girls the right to go to school, patriarchy ensures that girls remain without safe and easy access to schools or abandon school in favour of an underage marriage or, if they manage complete school, abandon higher studies and career aspirations to bear and raise children. In short, *Islam* and *sharīʿah* becomes shorthand for *patriarchy in Muslim countries*. This is the reason why, according to a report published in The *Lancet* journal, Pakistan performs abominably in maternal, adolescent and child health indicators, lagging behind even other Muslim-majority countries such as Iran and Bangladesh.[1]

Religions work through the engine of human conscience and Islam, like any other religion, is based on an honour system; this is not the skewed South Asian or Middle Eastern system of *izzat* but the honour system of, say, a university where students are *trusted* not to cheat because of a desire to be honest and ethical. In other words, it is up to the individual to abide by the principles of a religion, and Islam's principle of just treatment and fairness for all regardless of race, gender, nationality or class is ignored by too many of its adherents. One's conscience is never more severely tested than when one has been given stewardship of vulnerable people. Unfortunately, Muslim men, proposed as the guardians of women in the Islamic system, have colluded to keep women in a vulnerable position. And it is feminism which helps us understand this power dynamic and argues that, instead of relying on men's conscience, women must work towards securing legal protection. While legislation in Pakistan criminalises some of the more extreme forms of gender-based violence against women – honour killings, acid attacks, domestic violence and so on – it leaves unaddressed such violations as marital rape and emotional and psychic violence. According to the aforementioned study, legislation and policies specifically protecting women were insufficient in Muslim-majority countries as compared to the non-Muslim-majority ones.[2] To take just one example, only 21 per cent of the Muslim-majority countries have laws and policies pertaining to domestic violence in contrast to 49 per cent of the non-Muslim-majority countries.

Feminism is a powerful movement, but it has its limits. Islam does not mandate the superiority of one sex over the other, but strives to achieve balance between the sexes. And what "balance" looks like in Muslim-majority countries is very different from what it looks like in the West. In Pakistan, for example, feminists are still trapped in the first wave: demanding safety, health, education, the right to vote and equal treatment in real life and not just in statute books. Furthermore, one should avoid making assertions like "Islam is a feminist religion". What is more helpful is to consider Islam as a system through which humans achieve their full potential on earth as well as cultivate a relationship with their Creator. This is a struggle that applies to both men and women, and how Muslims run their affairs can be positively influenced by feminism. But how people treat

each other and look to the meaning of life beyond what is here in this physical, spatial plane ultimately goes beyond feminism, and we need to keep that in mind.

The *Purdah* in Our Minds

In Pakistan, the cultural practice of *purdah* – in South Asian Muslim communities, this is the system of female seclusion from the rest of society – may not be exercised as much now as it used to be in the nineteenth century, but it has nonetheless left deep marks on the mindset and attitudes of the society towards women. The practice of *purdah* originated with the ancient Persians and was adopted by Muslims during the Arab conquest of Iraq in the seventh century. In turn, the Muslim domination of northern India led to this practice being adopted by high-class Hindus as well. Today, it can be witnessed in Pakistan, Afghanistan and Saudi Arabia, although each country bestows to it a certain flavour peculiar to its cultural context. But what exactly is *purdah* in the physical realm? The word "purdah" literally means curtain and is defined as "the seclusion of women from public observation by means of concealing clothing (including the veil) and by the use of high-walled enclosures, screens, and curtains within the home".[3] Notwithstanding its complex cultural origins, the practice has strong religious overtones: there is a verse in the Qur'an that whenever men were to speak to the wives of the Prophet (Peace Be Upon Him), they must do so from behind a curtain.[4] Thereafter, this was seen as the most honourable way to live for all pious Muslim women. In Pakistan, *purdah* remained entrenched as a norm and an ideal of piety despite not always being economically viable for many working-class and lower-middle-class women. Moreover, *purdah* continues to be practiced by some landowning families in the country, thanks to a Wahabbi-influenced Islamic revival in Pakistan in the 1990s, the resurgence of which can be observed in today's urban middle-class families as well. For instance, the Wahabbi-funded proselytiser Farhat Hashmi, whose Islamic classes gained immense popularity among middle- and upper-class women in the 1990s, is a huge proponent of *purdah* and its sartorial extensions, the *burqa*, the *abaya* and the *niqab*. This form of clothing has become commonplace in a country where it was hardly ever seen prior to the 1980s.

The *purdah* system is emblematic of all the opportunities that women in our society are denied because of our societal attitudes. Of course, not all Pakistani women practice the *purdah*, and not all men are proponents of it. Many of us tend to think of ourselves, with all of our education and open attitudes, as far advanced from the inequality and absolute unfairness embodied in the *purdah*. And yet, we carry the *purdah* system in our very hearts and minds and take it with us into our worlds – the school, the university, the workplace. There is an idea hardwired into our psyche that a woman's rightful place is in the home and with the family; this mindset is best illustrated by the alliterative Urdu phrase *chadar and chaar divari* (veil and the four walls of home) which remained the unofficial state doctrine of the Islamist dictator General Zia ul Haq.

Social and cultural taboos that impede women's active participation in the national economy are the biggest factors preventing Pakistani women from reaching their full potential. These taboos stop girls from going to school, deter women from being educated enough to know their rights, from being given jobs for which they are fully qualified,

from being paid the same amount as their male counterparts and from reaching the upper echelons of business and politics. What other explanation can there be for the disgraceful inequalities that women face in schools, universities and workplaces? Why else are women turned away from jobs or discouraged from working in the first place? Why else is it that 80 per cent of medical students are female and yet only 30 per cent of the graduates go on to practice medicine afterwards? In other words, Pakistanis still sustain and support the *purdah* system through their attitudes, which then translate into reality for Pakistan's 90 million women.

Let us examine these economic disparities from another angle. With regards to work, women can be divided into four broad categories: employers, employees, self-employed individuals and unpaid family helpers. In 2013, there were only 12 million women in the Pakistani workforce, which means that the majority of women work as unpaid family helpers and as farmworkers where their husbands negotiate their wages. In Karachi and Lahore, Pakistan's largest urban centres, women administrators, businesswomen and entrepreneurs might give the illusion of women's visibility, numbers, strength and leadership. But most of these women are backed by companies or organisations that are largely run and owned by men. The truth is that, taken as a whole, women in the Pakistani workforce are largely invisible. This is especially true of high-skilled and high-influence positions. Consider the following statistics: 78 per cent of KSE 100 companies do not have a single woman on their board; in business conferences held in Pakistan in 2016, only 14 per cent of the speakers were women; only 22.8 per cent of all national parliamentarians were women as of June 2016; and only 2 per cent of women own land.[5] If the visibility of women in public arenas is increased and their representation at the very top is heightened, things will change for *all* the Pakistani women. This invisibility of women from such arenas as conferences, streets, c-suite, boardrooms, politics and newspapers needs to change, as there is an immediate and urgent need for role models for young women. And this can only happen when Pakistanis, both men and women, decide to remove the *purdah* from their minds.

Why Pakistan Needs a Feminist Discourse

In Pakistan, feminism is a dirty word, a sign that you are an atheist, a Western agent or simply a threat to the system. Speaking for myself, I am neither an atheist nor a Western agent, but I *am* a feminist. I am a threat to the system, to the status quo that dictates where women "should be" in our society. I decided a long time ago that the system was rotten and that feminism was the best way for me to upend that system.

