

VOLUME 16

Pakistan

Reality, Denial and the Complexity of its State

Abbas Rashid The Past is not Another Country: Democracy, Development and Power in Pakistan
Rubina Saigol Class and Politics in the Radicalization of Pakistani State and Society
Hasan-Askari Rizvi Political Parties and Fragmented Democracy

Kaiser Bengali Pakistan: From Development State to Security State
Pervez Hoodbhoy Pakistan's Nuclear Trajectory Past, Present, and Future
Azmat Abbas and **Saima Jasam** A Ray of Hope: The Case of Lawyers' Movement in Pakistan



**PAKISTAN –
REALITY, DENIAL AND THE COMPLEXITY OF ITS STATE**

**HEINRICH BÖLL STIFTUNG
PUBLICATION SERIES ON DEMOCRACY
VOLUME 16**

**Pakistan
Reality, Denial and the Complexity
of its State**

Edited by the Heinrich Böll Foundation

Pakistan – Reality, Denial and the Complexity of its State
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PREFACE

With its office in Lahore, the Heinrich Böll Foundation has been present in Pakistan since 1993. We have been following the country's political developments since then and have been active – wherever possible – especially in the area of justice, rule of law and sustainable policies. In the eyes of German public, Pakistan's reputation could not be worse: it is seen as “the world's most dangerous country” – a sanctuary for Islamist terrorist groups such as al-Qaida. With its powerful military establishment and nuclear weapons, it is considered to be dangerously unpredictable. This view is not false, but it overlooks the many in Pakistan who work tirelessly for the causes of democracy, human rights and gender equality in spite of the difficult and dangerous conditions. Despite numerous setbacks, Pakistan's civil society has time and again managed to exert its influence on the country's political development. The movement of judges and lawyers who took to the streets to protest the suspension of Chief Justice Iftikhar Chaudry and had him successfully reinstated is but one example.

Our Lahore office has supported a number of courageous human rights and women's rights organizations for many years and cooperates with independent institutes and the scientific community.

Monitoring and contributing to public debate in Pakistan, engaging in political analysis, and reaching out to Afghan and Indian individuals and organizations seeking to resolve crises through regional communication are further focal points of our work. Another objective is to provide insight into Pakistani issues and regional processes to policymakers and the public in Germany.

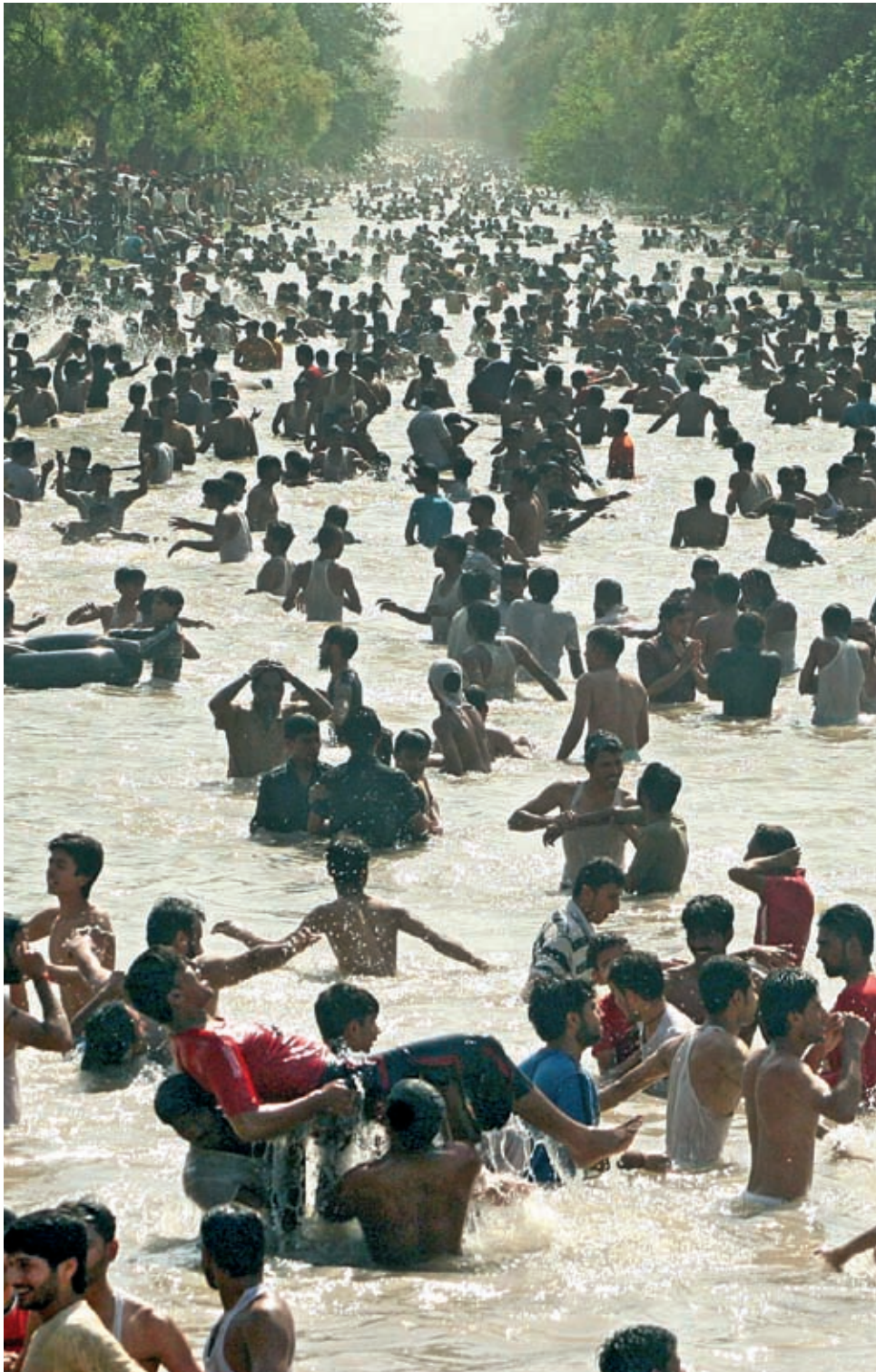
This publication is designed to provide a differentiated view of Pakistan's complex political processes and social challenges to a broad international audience. Authors from a variety of disciplines have given a balanced analysis on Pakistan's shortcomings, as well as their ideas and visions for a more democratic and peaceful future. They also intend to give policymakers the means for a better understanding and cooperation with this difficult, yet fascinating country.