First, let us understand what a feminist is and is not.

A feminist is *not* a man-hater. I have some wonderful men in my family and I love them very much. I have about equal number of male and female friends. I have had male professors, bosses, mentors, colleagues and peers. And while I respect and admire many men, I do not think that any of them are superior to me just because they are men, and neither am I inferior just because I am a woman; I am the spiritual, moral and intellectual equal of a man.

Feminism is about equality between women and men in the eyes of the law, the government, the state and the society. If women's rights are human rights, as the popular saying goes, then feminism is a humanist movement. But the question is: what makes a person a feminist? You are a feminist if you believe that women should have equal political, economic, cultural, personal and social rights, and if you want equal education and employment opportunities for women and men. You are a feminist if you believe that a woman's work and time is as valuable as a man's, and that if a woman does the same work as a man she should be paid the same amount. A feminist *does not* want women to rule the world and make men their inferior, but she does want women to have equal place at the table – be it that of the boardroom, the parliament or the family. In short, a feminist is anyone who believes women should have say over their own lives and their own bodies.

A feminist does not want to avenge all the historical injustices that women have experienced, but she does want justice to prevail. A feminist might be a believer or a non-believer, pro-West or anti-West; whatever her beliefs, she will always remain a threat to the system because she wants to *change* the system. The reason feminists emphasise equal rights for women is because, right now, the world needs balance and women's rights will help achieve that. It might not seem like it, but men can be feminists too – or allies to feminists in a country like Pakistan. Men have benefited from male privilege for centuries, but there are many of them who recognise that the system which perpetuates male privilege – patriarchy – is as harmful to them and their children as it is to women. It is the system that dictates gender roles which, for example, compel men to fight and die in useless wars because masculinity demands that men be aggressive and physical, and fight and die for causes like nationalism.

The biggest objection to feminism that one may come across in Pakistan is: we do not need feminism because Islam has already given women their rights. Islam may give women rights in theory but, in practice, are women "getting" their rights? In previous elections, women in Upper Dir were not permitted to vote. The men decided that women will not vote because of the tradition, and that they could be deprived of their right "given" to them in the constitution. Similarly, women and girls are pressured into forced marriages which prevents them from exercising their Islamic right to choose their spouses. Therefore, regardless of what Islam promises or guarantees us, the reality is that women get some allowances only when men decide to grant them: you will go to school only if your father allows; you will work only if your brother does not object to it; you will vote only if your tribal elders decide. So, is this Islam giving us our rights, or is this men deciding what rights we can have? In this context, feminism is the mechanism by which we claim our rights. As feminists, we do not wait for a man to grant these rights to us. We do not sit comfortably in the knowledge that Islam gave us our rights. Islam may give us the moral certainty to go out and fight for our rights, but we still have to fight for them. We have to fight for rights that are so basic that men do not even have to think about them. For instance, is it ever a question whether a man will go to school or get a job? Or whether or not he is allowed to vote? The answer is no, because such question in our society only pertain to women. Feminists, then, strive to create a world where such options and decisions are as normal for women as they are for men. This feminist struggle can

take many forms, from street protests to negotiating with government figures, politicians and world leaders. Feminists work with women in grassroots organisations, reaching out to them in their factories, villages and streets. It is also important to note that feminism is not a violent movement. And despite this nonviolence, feminism is a strong movement that sees women as strong and capable human beings rather than as delicate dolls, vessels of honour or precious jewels that need to be protected from nasty men. In my own life, I was aware of feminism before I had even heard the word, and my mother was the first feminist I ever knew who told me that I had to get my education and my training so I could stand on my own feet.

Our society which gives a lot of lip service to respect for women has a very one-dimensional view of what that respect means. It boils down to the fantasy that women will always be protected by men in their lives. But the reality is vastly different from our idealised imaginings. So many Pakistani women, from the poorest to the middle class, actually have to bear the financial burdens of their families. Sometimes their male family members fall ill or die; sometimes they abandon them and their children; sometimes they are abusive and a woman has to leave and fend for herself and her children; these are all realities in the Pakistani society. The other thing is, when a woman educates herself and takes her place in the society as an earner, it ultimately helps the country. Economies do better when women participate, and nations are more secure when women are able to exercise their rights. Furthermore, the dismantling of a patriarchal society also takes away a lot of the burden from men. We know that men suffer from great stress of financial burdens of their families. If only men realised that encouraging and empowering women to become fully functioning members of the society would improve *their* life as well.

Lastly, there is one really important reason why we need feminist principles to shape public life in Pakistan, and urgently. And that is the issue of violence against women. The worldwide figure for violence against women is one in three. Think about that: one in three women *anywhere* in the world suffers from some sort of violence, whether that is domestic violence, sexual violence or physical or mental or emotional abuse. In Pakistan, the number is even higher; according to the Human Rights Watch, between 70 to 90 per cent of women in Pakistan are victims of some form of violence because of their gender. We need feminism in order to be able to effectively end violence against women through strong laws that are enforced by the government. After all, it was the work of Pakistani feminists who agitated and worked with parliamentary committees – made up of women in the national and provincial assemblies across all party lines – to enact laws that protected women; for example, the laws that criminalise forced marriages, *watta-satta* (a practice of bride exchange between families), honour killings, *vani* (a custom involving forced-marriage of a girl as compensation to end disputes) and sexual harassment in the workplace. We actually have these laws now, after decades of Pakistani women being subjected to all these injustices. Such laws were enacted because women stood up and strived for them. This is feminism at work in our country for the betterment of our women and all our people. But, unfortunately, we as a country failed when it came to the Domestic Violence Bill. The same women agitated and the same advocacy took place in the halls of the parliament: the bill was proposed in the National Assembly in 2009 by Yasmeen Rahman of the Pakistan Peoples Party (PPP); it passed in the National

Assembly but was defeated in the Senate because of objections raised by the religious right, including the Council of Islamic Ideology. Then, after the 18th amendment and devolution, the bill went to the provincial assemblies where again it was defeated because of the religious right. The only place where it has been passed is Islamabad. Think about that: Pakistani women are still legally unprotected against domestic violence. *This* is why we need feminism. This is why I am a feminist. I may be privileged to be part of a family where I am safe from abuse or violence, but as long as there are women who do not have those same safeties, I cannot consider myself truly liberated or emancipated.

Notes

1 Nadia Akseer, Mahdis Kamali, Nour Bakhache, Maaz Mirza, Seema Mehta, Sara Al-Gashm and Zulfiqar A. Bhutta, "Status and Drivers of Maternal, Newborn, Child and Adolescent Health in the Islamic World: A Comparative Analysis." *Lancet* 391, no. 10129 (2018): 1493–512. http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(18)30183-1/fulltext?elsca1=tlpr.

2 "Pakistan Behind Muslim-majority Neighbours on Key Health Indicators." *Agha Khan University*, 31 January 2018. https://www.aku.edu/news/Pages/News_Details.aspx?nid=NEWS-001444:// www.britannica.com/topic/purdah.

3 "Purdah | Islamic Custom." 2019. *Encyclopedia Britannica*. Retrieved on 22 February 2020. https://www.britannica.com/topic/purdah.

4 "When you want to ask something from the wives of the Prophet, ask them from behind the curtain. This would be more proper for you and for them." Qur'an 33:53, translated by Muhammed Sarwar.

5 "Only 2pc Women Own Land in Pakistan." *Dawn*, 15 October 2018. https://www.dawn.com/news/325361.