We would like to express our heartfelt thanks to the authors and the head of our Lahore office, Gregor Enste, as well as program coordinator Saima Jasam, for their political initiative and editorial work on this anthology. They have created a unique presentation of contemporary Pakistani perspectives and voices. Last but not least, a special word of thanks has to be directed at Dr. Jennifer Bennett for editing this publication.

Berlin, November 2009

Barbara Unmüßig
President
Heinrich Böll Foundation

Julia Scherf
Head of Regional Department – Asia
Heinrich Böll Foundation



People cool off in Lahore, June 2009

INTRODUCTION

To compile a journey of Pakistan's democratic history since its inception, is not an easy endeavour. It marks a multi-layered trajectory of contrasts and contradictions, be it in the social, political and/or economic domains since the very inception of the country in 1947. Contouring through this journey highlights and brings to the forefront the amalgamating factors responsible for the present complexity and fragility in the Pakistani state.

To this end, the first chapter by Abbas Rashid, an educationist and a journalist, focuses on the inadequate industrial and human resource base that existed when Pakistan came into being. It talks about its weak civil society and political institutions and how the imposition of a central design on a federal state created hurdles in the way of provincial autonomy. The latter remained and is at present one of the biggest challenges to the unity of the Republic of Pakistan.

Reflecting on the civil-military imbalance and on continued military domination through cycles of civil-military rule, the chapter sheds light on the present state of democracy and its politics. The question of identity and the ideological contention, as inherited from the very beginning in a newly created state, manifests well the present state of affairs in the Pakistani society.

The journey is carried through by a renowned scholar and a women rights activist Rubina Saigol who in her chapter aptly teases out the root causes of 'Islamization' and 'Radicalization' in Pakistan. Deliberating comprehensively on the role of both the military and civilian governments, as well as the civil society towards 'Radicalization', she concludes the factual discussion of it with remedies and recommendations.

Dr. Hasan-Askari Rizvi, a scholar and a political analyst, in the next chapter provides an analytical account of the various political parties in Pakistan. He focuses on the major features of the political party systems, thereby underpinning their internal democratic/undemocratic, dynastic and feudal structures. In the backdrop of such determinants, he analyzes the present state of democracy in Pakistan and its transition, fragmentation, and fractured polity.

In the fourth chapter Dr. Kaiser Bengali, an economist and a scholar, gives a detailed historical account of Pakistan's economic policies and development, from since the inception of the country to date. Realistically deciphering its impact on economic performance, equity and poverty, the author well articulates the transition of Pakistan from a development state to a security state and concludes that the roots of the crises are not economic but rather political. The entire paper is facilitated with various data-based charts, facts and figures to provide a compelling presentation explaining the present fragile state of affairs.

Dr. Pervez Hoodbhoy, Professor of Physics and a scholar, in the fifth chapter of this journal narrates the evolution of Pakistan's nuclear stance and doctrines over the decades and reflects upon the threats to the safety and security of Pakistan's nuclear assets. In doing so, he traces the historical account of India and Pakistan's nuclear capability and race, the fallout effects of the regional nuclear politics and the loose nukes problem dealt with politically and technically.

Dwelling on the details of the present status, a vivid account is given of how the nuclear weapons capability is used as an instrument of Pakistan's foreign policy. Further, considering that the Pakistani society and the political state apparatus is gratifyingly jubilant and proud of being a nuclear state, an analysis is presented on how this acquisition is achieved and upheld at an exorbitant financial cost and resources. The author wraps up the analysis by concluding on a note of the logic and repercussions of being a nuclear state.

In its concluding chapter, the journal ends with an optimistic note on democracy in Pakistan and its potentials. Azmat Abbas, a free lance journalist and a researcher and Saima Jasam, the Head of programmes of Heinrich Böll Foundation Lahore, reflect upon the historic Lawyers' Movement and the space it provided to all sections of the society of Pakistan. Against the before analyzed Pakistan's historical legacy and the prevailing radicalization, militarization, and fractured democracy, this chapter finally gives a ray of hope.

We do hope that this journal will build some scholarship on Pakistan, not only on its realities, its complexities but also on its strong capacities. We leave it up to the reader to draw her and his own conclusions.

Gregor Enste
Resident Director
Heinrich Böll Foundation Pakistan

The Past is not Another Country: Democracy, Development and Power in Pakistan

Introduction

Democracy and development in Pakistan remain locked into daunting trajectories. The obstacles to these essential nation-building elements have continued to emerge as recurrent patterns in the polity's history. As such, the roots of many of its current travails can be traced back to its inception, the social formation and structures of power it inherited and the policy decisions taken during the very first steps of its journey. The long and hard struggle of the people of Pakistan to overcome these obstacles has had mixed and clearly paradoxical results. It is noteworthy, for instance, that in a country where religion has remained a central factor in politics as well as society, the people have consistently rejected politico-religious parties at the polls. Their ranks have included progressive poets such as Faiz Ahmed Faiz¹, scientists like the Nobel laureate Abdus Salam², world renowned philanthropist Abdul Sattar Edhi³, and the first female prime minister of a Muslim-majority state, Benazir Bhutto. Their accomplishments have echoed far beyond the country's borders. Pakistan is gifted with an abundance of natural resources and suffers no dearth of talent or potential. Yet, since its creation the country has undergone what many citizens view as a disproportionate share of crises. The following sections endeavour to investigate and comprehend this paradox in terms of some key factors:

(a) *Civil-military imbalance*: Pakistan has not only undergone long stretches of military rule, it has typically experienced a high degree of military control and decision-making even when civilian and political governments have been in office.

-
- 1 Faiz was considered the pre-eminent progressive Urdu poet of his era.
 - 2 Salam was a Pakistani theoretical physicist and a Nobel laureate for his work in unification of electro-magnetic and weak interaction theory.
 - 3 According to the Guinness World Records, Edhi Foundation has the largest private ambulance service network in the world.

(b) *Instrumental use of religion*: Religion has been deployed cynically and instrumentally for political ends, not just by the politico-religious elements, such as the Jamaat-i-Islami⁴ (JI) or Jamiat-ul-Ulema-e-Islam⁵ (JUI) but also by liberal-secular rulers of both civil (elected and otherwise) and military regimes.