Part V

Conflict, Diplomacy and Foreign Policy

Chapter Twenty-One

PEACE MUST WIN

Raza Rumi

Ever since the Partition of 1947 and the creation of two nation states, a perennial theme has defined the postcolonial trajectories of India and Pakistan: the construction of nationalism. The newly created states lacked a coherent self-definition when the British left India in a shameful hurry, after lording over a holocaust and, perhaps, the greatest migration of the twentieth century. The Indian National Congress (INC) had a fairly well-worded mythology about India's past and its role in the future. But, as recent events have shown, the very idea of India is under intense scrutiny by the right wing, which insists that the imagination of the Indian nation ought to be revisited.

Reimagining the national identity in a communal outlook leads to categorisation of identities which articulates identity in defined limits by adhering to the norms and conducts of a specific community. The pattern of identity in a community is developed in opposition to the defined other which is its antagonist. These two forces appeal to the rituals, symbols and religion to reassert identity in the face of uncertainty and sense of passivity. It brings into memory the nostalgic past and myths as the moving force of history to form new identities. The reassertion of community operates in contradiction to the rational principles of modernity. It is transformed into a political movement in a different dimension under the impact of modernity. The politicised assertion of community in the face of changing social, economic and political relations acquires religious overtones.

While the founding fathers of India strived to make sense of the postcolonial *Bharat*, their erstwhile compatriots in Pakistan had a more onerous task at hand: that of creating a nation comprising the ardent Pakistan believers, the reluctant communities and the outright naysayers. This was made worse by the fact that the new state immediately found itself petitioning for its legitimate assets from the British India and constructing the entire state machinery from scratch as only patches of it existed on the ground. The early demise of Pakistan's founder Muhammad Ali Jinnah, 13 months after the creation of the "nation", made the entire exercise intractable and state-building has been a continuous, lapsed project to date.

The conventional wisdom of Indian leaders suggested that given the 1,000-mile distance between its two wings, Pakistan will eventually self-destruct as it was merely an aberration from the Nehruvian idea of One India. All of this was to contribute in planting the seeds of insecurity in the very genesis of the country. Sardar Patel, for example, contributed to the discourse of insecurity by predicting that Pakistan would not last.[1]

As Ayesha Jalal, the leading historian of Pakistan, traces in her seminal work *The State of Martial Rule*, by 1958 Pakistan had turned into a national security state where maintaining

territorial integrity and dealing with the large eastern neighbour became the ultimate priorities of the state.[2] There is no denying that the "overdeveloped" institutions of the state, to quote Hamza Alavi's thesis, were at work here. On the other hand, Muslim League, the political institution that led the movement for Pakistan, remained a weak political force with shallow roots in the diverse communities of united Pakistan. In an article, Hamza Alavi asserts that the unifying principle of Pakistani nationalism was religion and it failed to take deep roots in the social and ethnic strata of society.[3] The stranglehold of civil-military bureaucracy over power, policy and discourse led to a nationalism that viewed Pakistan's identity in negative terms: everything not India or not Indian was Pakistan.

Perhaps the greatest impetus to this construction was the issue of Jammu and Kashmir (J&K). The J&K conflict stymied the prospects of peace in this region contrary to the wishes of Muhammad Ali Jinnah, who desired that India-Pakistan relations should be similar to the US-Canada model of neighbourly relations. Paul Alling (then US ambassador) mentioned to Jinnah that the United States desires to see Pakistan and India as friendly neighbours, and Jinnah's reply to this, as quoted in memos of South Asian expert Dennis Kux, was that "Nothing was closer to [his] heart."[4] Since 1947, the two countries have gone to war four times, and the wars have remained inconclusive except that in 1971 it led to the breakup of Pakistan. The Pakistani state has not forgotten this wound and the initial sense of insecurity has only accentuated over time. In the 1971 debacle, Indian nationalism has found a new metaphor to assert itself; from Indira Gandhi to Narendra Modi, 1971 has been repeated consistently as a victory and a lesson to Pakistan. In this jingoistic war of nationalist narratives, it is almost impossible to detect and consolidate the efforts for peace building.

The prospects of peace remain endangered and remote given the unresolved J&K issue. While different options have been tried and deliberated upon, it is a truism that without addressing the J&K issue, India-Pakistan will remain on a war path. Pakistan holds the view that the Kashmiris' right of self-determination is the fundamental impediment to any long-term solution. India, since 1990s, has maintained that Kashmir will be all well if Pakistan-based Mujahedeen were not to foment trouble. Over time, the J&K dispute has become more than a territorial issue; it is now a marker of Indian and Pakistani nationalisms, with India calling it the *atoot ang* (integral part) and Pakistani nationalistic discourse terming it the country's *sheh rag* (jugular vein).

In addition, Kashmir holds central significance due to its geostrategic location and potential for conflict and wars. A defining flashpoint in the foreign policies of rival neighbours, the J&K dispute has found increasing resonance with communal discourses, from the expulsion of pundits to the rise of a religious brand of Kashmiri identity. India and Pakistan have wronged the Kashmiris and themselves, and the irony is that the Kashmiris, in whose name the two states have mobilised militaries and fought battles, feature nowhere in the picture.

Is there a way forward? The answer to this question cannot be addressed without having a look at the tumultuous history. It is pertinent to recall that the state machinery in Kashmir was severely oppressive and exploitative, alienating the Kashmiri peasantry from representation and reducing it to a docile, subservient entity. The first incidence of political awakening expressed itself in the 1931 Kashmir Agitation, which resulted in

the deaths of 22 Kashmiris, after Maharaja Dogra refused to co-opt Kashmiris within the representative framework. When the British government decided to transfer power to India and Pakistan in 1947, the rulers of 565 princely states, or two-fifths of India, were asked to join either India or Pakistan. Maharaja Hari Singh, the Hindu ruler of a Muslim-majority J&K, remained undecided on the future course.

The Kashmiris viewed Partition as a way out of the oppressive regime of Hari Singh but fearing the Maharaja, they did not align with Pakistan and it resulted in protests. The protests soon turned into a bloody revolt, resulting in massive atrocities at the hands of the forces of Hari Singh. To help their brethren, Pakistani tribesmen from the north-western region also joined the resistance, setting a dangerous precedent for the future. The riots escalated further, reaching a tipping point for the trammelling writ of the state and forcing the Maharaja to request military support from the Indian government. The Indian government agreed but made this support contingent upon the signing of Instrument of Accession (1947). This was to be India's main argument in the United Nations (UN) in support of their so-called legitimate right over Kashmir. India claims that Hari Singh signed an instrument of accession whereby India's sovereignty extended to defence, external affairs and communications of the region. But when exactly did Hari Singh sign the instrument of accession, and whether or not he did it under duress, has been in contention ever since.

While Pakistan rejects India's stance, it views Kashmir as an unfinished business of the original Partition plan of the subcontinent. Abdul Sattar in his book *Pakistan's Foreign Policy 1947–2016* claims that Maharaja Hari Singh deliberately sabotaged the accession of Kashmir to Pakistan. He holds the view that the majority opinion in J&K was in favour of accession to Pakistan.[5] Pakistan blames India for blatantly disregarding UN resolutions and deliberately sabotaging plebiscite by the UN Commission. The Indian claim of Kashmir's accession is disputed on account of its legitimacy and timing: How can a Maharaja who lacked control over the population decide their future? Moreover, Indian troops landed in Kashmir before the supposed instrument of accession was signed, thus violating the previously signed Standstill Agreement between Kashmir and Pakistan. This view suggests that the uprising by Kashmiri people is a legitimate struggle as they do not wish to be a part of India, with the implication that Kashmiris either want to join Pakistan or become an independent state. India, on the other hand, rejects this stance and blames Pakistan for meddling in its territory and supporting the tribesmen, a policy decision that resulted in the splitting of Kashmir. Both hold a bold claim over the entire territory of Kashmir and identify each other as occupiers.