(c) *Growth minus equity*: Development in Pakistan has seldom incorporated any significant element of equity. The ‘trickle-down theory’⁶ seems to be an article of faith with the small privileged elite of Pakistan. A large section of the population has always lived a marginalized existence and the performance of successive governments has left much to be desired especially in terms of education and health reforms.

(d) *External dependence*: More than any other country, Pakistan has looked to the United States for its military and development needs. The US connection has repeatedly served to bolster dictators and strengthen the military. It happened in the 1950s as the military asserted itself under Ayub Khan, first as the army chief and later as the president; at a time when the US saw the Pakistani military as an anti-communist bulwark; and there was a US ‘communication centre’ at Badaber⁷, near Peshawar in North West Frontier Province (NWFP). Similarly, General Zia ul Haq who assumed power after a coup was fully supported by the US and Pakistan was cast in the role of a frontline state. And Musharraf was seen as a reliable ally for fighting Bush’s ‘war against terror’ waged in Afghanistan and was supported more or less unconditionally. A related pattern has been that of the Pakistani leadership over-determining the scope and content of the Pak-US relationship. In the process, it has ignored the way the US policy establishment understands its own objectives and its propensity to downgrade this relationship once those objectives have been met. While dependence on the US has meant more militarization of the state, dependence on Saudi Arabia on the other hand may have caused considerable conservatism in the society through the spread of a narrow, puritan, Wahabi interpretation of Islam. The two strands came together powerfully when Pakistan became a frontline state under Zia as a key partner in the US-led fight in Afghanistan against the Soviets, fully assisted by Saudi Arabia. China has been another key ally but this relationship has had a limited impact on the domestic, political and social context. As would also be the case with Japan and some of Pakistan’s key European trading partners.

(e) *Role of non-state actors*: From fairly early on non-state actors had become instruments of foreign policy, leading to the principal-agent problem (Stern,

4 JI is a politico-religious party that was founded by Sayyid Abul Ala Maududi in 1941 in Lahore.

5 JUI is a politico-religious party, part of the Deobandi Muslim movement. The JUI came into being when members broke from the Jamiat Ulema-e-Hind in 1945.

6 Often disproved in practice the theory essentially argues that policies should be geared to making the already better off more prosperous so that some of their prosperity will trickle down to those below.

7 The U-2 spy plane shot down by the Soviet Union in 1960 had flown from Peshawar. The incident strained relations between the US and the Soviet Union and the latter was obviously far from pleased with Pakistan’s role.

2000)⁸. Their role dates back to the first war fought over Kashmir between Pakistan and India in 1948 when tribesmen from NWFP were encouraged to take a leading role in the fight over Kashmir.

(f) *Discomfort with diversity*: Policymakers in Pakistan have often mistaken uniformity for unity and sought strength in centralization. Culture and language policies have privileged Urdu at the expense of provincial languages and operationally Pakistan has functioned as a unitary state rather than a federation.

To go back to Pakistan's formative phase and the special circumstances of its creation, the Muslim League (ML) led by Muhammad Ali Jinnah often referred to as the Quaid-i-Azam (great leader), appears to have negotiated for a separate Muslim homeland without ruling out the possibility of a settlement based on a share in power within an undivided India. This was an objective that the Indian National Congress leadership failed to engage with in any meaningful sense (Jalal, 1985; Sayeed, 1978; Singh, 2009)⁹. The ML set itself up as a party of Indian Muslims but it could hardly be held responsible or taking the lead in politicizing religion. In the 1920s, Jinnah had stayed aloof from the Khilafat movement in India for the restoration of the Caliphate of Sultan Abdul-Hamid II in Turkey (Mortimer, 1982: 193-195). The use of the religious idiom by the leaders of the independence movement, not least, Mahatma Gandhi¹⁰, as in references to *Ram Raj*¹¹ in public rallies (Sayeed, 1978: 96-97) also set the tone in some ways for the ML's subsequent focus on Islam as a key marker of identity in its struggle for mass mobilization. Iqbal's address in Allahabad posited the vision of a Muslim homeland:

I would like to see the Punjab, North West Frontier Province, Sind and Balochistan amalgated into a single state. Self government within the British empire or without the British empire, the formulation of a consolidated North-West Indian Muslim state appears to me to be the final destiny of the Muslims at least of North-West India (cited in Zaidi, 1979: 67).

So Iqbal equally spoke of 'a Muslim India within India', arguing for an arrangement that would give the North-West Indian Muslims "full opportunity of development *within the body-politic of India*" (Mortimer, 1982: 198). As to the divide itself, among others, the British too had made their contribution towards its politicization. In pursuit of better governance or a policy of divide and rule they seem to have devised their census categories in a way that made religious

8 According to Jessica Stern, writing in *Foreign Affairs*, Pakistan is faced with a principal-agent problem: 'the interests of Pakistan (the principal) and those of the militant groups (the agent) are not fully aligned'.

9 In 1916 Jinnah, was also referred to as the ambassador of Hindu-Muslim unity.

10 Gandhi was far from apologetic about this. He had, for instance, attended the first Khilafat conference held at Delhi in November 1919 and asked for the Hindus' support for the Khilafat arguing that by respecting the religion of the Muslims the Hindus will secure respect for their religion, (Mortimer: 194).

11 Rule of Ram or return to a mythical golden age.

and ethnic affiliations less diffuse than they had previously been. In the period of transition from imperial rule to self-rule, the state had already formally divided its subjects-cum-citizens by introducing separate electorates for Muslims and Hindus in the Indian Councils Act in 1909 (Shaheed, 2002: 7).

In any case, for Jinnah, the demand for Pakistan remained negotiable right up to a year before independence: he accepted in 1946 the Cabinet Mission plan that had envisaged a state with defence, foreign policy and communication with the Centre and residuary powers vesting in three groups of provinces. It was the Congress that did not. Subsequently, and reluctantly, Jinnah accepted what he called a 'moth eaten Pakistan'. The mega-narrative in Pakistan of course places great emphasis on the intransigence of the Indian leadership as one of the key factors underlying the partition of India. Conversely, the accepted wisdom in India has placed the blame on the ML leadership for claiming a state on the basis of religion and the 'vivisection' of India. That may be changing: a recent book by a former foreign minister of India puts the matter in perspective, challenging the Indian narrative that blames the country's division on the Muslim leadership of the time (Singh, 2009).

Partition: A difficult birth and a legacy of scarcity and imbalance

The process of partition itself exacted a huge toll. People in their millions from both sides sought to cross over to Pakistan or India depending on their religious affiliation and identity. In both the Punjab and Bengal after August 16, between 500,000 and one million people died as refugees of Partition (Wolpert, 2006: 176). With Muslims moving to Pakistan and Hindus and Sikhs to India both sides were infected by mob fury and the thirst for vengeance and descended into the worst manner of savagery. There were other terrible costs as well – of dislocation, discontinuity and lives forever interrupted. And nowhere were these costs higher than in the Punjab which in the newly created state of Pakistan was to become the dominant, if not the most populous province.

Let us take a holistic view of what Pakistan started with. It was created out of the periphery of India, with its two main wings a thousand miles apart. Along its long borders in the East and West, Pakistan found itself with less than friendly neighbours. Of course a divided Kashmir also bordered India and the dispute over it was to play a central role in Pakistan's rapid transformation into a security state.

A lack of resources both in terms of a material resource base as well as social capital was another attendant factor. Pakistan inherited less than 10 percent of the industrial enterprises of the subcontinent and 6.5 percent of the industrial workers (Gankovsky and Polonskaya, 1970: 99). It got a part of Bengal, minus the industrial and social capital concentrated in the capital of united Bengal,

i.e., Calcutta¹². Jinnah himself was not averse to keeping Bengal united, even if it meant that East Bengal would not become part of Pakistan¹³. It inherited Sindh no longer connected to Bombay and it got Balochistan and the North Western Frontier Province (NWFP) two areas the British had largely left undeveloped. For them the key concern was the role of these areas in its strategic calculus with regard to the bordering Russian empire. The British therefore had attempted to maintain the tribal status quo here partly by allowing a degree of autonomy to the tribal chiefs and otherwise sought to quell unrest through military expeditions. In the Punjab the development of a theory of the province's martial races accompanied intensive recruitment for the military from the area. This is not to say that the Punjab did not see agrarian and infrastructural development under the British. The world's most extensive canal irrigation network put in place by the British is to be found in the Punjab. However, the nature of the policy accompanying this development was such that it aggravated existing inequities and strengthened landholding groups through the allotment of land in the canal colonies. This served as a means for the British to consolidate their dominance. The landless poor were denied access and even the bourgeoisie having spurred the development of capitalism in other regions suffered 'a process of "ruralization" in the Punjab' (Ali, 1989: 241-242). The other two groups that gained in power as a result of canal colonization were the military and the bureaucracy: the military was given land through soldier settlement and breeding schemes for horses; and the civil and irrigation bureaucracy became powerful through the management and control of this enormous network. Subsequently, we see an element of continuity to this dominance owing to the fact that no land reforms took place in the new nation until many years later. The land reforms eventually carried out in the Western wing in the late 1950s by Ayub Khan and in the early 1970s by Z. A. Bhutto were largely ineffective.

The logic of democracy vs. the imperative of power

The anomalies that surfaced in Pakistan's political and power structure were driven also by the logic of territorial distribution, an imbalance of power among the state institutions and society as well as within ethnic groups. For a start, the two wings were a thousand miles apart. To make matters worse, the arithmetic of democracy was subverted by the dynamic of power. East Pakistan housed a majority of the population and the western wing had the preponderance of power largely shaped by a Punjab-based military. The ruling elite was therefore faced with the quest for a democratic order which would not trump the existing configuration of power. So somehow a formula had to be worked out for making the majority in East Pakistan equal to the minority in West Pakistan. This emerged

12 India's share of industry and skilled human resource, by comparison, had equally obvious implications for its development

13 Alavi in *Pakistan : Perspectives on State and Society*, 2004, p.98.

in the form of One Unit¹⁴ whereby four distinct provinces/territories in the West were rendered into one administrative unit. And it was decreed that regardless of the differences still remaining in the population strength of the two wings, both would have equal representation in the legislature. Even in the western wing, this arrangement did not favour the smaller provinces and fuelled discontent. The sense of alienation among the smaller provinces often seemed to correspond to sub-nationalist and ethnic lines. This was heightened by uneven economic development and frequent recourse to centre-driven governor's rule. The need to balance the majority and the minority largely contributed to the delay in the making of the constitution: it took full nine years to shape one finalized only in 1956. By this time the military had gained considerable strength fortified as it also was by its participation in multilateral military pacts under the aegis of the United States. Consequently, it assumed power in 1958 before the scheduled elections under the constitution could be held.

The state society imbalance and an urban-industrial deficit

The imbalance between state and society meant that Pakistan emerged, like many other post-colonial countries, as more of a state-nation rather than a nation-state. Given the level of development in the areas it inherited, its social and political institutions including the political party that led the Pakistan movement and subsequently assumed power were relatively underdeveloped. Conversely, the state apparatus that came with the country in the shape of a well-organized military and a disciplined bureaucracy was in comparison an overdeveloped structure¹⁵ (Alavi, 1973). The civil-military imbalance was apparent from the start and manifested itself forcefully by the early 1950s when a serving chief of the army General Ayub Khan¹⁶ was given a seat in a civilian cabinet.

At a systemic level, the virtual absence of an industrial base in the country ensured that there was little by way of a bourgeoisie and the agrarian class came to dominate. And in most of Balochistan and NWFP a tribal system held sway. This imbalance was further aggravated by the absence of urban centres of note. Across the country there were just a few of these that could serve as hubs of the material, social and intellectual capital: ingredients that were essential to take forward the idea of a modern, progressive and welfare state. The kind of state that Jinnah had envisioned in his Presidential address to the Constituent Assembly on 11 August 1947 in which he declared:

You may belong to any religion or caste or creed that has nothing to do with the business of the state... there is no discrimination, no distinction

14 The province of West Pakistan was created in 1955 by the merger of the provinces, states and Tribal Areas of the western wing.

15 Hamza Alavi's thesis of the post-colonial state apparatus being relatively over-developed in such states seems particularly relevant in the case of Pakistan.