In the aftermath of the Kashmiri uprising, and the subsequent Pakistani involvement through tribesmen, the geographical boundaries of the region were redrawn and Pakistan gained control over 37 per cent of the territory, known today as Azad Kashmir and Gilgit Baltistan. In contrast, India controls 43 per cent of the territory including large parts of Jammu, the Kashmir Valley, Ladakh and the Siachen Glacier. The remaining territory is controlled by China, acquired after the Sino-Indian War of 1962, and includes the Shaksam Valley that China claims is a part of Tibet.

After India referred the dispute to the United Nations in 1948, the UN Security Council, via a resolution, called for an immediate ceasefire and the creation of conditions

for a plebiscite to decide the future of Kashmir. To date, the plebiscite has not been held, and both India and Pakistan accuse each other of failing to meet the conditions for the plebiscite. As history tells, both countries continue to be less concerned about the Kashmiris and more engaged with the idea of territorial nationalism. The region as a whole continues to suffer in terms of material and human cost, and the prospects of Jinnah's US-Canada model of friendly relations remain distant. The Kashmir dispute became a major thorn and a stumbling block in India-Pakistan relations and continues to thwart cooperation and further mistrust. Thus, progress on other disputes like Sir Creek, Rann of Kutch and later Siachen remained elusive. For Pakistan, relationship building with its eastern neighbour was tied to Kashmir's settlement, and only its resolution could create an environment of mutual trust and cooperation on other fronts.

Apart from Pakistan and India, the people of Kashmir have been alienated from the peace process led by third parties or guided by bilateral agreements between India and Pakistan, for instance the Tashkent Declaration (1966) and the Shimla Accord (1972). In addition, the Kashmiris have suffered massive human rights violations, extra judicial killings and disappearances. According to one estimate, as mentioned in the CNN factsheet about Kashmir, violence has killed more than 47,000 Kashmiris, excluding disappearances.[6] Some international human rights groups and local NGOs have estimated this number to be twice. But who is to be blamed for such atrocities? Both the neighbours and the international parties have disagreements on interpretation of UN Security Council resolutions, which served as an excuse for both sides to perpetually defer plebiscite and troop withdrawal. Many formulae have been proposed by international players like UN, United States and the former Soviet Union for resolution of the dispute but in vain, because the international community failed to bring up a plausible agreement that was binding on both parties. Since no negotiated settlement was reached between the parties, military conflict was to be the final instrument for territorial acquisition; wars of 1947, 1965 and 1999 were desperate attempts on the part of Pakistan to resolve the conflict.

Lessons from our history and the myopia of elites, as manifested in the breakdowns of 1947 and 1971, are not encouraging. But the status quo has also become untenable. India plans to become a global power, while Pakistan is pitching itself as a hub of energy trade through pipelines and corridors linking China and Central Asia to the rest of the world. These ambitions cannot be achieved without regional stability and minimisation of flashpoints such as Kashmir, and this can only be accomplished after a thorough understanding of the nature of the conflict.

Deterrence, strategic restraint and resolution are key determinants in the process of unfolding of the conflict. Conflict management becomes necessary when willingness to use force is high and gains from conflict are disproportionately lower than the expected cost of war. Restraint calls for the use of other coercive options: diplomatic, psychological and economic. The criss-cross of India's "cold war doctrine" to deter Pakistan from supporting separatists in Kashmir has been a zero-sum game and has thwarted initiatives for conflict management. The fact that conflict generates its own vested interests – ideological, political and economic – begs a question: who has gained more from conflict and at what cost?

Pakistan becoming a security state rather than a welfare state, as envisioned by Jinnah, is a huge loss for the people but a gain for the military establishment. Resistance would inevitably follow when the current arrangement, the status quo favouring military, is challenged. Similarly, in India many lobbies would be threatened, including the ones that make India invest billions in arms. This strategic positioning has been conducive to conflict, and measures to advance the conflict become necessary for parties gaining from the conflict. For instance, a litany of charges is levied against Pakistan for supporting militant groups in Kashmir, or for waging a proxy war in the region. The media of both countries portray fearsome, draconian image of the other and notions of "we are at war" are coined when it comes to border skirmishes. Incidents like Uri present a political catch and an opportunity for conflict, and groups on both sides attempt to capitalise on it.

The willingness to conflict is coupled with an element of uncertainty, which creates miscalculations of intentions and leads to a possibility of escalation. Since the civilian power transfer in Pakistan in 2008, all the elected parties have demonstrated an inclination towards closer ties with the eastern neighbour in their manifestos. In India, however, there have been calls to teach Pakistan a lesson. Modi's alleged claims of having crossed into Pakistan's territory and killing state-sponsored terrorists proved to be a hoax, attracting domestic criticism. But the lesson does not stop here. Because of their militaristic potential, state responses to incidents like the Uri attack (2016) and Mumbai attacks (2008) could escalate to a trigger point where the threat of tactical nuclear weapons is invoked by either party as the last resort of self-defence guaranteed in Article 51 of the UN Charter.

It took multiple wars and standoffs to learn that war does not promise a resolution to territorial disputes, be it Rann of Kutch, Siachen, Sir Creek or the backbone of conflict, Kashmir. The promising and historic Lahore Declaration (1999), ratified by the parliaments of both countries, was sabotaged by the military coup in Pakistan shortly after. Two years later, the attack on Indian parliament took place, resulting in intense troop mobilisation on borders and yet another standoff.

What, then, is the way forward? The two countries need a peace process that promises uninterrupted and uninterruptable diplomatic engagement, positive public opinion and, above all, a bold political initiative. Such an initiative must stall domestic opposition by power groups and withstand media-led jingoism and the bitter legacy of conflict, distrust and cynicism. Deeper normalisation initiatives, such as building collaborations and creating spaces of connectedness, would create an environment of trust. Musharraf's hand shake with Vajpayee, on the sidelines of SAARC (South Asian Association for Regional Cooperation) Summit in 2002, was a charming trigger of hope. In his book *In the Line of Fire (2006)*, Musharraf made a case for sustained talks and settlement of conflicts with India through dialogue.

Starting in 2004, under the Composite Dialogue Process, bilateral meetings were held between officials at various levels of the government. Several rounds of talks, on nuclear and ballistic Confidence Building Measures (CBMs) and the Joint Anti-Terrorism Mechanism (JATM) were held, and the peace process between India and Pakistan resumed. Back channel talks on Kashmir intensified between Pakistan's military government and the Indian counterpart. An unconventional, out of the box approach to

conflict settlement was adopted in the form of a four-point formula (FPF) presented by President Musharraf. It remains perhaps the most workable option, much more plausible than UN resolutions, given the fact that it attempts to gear toward a middle-ground settlement between India and Pakistan. The FPF entails gradual withdrawal of troops from both sides, self-governance for Kashmiris, no changes in the borders of Kashmir and a joint mechanism to steer a long-term solution that would involve representatives of India, Pakistan and the Kashmiris. President Musharraf even went so far as to say that if India accepts this formula, Pakistan would be willing to move away from its insistence on UN resolutions. This was a historic moment in our recent history.

Furthermore, several CBMs were undertaken and sustained at governmental, non-governmental and civil society levels. The measures include granting of "most favoured nation" (MFN) status for trade expansion, visa relaxations, cultural exchanges, Samjhota Express and *Aman ki Asha*. Pakistani military, though viewing India as a problem from the geostrategic lens, also supported trade links. Perpetuity of conflict has now become undesirable because of the futility of war. Several Mujahideen organisations were banned but were not checked hard against operating under different umbrellas. Furthermore, Pakistan's support to separatists in Kashmir did not subside completely. As Musharraf writes in his book, Pakistan Army's support for separatists was viewed in India as an instrument of building pressure, so as to forcibly bring India to the negotiation table.

The Mumbai attacks in 2008, allegedly planned in Pakistan, once again brought both the neighbours to the brink of war. However, the peace process continued, though at slower pace and with lesser trust. The process received another blow when right-wing Bharatiya Janata Party (BJP) came to power in India. In the beginning, when Modi visited Nawaz Sharif in his house, there was a silver lining, at least a hopeful perception of continuity of the peace process as left in 1999 in the form of Lahore Declaration. However, the Uri attack in 2016 blew away any hopes of bidding farewell to the security model of state and starting a collective fight against poverty. India's inertia has consolidated more, citing Pakistan's support to terrorist networks as the paramount hindrance to any negotiation or dialogue process. The recent Kartarpur border opening, after continued insistence on the part of Pakistan, failed to attract the response as hoped or desired. On the other hand, Indian media portrayed it as anything but a potentially positive step towards resuming dialogue. Indian foreign minister even termed it a "googly gesture" on the part of Pakistan. So far, the attempts and calls to resumption of talks have been reaching a dead end.

The history of India-Pakistan relations is marred with inherent inconsistency in bilateral trajectory. It is linked to the history of the two countries and goes as far back as the engagements between Muslim League and INC that were full of mistrust and discord, thereby sabotaging the idea of peaceful coexistence as proposed by the Cabinet Mission Plan. The Cabinet Mission Plan of 1946 was a moot point indeed regarding mutually acceptable territorial adjustment: provincial grouping in three categories, with the right to change group and formulate a separate entity after 10 years, made the internal division of India inevitable.[7] INC opposed the plan, especially the idea of provincial mobility within a geographical unit. Ultimately, the it was rejected and the last hope of a unitary Indian Federation was lost. Jinnah was opposed to the idea of a sovereign Pakistan

carved out of the division of Bengal and Punjab; he had opposed it when offered by Rajagopalachari in 1944, and then rejected it again in the plan.[8]

Despite reservations, the Muslim League had accepted the plan for it acknowledged geographical contours and a hopeful step towards the creation of at least one, if not two, Pakistan(s) in 10 years' time. Mountbatten was intrigued by the position that Jinnah adopted in that fateful year. Perhaps, Jinnah's denial of a joint Governor General came with a price: a truncated, "moth-eaten" Pakistan based on the division of Punjab and Bengal. As quoted in Transfer of Power documents, Mountbatten recalled his encounter: "I asked [Jinnah]: Do you realize what it will cost you?"[9]

The creation of the new state created a new question of identity. The creation of a common, cross-cutting "Pakistani" identity, enmeshed within the larger "Islamic" identity, superseded other ethnic, linguistic and subaltern identities. When a singular, unifying national project that was set into motion, the concept of "unity in diversity" suffered, leading to resentments and tensions that continue.

In this light, the secession of Bengal in 1971, sporadic mobility in Balochistan for separation and the recent Pasthun Tahafuz Movement (PTM) seem less surprising and in fact calls for self-reflection within the national consciousness and a revision of the meta-narrative of singular identity. It makes imperative the reconfiguration of the federal centre by granting autonomy, due resource endowment and spaces of expression to the smaller provinces. The 1973 constitution does so in spirit, and there was an attempt to actualise it through the 18th amendment and the Council of Common Interests. However, the recent calls for subversion of 18th amendment are alarming as they might revive the old demons. There are well-grounded reservations on part of smaller provinces regarding the China Pakistan Economic Corridor (CPEC) as well. CPEC will be a game changer for Pakistan only if it is a game changer for its provinces, especially Balochistan.

While Chinese support is vital for Pakistan's economic future, we have to think of mending fences with India. And vice versa. We have to think of the potential that the European Union model presents. A more accommodative and fair union would be in a better position to withstand the paralysing challenges of the present. Jinnah's case for Pakistan was a case of principles, of federal rights and inclusive citizenship without disgruntled enfranchisement. "Unity, Faith and Discipline" is a message of hope, courage and national confidence. He once said: "We have a state in which we can live and breathe as free men, and which we can develop according to our own likes and culture, and where principles of Islamic social justice can find free play." These words denote multiple, centric identities for citizens: an idea of living freely as responsibly, managing diversity and considering sovereignty as a divisible principle of progress and dignity.

The two world wars show how destructive the inflexible sovereignty can be. Mere decentralisation is not enough; it needs to be warranted by giving adequate thought to the power-sharing arrangements, accommodative of complex interdependence and cooperation. India, for instance, is by and large a secular communal state, and yet there have been incidents recently of massive human rights violations, from public lynching to labelling locals as foreign invaders.

To a great degree, the animosity between India and Pakistan is a result of the colonial inheritance of non-negotiable sovereignty and hard borders. The shared enhanced

sovereignty would serve as the cornerstone of a South Asian union and anchor, in principle, with South Asian diaspora as a viable response to the question of identity. Since 1947, adherence to the idea of a non-negotiable sovereignty has arrested collective imaginations in both India and Pakistan. The European Union model rests on the principle of shared negotiable sovereignty; the arch rivals, Germany and France, with their identities well preserved and respected, found ways to coexist under the EU umbrella.

Pakistanis and Indians, too, desperately need to revisit the confederal ideas that Jinnah advocated (right until the Cabinet Mission Plan of 1946) for the mutual benefit of their poverty-stricken, ill-governed and violence-torn nuclearised countries. History repeats itself and the course of history is determined by incremental changes made along the way. The populace of India and Pakistan are hostage to the "national" fallacies that spawn conflict and create further insecurity. This is a grand decolonisation project that we need to embark upon. It is not an easy journey, but there is no other choice. Pakistanis and Indians owe it to their freedoms and the million lives lost in Partition to take charge of the present. And the best way to achieve that would be standing up for and selecting peace as the only way forward.

Notes

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4 Waqar Mustafa, "Jinnah, Gandhi Wanted Us to Move past the Hostilities." *Khaleej Times*, 14 August 2017.
5 Abdul Sattar, *Pakistan's Foreign Policy:1947–2016: A Concise History* (Pakistan: Oxford University Press, 2006), 25.
6 "Kashmir Fast Facts." *CNN*, 25 March 2018.
7 Qaisar Rashid, "The Cabinet Mission Plan: Pakistan and India." *Daily Times*, 13 August 2013.
8 This section draws heavily from historian Ayesha Jalal's work, particularly her seminal book *The Sole Spokesperson*.
9 Qutubuddin Aziz, "Why Jinnah Did Not Make Mountbatten Governor-General of Pakistan?" *Business Recorder*, 25 December 2006.