16 He was invited to serve in the second cabinet (1954) of Muhammad Ali Bogra as Defence Minister.

*between one caste or creed and another. We are starting with this fundamental principle that we are all citizens and equal citizens of one state... in course of time Hindus would cease to be Hindus and Muslims would cease to be Muslims, not in the religious sense, because that is the personal faith of each individual, but in the political sense as citizens of the State*¹⁷.

To return to the idea of potential hubs for development there were only 8 towns with a population of over one million (Gankovsky and Polanskaya, 1970). Of these, Karachi and Lahore were of particular significance in the context of the provinces of Sindh and the Punjab, respectively. At the time of partition, the exodus of urban-centred non-Muslims particularly Hindus comprising mostly the professional classes was to have a significant impact on the critical mass in terms of human resource available for key sectors such as administration, commerce, education *inter alia*. For instance, the Government College and the Punjab University in Lahore, the oldest institutions in the country, lost senior faculty that happened to be non-Muslim. There is no doubt that post-partition the college could still claim some outstanding faculty and students. However, as the years went by, it became increasingly obvious that fewer and fewer departments could claim outstanding faculty and high academic standards. Whatever shortcomings may have existed earlier, the task of ensuring strong and vibrant academic institutions so critical to the process of development became even more difficult. Building a critical mass of human resource in institutional settings was to become a more formidable enterprise given the radically altered societal context. Undoubtedly other fields and institutions faced a similar challenge caused by insecurity and uncertainty rooted in religious affiliation.

The communal conflagration that attended partition should have been anticipated. The number of killings on both sides swelled to catastrophic proportions as the cycle of death, dislocation and vengeance fed on itself and grew ever stronger. Few seemed to heed the words of Jinnah, Nehru or Gandhi for calm, tolerance and simple human decency especially in the Punjab. Not one leader seemed to have anticipated the sheer scale and depth of the insanity that followed the act of division. Punjab saw the worst of the carnage – entire trains crossed the border in either direction with few left alive on board to narrate the horrors they had witnessed. And, Punjab became the dominant province in the newly independent Pakistan. This was to have serious implications for the longer-term relationship with India. It contributed to the relative ease with which Pakistan was transformed into a security state.

The insanity of the mobs and ill-preparedness of leaders on both sides notwithstanding, the British surely bore the greatest responsibility for the primal chaos unleashed by Partition. The transfer of power was presided over by Viceroy Louis Mountbatten, generously described as a ‘hustler’ by a senior officer serving

17 Presidential Address to the Constituent Assembly of Pakistan at Karachi. Pp. 25-29 in Jinnah: Speeches and Statements 1947-1948. Karachi: OUP, 2002.

in Bengal at the time¹⁸. The Viceroy made great haste to cut and run. On his recommendation, the date of independence had been brought forward by a year. In effect, it relieved the British of any responsibility to oversee an orderly transition.

The instrumental use of religion

In the immediate aftermath of independence the politico-religious groups were in disarray. They had opposed the creation of Pakistan, not least on the grounds that the new country seemed destined to be led by men whose understanding of Islam differed greatly from their own. In addition, many a Muslim scholar and cleric saw the loss of opportunities for proselytizing as a step in the wrong direction for the Muslims of India. One factor that helped these groups reassert themselves was their strategy of conflating the idea of a separate homeland for the Muslims of India with that of a virtually theocratic republic that Jinnah had unambiguously argued against. Still, the religious idiom had in part informed the demand for Pakistan. In the view of one scholar, however complex the motivation for a separate homeland, the "...dream was cast in an Islamic form" (Smith, 1957: 227). The groups that found themselves out in the cold were quick to embark on the task of infusing the dream with their particular sense of the substance. This was a challenge in the realm of ideas and interpretation that the ruling elite failed to meaningfully engage with. Jinnah, who died just about a year after Pakistan came into being, did not survive to forcefully pursue the vision for Pakistan that he had articulated in his address to the Constituent Assembly in 1947. In an interesting parallel Vallabhbhai Patel, a major figure in Indian politics who had emerged as Nehru's key rival in the post-independence era and "wanted simply to express and tend the existing pattern of India's society, with all its hierarchy, particularity and religious tastes" died soon after India's independence ...and "Nehru's democratic, reformist argument edged out Patel's more conservative, authoritarian one" (Khilnani, 1999: 33-34). Second, there was the lack of a well thought out plan of action to consummate Jinnah's vision of a liberal, welfare state where the Muslims and non-Muslims alike could live and contribute as equal citizens. Independence saw the "uncertain liberalism" of those acceding to power instantly confronted by strong willed "religious orthodoxy" (Rashid, 1985). Not least, there was the propensity of liberal/secular minded civil and military elite to press religion into service for political ends when it suited them to do so. The calls for Pakistan to be made into a 'genuinely' Islamic state began to be heard soon after independence. Some of these groups were the ones that had been stridently abusive of Jinnah and his enterprise. And in 1953, barely six years after independence, the anti-Ahmadiya movement illustrated the kind of state these groups envisaged. Their readiness to deploy religion for political ends in a state that they had vehemently opposed only a few years, sometimes mere

¹⁸ Cited in Stanley Wolpert (2006), p. 176.

months, earlier was striking. The events of this time also illustrated something else: the propensity of the liberal/secular minded civil and military elite to press religion into service for political ends when it suited their purposes; it was the Oxford-educated chief minister of Punjab who allowed space to the anti-Ahmadiya movement to grow, by way of a convenient tactic, to topple the central government of Prime Minister Khwaja Nazimuddin. The Report of the court of inquiry established to investigate disturbances came to the conclusion that the riots in Punjab were instigated by the Majlis-e-Ahrar, which “consistently exploited religion for their political ends” and that they along with other political groups and Ulema were “encouraged by the Chief Minister’s public utterances supporting the view that the Ahmadis were not Muslims” (Government of Pakistan, 1954: 386).

Concurrently, it was telling that there was no noteworthy expression of outrage at the broader societal level against the assault on one particular sect – regardless of what anyone thought of their religious credentials. In some ways it highlighted the ‘disarming’ function of the religious/ideological idiom in the political realm. In order to quell the rioting the military was called in and the first Martial Law, albeit short-lived and limited, was declared in the city of Lahore. And just five years later, in 1958, the entire country was to come under military rule, a pattern that would be repeated frequently and for long spells. The Munir report, probably the finest ever written by a government-appointed commission in the history of Pakistan, came back squarely to the issue of governance in its final para:

..and it is our deep conviction that if the Ahrar had been treated as a pure question of law and order, without any political considerations, one District Magistrate and one Superintendent of Police could have dealt with them... But if democracy means the subordination of law and order to political ends – then Allah knoweth best and we end the report¹⁹.