Chapter Twenty-Two

FOREIGN POLICY BEGINS (AND ENDS) AT HOME

Muhammad Ismail Khan

Pakistan's foreign policy is largely grounded in an insecure environment, which continues to define its thinking. The foremost concern for Pakistan is the threat from bigger India. On the other hand, countries base their relations with Pakistan on the progress made on militant groups; these include India but also Afghanistan and the United States. Such narrow concerns, around which Pakistan's bilateral relations evolve, do no good for the country but invite negative attention.

Pakistan needs to expand its foreign policy options. For one, the prism of viewing everything through Indian lens can be revisited in a more sophisticated manner. While no one expects Pakistan-India relations to iron out in a day, overcoming India fixation can help Pakistan ease its ties with Afghanistan and Iran and even put realistic expectations from the United States and China. This fixation can partly be overcome by streamlining internal political voices; the knee-jerk reaction of discarding those voices and suspecting their links with India put question marks over the acceptance of major foreign policy decision.

A ray of opening can come from how Pakistan deals with Chinese intervention, which presently revolves around economic terms such as opening borders and connecting region. In theory, Chinese projects should help cement the deep people-to-people and economic linkages among different parts of the country and region. Will that happen in practice depends in part on how domestic polity plays out.

For Pakistan to tap its potential, economic input has to be made regular part of foreign policy processes. To dispel the atmospherics of insecurity at home, in which authorities link internal movements with external elements, foreign policy processes should try to tap in domestic diversity, ethnic as well as sectarian. Parliament, representative of all voices in the country, can not only debate the nuances of different external scenarios and their impact for different regions, but also provide guidelines, and above all, oversee or fact-check some of the basic policy assumptions being made.

The Trap of Indo-centrism

Numerous scholars and policy practitioners have concluded that Pakistan's foreign policy largely pivots around India. India's friend is our enemy, and India's enemy is our friend, goes the argument.[1] The centre of gravity for Pakistan, to use military jargon, has been

India. A rejectionist response towards India is evident even in societal attitude, so much so that Pakistani nationalism is criticised for being a negation of India, rather than having its own feet to stand on. The remedy to Pakistan's foreign policy is often found in freeing out from the competition with India. As per this thinking, Pakistan should not match India stick by stick and gun by gun, given India's greater size, economy and ambition. Pakistan, otherwise, will be exhausted; instead, it should invest its energies inwards.

To be fair, many attempts have been made to mend ties with India. There is a realisation that tense ties with India are a major foreign policy challenge; overcoming tensions by closing the past is presented as a sure recipe of improving external relations. However, efforts to restart relations have been stalled in the end as the two countries could not prioritise common area of concern, with domestic sentiments bashing each other cautioning against conceding too much. There has been such a recurring trend of reset-and-revert in the ties between the two countries that presently the problem seems less about discussing the modalities of resolving the disputes and more about sitting to discuss those modalities. And that requires reducing inimical environment.

Despite numerous well-intended efforts, shedding insecurity from India is not easy. Any state's top priority includes security. If India can trample other smaller countries in South Asia, Pakistan should be equally wary, goes the thinking. In any case, Pakistan's disputes with India are multiple, ranging from Kashmir to water to Siachen glacier. The two have even fought three wars, not debating their merits and demerits. There is thus a need to think afresh. And one of the ways is to delink India from Pakistan's relations with other countries and even domestic politics. Pakistan tends to think of many of foreign policy issues through the Indian lens. This applies mostly to our relations with other neighbouring countries and to our expectations from superpowers such as the United States. Take the case of our policy towards Afghanistan: Afghan governments are liked or disliked primarily for their distance or closeness from India. One of the reasons why Pakistan supported the Taliban regime (1996–2001) was to ward off any influence of India.[2] Taliban's rivals, on the other hand, were seen as being backed by India among others. When Taliban regime was unseated in 2001, Pakistan supported the US operation, fearing that India will gain space otherwise.[3] While there is no harm in making alliances to deter perceived or real threat, in Pakistan's case, the Indian lens has denied us the opportunity of viewing each country on its own merit. Pakistan surely has a list of genuine concerns from Afghanistan, and they must be brought to the table. But our expectation that Afghanistan do not to tilt "too much" towards India only makes us insecure, because the threshold between other countries' ties with India cannot be set by us.

Above all, our expectations from bigger countries are in the same order too. Our relations with the United States are a classic example in this regard: Pakistan was a US ally during the cold war, and the military aid provided by the United States bloated the defence economy and provided a sense of insurance against India. While the United States had roped in Pakistan to fight the Communist threat from the Soviet Union, in Pakistan the expectation was that the United States will reach out to support Pakistan in any eventuality, including with India. Thus when the war of 1965 started, the United States cut aid to both Pakistan and India. Similarly, a sense of betrayal is expressed

towards the United States for abandoning Pakistan in 1971 by not sending the much-promised naval ships (though the United States did actually send part of its Seventh Fleet in the Bay of Bengal[4]). Yet, the feeling of being left out is what goes deep in Pakistan's ties with the United States. In the 1980s, the United States and Pakistan became close allies once again; this time to repel the invading Soviet troops in Afghanistan. The US needed Pakistan in sending jihadists to Afghanistan, so it cared less about Pakistan developing its nuclear programme during the 1980s. But no sooner had the last Soviet troops withdrew, the United States imposed sanctions on Pakistan on similar grounds. The Pressler Amendment today has evaded our collective memory as an example of how the United States exploited Pakistan to its own purpose. This trend of mismatched expectations continued in the 1990s. After the 9/11 attacks, Pakistan expected the United States to help resolve differences with India, concerning Kabul and Kashmir, but India's reluctance to engage the United States scuttled any such attempt.

It would not be a surprise to project that tomorrow we start complaining that China did not reach out to Pakistan in its tough dealings with India. Surely enough, Pakistan went close to China after it fought war with India in 1962. But the world has changed since then. To recall, Chinese officials have more than once called for resolving the disputes amicably. China-India relations have its own dynamics, not necessarily linked to Pakistan. China trades with India in large numbers; even during the 2017 border skirmishes, their trade touched $ 84.44 billion.[5] Both can be taken as continuum of different civilizational legacies, which have been in existence for centuries.

The India linkage seems so dominant in our thinking that many see the changing world order from the same perspective. While there are different scenarios of how China's relations with the United States play out, one of the popular ones in Pakistan is that the United States is aligning with India to counter China's rise. This US-India versus China-Pakistan scenario requires revision too, on a number of grounds: China-India trade continues to grow, with both trading in billions every year. US can have distinct ties with Pakistan, irrespective of closeness with India. Even US-China rivalry as "given" is questioned by leading US and Chinese academics, as many call for cooperation. Above all, even if the United States and China compete with each other, interests of the two converge greatly in the region around Pakistan. China's great worries include insecurity in its peripheries, which goes all the way to Pakistan-Afghanistan region, signifying the absence of geostrategic conflict between the two super powers in the region surrounding Pakistan. The point in making a purely black-and-white scenario is not reflective of a nuanced foreign policy approach.

A myopic lens of Indo-centrism also denies us the ability to analyse internal political problems dispassionately and with some solution in sight. Anything we dislike is lumped with India and then discarded. Take the ongoing insurgency in Balochistan. Observers and policymakers have often pointed at its domestic causes: economic deprivation, coupled with lack of provincial autonomy. Yet, reconciliation remains out of sight, in part because the crisis is perceived as a result of the Indian mischief only. Throughout the country's history, one time or another, representatives of almost all the smaller ethnic parties have been accused of enjoying Indian support, despite many of them being lawmakers of this very country.

For a long time, from 2002 to the attack on Army Public School in 2014, opinion was even divided on how to respond to terrorism emanating from Islamist groups. For many, a far graver threat lingered from India, and terrorism was a deliberate mischief of hostile countries or a result of US policies in the region.

At the same time, our approach of dealing with India is often devoid of treating it as a country having tangible political conflicts with Pakistan. Instead, what is presented is a more eternal conflict between "Hindu India" and "Muslim Pakistan". It is one thing to advocate for the cause of Kashmir on legal and technical grounds and another to bring in stereotypical caricatures of each other. This ends up undermining our social fabric, as we tend to think even of Pakistan's indigenous Hindus as belonging to India. The entire concept of citizenship, calling for equality of all, irrespective of their backgrounds, stands upside down.

Notwithstanding our concerns with India, Pakistan should delink the neighbour from other problems. Surely, diplomats the world over try to find the effect of event in one part of the world on another, but such linkages have to stand on solid grounds. In Pakistan's case, the grounds are often questioned. Some years ago, many in Pakistan used to complain that Afghanistan is boasting a dozen of Indian consulates, from which they are sabotaging Pakistan.[6] So strongly was it believed that the US officials had to clarify that it was not so.[7]

Interestingly, in Pakistan, it was in a meeting of the Senate's committee on foreign affairs in which it was revealed that India has four consulates, very much like Pakistan.[8] The revelation is just an example of how effective parliamentary oversight can bust some clichés and help the country view foreign relations with other countries independent of the Indian factor – the factor that has been haunting our foreign policy like a spectre.

Channelising Domestic Diversity

Prominent international relations theories often discard the role of domestic politics in how states behave with each other. They tend to look at security or economy of a state for assessing its relations with others. In popular press too, bilateral relations are often written in the names of the countries or their capitals. Internal players are often discarded.

There is a reason. State's policy in itself is determined by how other states act or operate; therefore, no matter who comes into power, continuity is clearly evident. Pakistan's relations with China and India, at a macro level, greatly illustrate this point. In the former case, Pakistan has always had great relations, praised in lyrical terms, irrespective of the political party in power. By contrast, for all the internal differences in Pakistan on how to deal with India, relations at the end of the day have been back to zero. On a grand scale, therefore, such thinking reinforces the impression that domestic realities make least impact on foreign policy.

But a critical appraisal of Pakistan's foreign policy should not discard its interface with domestic order. Our relations especially in our region involve very much our land and our people, the very part and parcel of Pakistan. For a more successful foreign policy, domestic realities or how they are affected by the policy cannot be completely discarded.

The reality to this end dawned with the politics generated around China-Pakistan Economic Corridor (CPEC). Hailed as a game changer for bringing billions of dollars of

investment at a time when others were hesitant, CPEC has been nurtured no less than a sacred asset. Given Pakistan's deep ties with China, the expectation was that the project will sail smoothly. But within a few months of the project's announcement, a controversy erupted over which areas of Pakistan will benefit more from CPEC than others. For one, it was suspected that the route of the corridor, which will generate economic initiative, was changed from the underdeveloped and conflict-prone western part of Pakistan to the eastern ones. The controversy was not of China's doing. China's initiative, like any mega development initiative, brought the divide to the surface. The Chinese, nonetheless, seemed surprised at the start and even offered several explanations to address any concerns. These briefings or explanations were by themselves quite rare. Traditionally, China's foreign policy stood on the strong pillar of non-interference in domestic affairs of other countries. Will that remain so? As China widens its economic network in Pakistan, it will surely be forced to deal with a range of political players. Many of them will have their own expectations from China. Domestic politics over aid can lead China to take sides, impacting even the bilateral relations.

Ignoring domestic polity, therefore, comes at a cost. Already, in the western province of Balochistan, the grievances on CPEC, which are aired by nationalist parties, have even made way into the discourse of the secessionist insurgents over there. In 2018, Chinese workers were attacked twice by Baloch insurgents, both being suicide attacks – a peculiarity. Pakistani officials have traditionally responded by linking such attacks to India's ill designs, but critics are also calling for taking inward steps to thwart any negative spillover.

Similarly, in the northern Pashtun belt, in Khyber Pakhtunkhwa (KPK) and Balochistan, people regularly travel across the border, not only for personal purposes but also for trade. People-to-people relations are often stronger in these parts. In fact, many in the bordering areas of Pakistan and Afghanistan rely less on formal economy from Pakistan and more on transit and direct trade between the two countries. What is considered smuggling by the authorities is termed as "business" by those engaged there. Setting aside their needs cannot help any policy succeed.

Without addressing their concerns, Pakistan has ended up bracketing their movements with external countries, in this case Afghanistan. Pakistan's policy of supporting Islamists in Afghanistan actually started in response to Afghanistan's perceived support of Pashtun nationalists in 1970s. Clearly, domestic response was not prioritised. Even now, the entire Pashtun Tahafuz Movement (PTM), which essentially calls for de-militarisation of the tribal areas, is seen as enjoying Afghanistan's backing.

While Pakistani officials are rightly wary of external elements sabotaging peace, the country should not ignore domestic realities. The domestic order can rather support in foreign domain. Nationalist leaders who are suspected of having ulterior motives can rather serve as great facilitators in reasoning tensions between the two countries. Similarly, Pakistan can easily exercise its soft power in Afghanistan through the Afghans who stayed or studied in Pakistan during their exile. Afghanistan became a cricketing nation in part because of Afghanis' stay in Pakistan. They can serve as Pakistan's goodwill ambassadors.

Pakistan should also take into account its religious diversity, not just the inter-religious diversity but the intra-religious one too. Presently, Pakistan is being increasingly pushed

into the Middle East rivalry between Iran and Saudi Arabia. The country is being expected to take a side, a decision that will inexorably affect the Shia-Sunni relations at home.

Beyond sectarianism, Pakistan's strong association with Islam can also come into play in its relations with China. In 2018, there has been growing Western criticism of China's mistreatment of Muslims in Xinjiang. China also has regularly vetoed the UN resolution condemning killings of Muslim Rohingyas in Myanmar. So far Pakistan has kept a silence, so as not to offend its deep friend, and China too has assured that the media depictions are exaggerated. How will Pakistan deal with the pressure likely to be exerted from Muslims at home and international critics abroad in future is yet to be seen. Escalation of human rights abuse in China and sustained silence of Pakistan can provide fodder to extremist groups, ready to rescue their Muslim brothers in Xinjiang.

Holistically speaking, the best way to forestall any backlash is ensuring that domestic diversity is represented well in Pakistan's foreign policy choices. The country is too big to accommodate all voices, but significant voices with presence in the parliament must be listened to. Parliament is representative of all parties and all shades of opinion. Although it only acts as advisory body on foreign policy and its recommendations are not binding, it can still help in garnering support for some of the tough or bitter decisions. For one, parliamentary committees on foreign affairs can effectively oversee the domain too, fact-checking of the assumptions being made, for instance. Parliament can also find a middle-way out. On whether or not Pakistan should send troops to Yemen, parliamentarians had suggested a mixed approach such as logistical support, short of troops' commitment and so on. Similar discussions can be held on Pakistan's relations with Afghanistan and Iran, involving representatives and parties of the bordering areas who are the direct affectees of these decisions.