Just about a decade later we had the modern, pro-West and Sandhurst-educated General Ayub Khan seeking the help of the Ulema in declaring that the candidature of his key rival in the 1964 elections, Mohtarma Fatima Jinnah²⁰, was unacceptable as women could not be heads of state under Islam (Mumtaz and Shaheed, 1987). However, despite structural and policy imperatives that could be seen as predisposing large numbers to favour a narrow doctrinaire interpretation of Islam, the majority has always favoured a more tolerant alternative. They went with Jinnah rather than those religious leaders in united India who opposed the creation of Pakistan. They favoured Bhutto in 1970, the Pakistan People’s Party (PPP) and Pakistan Muslim League (PML) through 1990s and not least in 2008, in a relatively fair election in which the agencies were kept out, they voted in

¹⁹ Munir Report, p.387.

²⁰ Sister of Muhammad Ali Jinnah.

favour of the Awami National Party (ANP) and PPP even in areas that were said to demand the Sharia rule.

Transformation into a security state: Confrontation with India and the Pak-US nexus

The structural and societal imbalances that Pakistan started with were aggravated by policies pursued by successive governments. India's decision to ignore the agreement with regard to the princely states meant that Kashmir was to become a major bone of contention between the two countries and the first war over Kashmir was fought within months of independence. This paved the way for a pattern of resource allocation that earmarked a disproportionate transfer of funds to the military, the gradual creation in parts of the country of a mental state of siege and the development of a security state.

The pattern also pushed the country into an unhealthy relationship with the United States within the framework of military pacts including SEATO²¹ and CENTO²² in the 1950s. This reinforced the military's increasingly pre-eminent status in the national context. A war with India in 1965 made little headway into securing India-held Kashmir but certainly resulted in arresting the country's development effort. And it probably encouraged India to take a greater interest in the discontent against the Centre in East Pakistan.

Growth without equity and the political consequences

There is little doubt that the country's elite had a propensity to disregard any consideration of equity in its economic and development policies. The pattern of unequal development particularly among provinces was to have unfortunate consequences for Pakistan. The initial years of industrialization (till 1965) under General Ayub Khan saw Pakistan manage increases in GNP as high as 7 percent per annum. However, the rapid development also brought into sharp relief the widening disparity between the western and eastern wings of the country. According to an estimate using official figures, per capita income disparity between the two wings had actually increased in the decade between 1960 and 1970²³. It was not entirely coincidental that only two years after Ayub was deposed, as a result of widespread unrest in the country, the tensions between the two wings finally boiled over. By 1971 the country was at full scale war with itself. An arrogant military junta led by General Yahya Khan backed

21 The Southeast Asia Treaty Organization (SEATO), was a Cold War feature. It was created by the US in 1954 to block Soviet influence in Southeast Asia. SEATO was dissolved in 1977.

22 The Central Treaty Organization (also referred to as CENTO was again a multilateral pact to block the expansion of Soviet power adopted in 1955. It was dissolved in 1979.

23 Cited in *The Bangladesh Papers, The Recorded Statements and Speeches of Z.A. Bhutto, Mujeebur-Rahman, Gen. Yahya Khan and other Politicians of united Pakistan (1969-1971, Vanguard Books Ltd, Lahore, n.d. p. 21.*

by uninformed and deliberately deceived public opinion, refused to honour the verdict of the first general elections held on the basis of adult franchise in 1970. With the tacit approval of the elite in the Western wing it refused to allow Sheikh Mujib-ur-Rehman, elected from the eastern wing with an overall majority vote, to become the country's prime minister. Yahya Khan for his part had also been quick to take recourse to Islam to give a religious hue to his government. When the military operation in East Pakistan was unleashed the idiom of religion and ideology was to be liberally employed (Haqqani, 2005: 56). Yahya ordered a military crackdown in East Pakistan causing dislocation of millions and a loss of life that was horrendous in scale. India was quick to seize the opportunity that presented itself and stepped into the space provided by the Bengali resistance. It forced the surrender of the Pakistani forces and a division of the state, with Bangladesh emerging as an independent country²⁴.

While the consequences of excessive centralization and unequal development in some other provinces were not as grave, there were serious issues in Balochistan as well. Resentment grew, abetted by local Sirdars (tribal leaders) looking to preserve the status quo. They fully exploited the frustration of the Baloch who felt (not without cause) that they were not benefiting even from the resources of their own province. For instance, Balochistan supplied natural gas to remote, albeit developed, parts of the country while very little of it was available for use in the province itself. The sense of being ignored by the Centre and even being alienated from the fruits of its own extensive resource base has only grown over the years. Balochistan has long been stricken by conflict particularly in 1948, 1958 and 1974 and most recently in 2004, arising each time from resentment against the Centre's policies. After the killing of Nawab Akbar Bugti in an operation by the security forces in 2006, the socio-political landscape of Balochistan once again took a violent turn.

The NWFP had its own set of grievances spanning political, economic and cultural issues. To some extent these were mediated by the fact of a significant level of recruitment into the military from the area and its considerable participation in commerce, particularly in the transport industry. However, tensions with the Centre have remained with regard to the share of resources. The situation here is further complicated by the Federally Administered Tribal Areas (FATA) which are geographically contiguous to but administratively and politically de-linked from the province. Article 247 of the Constitution of Pakistan provides for the separate legal status of the Tribal Areas "continuing in the tradition of the colonial powers and simply 'containing' the 'unruly tribals' rather than extending to them the rights and privileges which are theirs as responsible and equal citizens of an independent country" (Ali and Rehman, 2001: 45). FATA comprise 27,000 square miles and close to 7 million people. The failure to integrate citizens from the tribal belt into the mainstream has had serious repercussions for Pakistan's stability as well as for the inhabitants of FATA who continue to be marginalized

²⁴ The Bangladesh Papers, op cit.