The Challenge from Non-state Actors

Pakistan has lately been criticised for not taking enough action against some of the militant Islamist groups in its territory. Pakistan deflects such charges, saying it too is victim of terrorism and that the state has taken numerous actions validating that it is serious in rooting out militancy.

Like it or not, Pakistan's relations with Afghanistan are largely hinged on making progress on Afghan Taliban front. When Taliban were carrying out attacks in Afghanistan, Pakistan was getting negative publicity. When they were making peace, Pakistan's "role" was seen as positive. A single major attack by Taliban has the potential of failing the attempts to reset ties between Pakistan and Afghanistan. It is as if Taliban are holding the cards of setting the tone of relations between the countries. This clearly is not beneficial for a sovereign country like Pakistan.

Moreover, the progress on Taliban, whether they sit for talks or stop attacks, has also defined Pakistan's contemporary relations with the United States. Obama administration even saw Pakistan as an extension of the problem with Afghanistan, coining the term "Af-Pak", which Pakistan disapproved for obvious reasons.

Similarly, to the east, India too expects Pakistan to reign in the groups who perpetrate attacks on the Indian forces or have Indians as their main targets. Groups like

Lashkar-e-Tayyaba (LeT) and Jaish-e-Muhammad take the front seat. Just like Taliban's actions in Afghanistan affect the Pak-Afghan ties, these groups' militant attacks on Indian soil can lead to disastrous results for the region. What is frightening is how some of the militant groups seem bent on pitting the two nuclear states against each other, so that they (these groups) can raise their own order out of the ensuing chaos. This aspect of interface between militancy and bilateral relations is understudied. One of the well-known cases in this regard is of November 2008, when India's financial metropolis Mumbai came under attack from militants in Pakistan. The attack brought to surface the threat from anti-India groups, in particular LeT, bringing India and the United States closer against the "war on terror". While the debate on the whereabouts of the attackers and their alleged ties with Pakistan's intelligence agencies is still alive, what has been established is that one group in particular wanted the two states to go to war. According to several reports, Al-Qaeda's Osama bin Laden had come to know about Mumbai attacks before they took place.[9] During the post-Mumbai period, his group did its best to escalate tensions between the two countries. One of its arrested leaders, Omer Sheikh, faked a telephone call to Pakistani President Asif Zardari, pretending to be an Indian official, and warned of serious consequences.[10]

Pakistan took the "threatening" call seriously and urged the Western leaders to avert war.[11] Pakistan's inability to pursue such cases to their logical ends creates an impression of complicity or disinterest. This scenario is missing from the calculation of Pakistan's future projection. Both the states are chained by domestic compulsions of playing to the gallery, having nurtured them over the years against each other.

Much to our dislike, other countries including friends also test our progress on taking action against the militant groups. China's top physical threat comes from militant groups in its western region, which are then linked to Pakistan's tribal areas. Even on anti-India groups, China's vetoes of proposals to block them cannot be taken as fixed forever. One of the reasons why Dawn Leaks aroused so much controversy was that it quoted Pakistani foreign policy official saying that even Chinese have questioned, in the words of *Dawn*, the "logic of […] repeatedly" putting a hold on UN ban on Jaish-e-Muhammad's leader.

Similarly, Iran, too, has been suspicious of Sunni extremist groups launching attacks on its eastern part of Sistan-Balochistan province. According to an observer from Balochistan, "the more Pakistan slips into the Saudi orbit, the more its relations with Iran will worsen", as Iran gets an impression of being exploited from the Pakistani side of the border.[12]

On one hand, Pakistan continues to prove its seriousness in taking action against all kinds of militant groups and on the other the neighbouring countries as well as the United States keep identifying the lacunae in the former's commitment against terrorism. Even if the lack of evidence against these groups having connection with the state continues to persist, the perception that Pakistan keeps supporting groups like the Afghani Taliban or anti-India terrorist outfits needs to be changed. To this end, the state has not done enough. In 2018, Pakistan launched *Paigham-e-Pakistan* document, denouncing violence in the name of Islam. The document, although welcomed by religious scholars, has become controversial in part because it was disseminated and signed by some of the

banned clerics too. It would have been better had such a document come out from the collective wisdom of the people of Pakistan in the form of parliament.

Achieving Security through Economy

Security considerations can also be taken care of by economic means. Economic relations provide an environment in which the bilateral ties swing. Take the example of Afghanistan. While Pakistan's upper hand on Afghanistan in terms of dictating the terms of ties is often presented in the context of the groups operating in the latter, economics cannot be discounted readily. Since 1979, Afghanistan's reliance increased dramatically on Pakistan. Soviet invasion and the ripple effect of Iran-Iraq war forced the landlocked country to rely more and more on Karachi for trade. But lately, Pakistan's knee-jerk reaction of closing border after every security incident has resulted in turning the trade away.

Afghan traders, consequently, are forced to trade via Iran. And as Afghanistan trade swings away from Pakistan, the bordering people will be affected gravely. This will impact the border economy, as residents around the Pak-Afghan border drive trucks, serve as middle-men and provide services. Much of the insecurity in the region, including to Pakistan, emanates from these bordering areas. A reduced trade, therefore, directly contributes to insecurity. The way forward, therefore, is to not put an end to centuries-old people-to-people ties and open economic opportunities for the people living on both sides of the border.

Enters China

Geo-economics and regional connectivity are increasingly becoming byword in the changing world order, especially with the advent of China's Belt and Road Initiative (BRI), of which CPEC is one component. How Pakistan will navigate is a challenge unto itself.

The relations between the two countries, as mentioned above, have sustained the test of time. Whether it was during the cold war, post-cold war, post-9/11, and whether the power corridors in Pakistan were led by centrists, right-wing parties or nationalists, Pak-China ties have not undergone any noticeable jeopardy.

Considering China's growing role at the global landscape and the fact that Pakistan has paid close attention to China's concerns in the past, the likelihood is that China can influence Pakistan's worldview. Couple this with China's ambition of being the biggest economy of the world through regional connectivity, and the probability of China affecting Pakistan's policy towards its neighbours aggrandises plausibly.

In 2018, Beijing held a trilateral summit of foreign ministers from Afghanistan, Pakistan and China. It was stated that Afghanistan would be made part of the CPEC and that "one of the first options could be improving livelihoods at border areas".[13] Similarly, China has been calling for seeing Iran's India-funded Chahbahar as sister port of Gwadar. Some reports even said that China might discuss with Pakistan whether the name "China-Pakistan Economic Corridor" can be changed to allay India's concerns.

The question is would Pakistan forego bitter rivalries or at least take steps to resolve them? Will it consider opening borders, at least the western one with Afghanistan for

instance? The challenge then is to what degree the state will change its outlook and consider revisiting the fixed zero-sum worldview of security.

Some changes, however, are already evident. In 2017, Pakistan's port minister attended the launch of Iran's Chahbahar port, terming it a sister port of Gwadar port.[14] Similarly, in 2018, for the first time in recent past, Indian and Pakistani troops participated in joint military exercise under the banner of Shanghai Cooperation Organization (SCO).[15]

It cannot be said for certain how China's own global role and actions evolve with time and how it continues to pursue the "regional connectivity" paradigm. But if no change is observed in China's policy, Pakistan will have to replace the older worldview with the new one brought by China. The economic gains are expected to multiple in this scenario.

Notes

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