and governed by archaic laws. Prime Minister Yusuf Raza Gilani on assuming office promised repeal of the Frontier Crimes Regulations (FCR1901). These special laws incorporate concepts such as that of collective punishment whereby a whole village or tribe can be punished for crimes committed by some of their members. The FCR confers arbitrary and virtually unfettered powers to government officials over the tribes. At the same time the Political Parties Act does not apply to FATA: political parties are denied access to the region whose people are thereby rendered all the more vulnerable to radical influence. Meanwhile, lacklustre development in the area has led inevitably to widespread poverty. These features need to be considered when trying to comprehend the rise of the Tehreek-i-Taliban Pakistan (TTP)²⁵ in FATA and its successful bid alongside TNSM²⁶ to extend its influence and hold sway even over the settled areas of the NWFP such as Swat and Malakand. Eventually, the army action that rolled back their advance displaced some two million people. Most have returned to their land, but often to find their homes and livelihoods destroyed. Herein, another part of the pattern comes to light: the world forgets quickly once the immediate crisis has been brought under control. Funds for the rehabilitation of Internally Displaced Persons (IDPs) are barely trickling in, though it would be difficult to imagine the full scope of the consequences if even a very small percentage of this population were to get radicalized as a result of its marginalization.

Inequity in a unitary state

The decision to govern and administer the country as a unitary state rather than a federation, as envisaged when the demand for Pakistan was formulated, had obvious implications for the realm of the economy, politics and culture. Even as the GNP rose, so too did the proportion of people living in poverty. Investment grew in Karachi but far less so in Dacca. Intra-provincial differences were stark as well. Within Sindh, the benefits to rural Sindh were negligible. In Punjab the pace of development was high but the province's southern areas lagged behind. Many decades down the road, southern Punjab was to become one of the key areas in which militancy took root. The absence of meaningful land reforms helped to sustain a neo-feudal system that marginalized the peasant. The green revolution in the 1960s had a salutary effect on agricultural production in the Punjab. But, once again, it benefited the bigger and middle-ranking landlords at the expense

25 Tehrik-i-Taliban Pakistan (TTP or Students' Movement of Pakistan) is the main Taliban militant umbrella group in Pakistan primarily in conflict with the central government. Among the group's stated objectives are resistance against the Pakistani army, enforcement of Sharia and unification against NATO forces in Afghanistan.

26 Tehreek-e-Nafaz-e-Shariat-e-Mohammadi (TNSM, Movement for the Enforcement of Islamic Law) is a Pakistani militant group whose objective is to enforce Sharia law in the country. The rebel group took over much of Swat in 2007. It was founded by Sufi Muhammad in 1992, and was banned by President Pervez Musharraf as far back as January 2002.

of the peasant and the landless worker who could not afford the more intensive inputs of pesticides and fertilizer required by the new more productive system²⁷. A deeply ingrained inequity in the system, along vertical as well as horizontal lines, has contributed to the exacerbation of ethnic and sectarian schisms and the undermining of societal consensus. An envisaged shift in land policy may actually *raise* the ceiling to thousands of acres to accommodate corporate farming, sending even more people to the cities for employment (Cohen, 2005: 258) and inevitably sharpening the rich-poor divide.

The centralizing tendency was evident in the cultural realm as well. Other than Islam, Urdu had been invoked as a key marker of identity in galvanizing popular sentiment behind the demand for Pakistan. Urdu, of course, was the language of North India in areas where the movement for Pakistan was the strongest – though ironically these were not Muslim-majority areas and therefore did not become part of Pakistan.

The Muslim elite in the area was deeply conscious of its fallen status since the time its ancestors had ruled the subcontinent. It looked then to its language and culture for validation. In any case, along with Islam, Urdu was posited as the distinguishing feature of identity, particular to those who sought a separate homeland. In an independent Pakistan, Urdu was given the status of the national language and the lingua franca. This was problematic in a country where the great majority of the citizens, including virtually the entire population of East Pakistan, actually spoke Bengali. Even the demand that Bengali be given at least the status of a national language along with Urdu was initially denied, causing the first language riots in the country's history. Instead of celebrating the cultural diversity of the new country and forging a consensus over the linguistic and cultural policies of a multicultural polity, Urdu language and the culture associated with it was privileged at the expense of provincial or regional standards and cultures (Rashid and Shaheed, 1993). It should be kept in mind that the issue of language as a symbol of identity had gained political salience in India much earlier, in the context of modernity brought by the British rule (Talbot and Singh, 2005: 380).

Inequity and conflict

The reaction to these structural and systemic inequities contributed to the rise of sub-nationalism, politicized ethnicity and religious extremism. The potent mix of cultural nationalism and economic disparity coupled with the sheer hubris of the ruling Junta under General Yahya Khan created the conditions for a perfect storm to ensure the birth of an independent Bangladesh. Yahya Khan too had unambiguously looked to Islam for legitimacy, regardless of how he conducted

²⁷ One key indicator of the continuing power of the landed class is their preponderance in the assemblies and, despite considerable criticism in the local media as well as pressure from International Financial Institutions such as the IMF, Pakistan still does not have anything resembling an agricultural income tax.

himself in his personal life. And significantly, the process of replacing the professional military image with a “politico-ideological image”²⁸ of the military had started in earnest during his regime. In March 1971 the government sanctioned the use of military force against what was clearly a popular movement. The next few months were indeed Pakistan’s darkest days. The bloodshed and mayhem that accompanied the act of separation was beyond belief. Soldiers and officers were misled into believing that the uprising had its roots in a mere handful of non-Muslim ‘miscreants’ and that they, the soldiers, were doing God’s work in ruthlessly eliminating this threat. The fact that just months earlier the people of East Pakistan had voted in the general elections and overwhelmingly supported the Awami League leader Mujeeb-ur-Rehman’s six points – a programme reflecting the broad desire for a very high degree of provincial autonomy²⁹ – was virtually forgotten.

The Pakistan-Saudi nexus: The other trajectory of dependence

In the post-71 Pakistan Zulfikar Ali Bhutto, despite his close association for many years with the Ayub regime, emerged as a popular leader. His socialist rhetoric put him at odds with the West and his government increasingly came to rely on support from the Middle East, particularly countries such as Saudi Arabia and Libya that were flush with cash in the wake of the 1970s oil boom and could help Pakistan economically. The 2nd Islamic summit, held in Lahore, in February 1974 highlighted this orientation. Saudi funds were also sought for Pakistan’s nuclear programme which Bhutto had decided to embark on in the wake of the ‘peaceful nuclear explosion’³⁰ in May 1974 by India.

In any case, it was in September of that year that the National Assembly dominated by the PPP declared the Ahmadis to be a non-Muslim minority. A couple of months after the Lahore summit the politico-religious parties had started an agitation following a small incident of confrontation between members of the Ahmediya community and the Islami Jamiat-e-Tulaba (the student wing of the Jamaat-e-Islami) in May.³¹ After four months of agitation they had achieved their objective. The scale and intensity of the rioting was far less compared to what were called the anti-Ahmadiya disturbances of 1953. If at that time the military had first tasted power under martial law, this time it was the politico-religious forces that would take away from this ‘victory’ a much heightened sense of their street power. Separately but significant in the context of the right-wing forces that were beginning to gain strength in the post-Bangladesh era, Bhutto’s differences with President Mohammad Daud of Afghanistan led him to support

28 Brigadier A. R. Siddiqi, head of the Inter-Services Public relations cited in Hassan Abbas, 2005, p. 55.

29 The Bangladesh Papers, Vanguard Books Ltd.

30 The project was code-named Smiling Buddha and the explosion was actually carried out on the occasion of Buddha Purnima (birthday).

31 Abbas, Pakistan’s Drift into Extremism, 2005, p. 81-82.

fundamentalists such as Gulbadin Hekmatyar when they fled across the border into Pakistan. Towards the end of his rule Bhutto banned alcohol and gambling and declared Friday to be the weekly holiday instead of Sunday. These gestures were meant to appease the religious right but were politically interpreted as a sign of the government's weakness and further encouraged the broad coalition of right-wing and centrist parties to join hands against PPP rule.

Zia: Militarized state and fractured society

The severance of East Pakistan under the military rule of President Yahya Khan and the strengthening of the religious right in its aftermath, even under Bhutto, set the stage for what was to follow. A surge in extremism, divisiveness and militarization of society was to be the hallmark of the rule of General Zia ul Haq who deposed Bhutto in a coup in July 1977 and took over. It is an illustration of the way in which elected politicians have tried to keep the army 'on their side' that Zia was handpicked by Bhutto as the army chief over a number of more senior generals probably because he seemed the least likely to challenge his authority. In the process, he superseded a number of generals who were senior to him. Zia's central concern after the takeover was consolidation and legitimacy. Yet again, the pattern of invoking religion to serve personal ambition and secular ends started taking shape. Bhutto's popularity endured even after he was deposed and Zia was convinced that he had to be eliminated. A mockery of a trial served the purpose of the conviction and hanging of the former prime minister. Whatever opprobrium attached to Zia in the international community after the deed was neutralized as the Soviet tanks rumbled into Afghanistan in December 1979. Pakistan came to the fore as the obvious choice for playing the role of the frontline state against communist expansion. This was not the first time that the external dimension had taken a turn in favour of a military dictator in Pakistan. In the 1950s and 1960s, Pakistan's membership in US-led military alliances against the Soviet bloc had bolstered the position of Ayub Khan. Again, one of the reasons for Yahya's arrogant disregard for how facts were changing on the ground in that fateful year of 1971 may well have been Pakistan's role in facilitating the US-China thaw and Kissinger's visit to Beijing in 1971. Till the last days leading up to the surrender of Pakistan's forces in the eastern wing, there was an expectation that the US 7th fleet was sailing in to help the regime roll back the advancing Indian forces. That it did not, in the end, was seen as something of a betrayal.

Pakistan as frontline state for the US...and the blowback

In the context of the zero-sum cold war mentality, the US had relished the idea of turning Afghanistan into a Vietnam for the Soviet Union. In Zia and the Pakistan military, it found a ready partner. The largest US covert operation in the post-war era was underway as the CIA and ISI collaborated to fund, arm

and train the mujahideen fighting the Soviet forces in Afghanistan. Saudi Arabia matched this massive inflow of funds, dollar for dollar. Internally, Zia became untouchable and this translated into a free hand for him. Zia ruthlessly crushed the opposition. With the help of Jamaat-i-Islami (JI) and a broader conservative constituency (miniscule minority in the context of the overall population), he established a structure of courts and laws to enforce a Wahabi version of Islam. Those adhering to this narrow and doctrinaire interpretation were privileged by the state. The Afghans were portrayed as fighting the war for Pakistan – was it not common knowledge that ever since Czarist times the Russians had nursed the ambition to reach the warm waters? And the corollary of course was that those who supported Zia were fighting the battle for Islam!

Zia aggressively pushed forward the nuclear programme started by Bhutto while the US focused on Afghanistan. Theoretically, the acquisition of a nuclear deterrent by Pakistan was supposed to drastically reduce the need for a large standing army. In reality, however, whatever its utility as a deterrent, it served to further aggravate the civil-military imbalance and reinforce the definition of security in purely military terms. Not surprisingly, there was little in subsequent years by way of reduction in conventional military strength or expenditure. In the wake of India's nuclear explosions³² in 1998 and the aggressive statements by the Indian leadership that followed, Pakistan felt entirely justified in undertaking its own series of explosions to test the bomb only weeks later.

The narrow and self-serving focus on religion by the government aggravated existing sectarian divisions. The country saw the emergence of well-organized and violent groups that fuelled religious intolerance and instability and took a heavy toll in lives and property over the years. Zia's machinations to consolidate his power were not limited to the religious dimension, however. In Sindh, the province most closely identified with the PPP (the party Zia saw as his main political threat), he encouraged an ethnic urban party, the Muttahida Qaumi Movement (MQM), to serve as a counterpoint to the rural-based PPP. In Sindh particularly, his policies served to sharpen the ethnic divide. Over the years, his legacy has contributed a great deal to ethnic and sectarian violence in the country by armed groups, along these fault lines.

The US partnership with the Zia regime against the Soviets in Afghanistan had a number of grave consequences in Pakistan's domestic context. As mentioned above, Zia mercilessly hounded the major political party the PPP, even to the point of hanging of its leader and former Prime Minister Zulfikar Ali Bhutto. But the dynamic that he unleashed in this and other arenas of national life in Pakistan was not 'interred with his bones'. He imposed a clutch of draconian

32 India had first conducted a nuclear explosion in 1974, providing a major impetus for Pakistan's nuclear programme.

laws including the Hudood Ordinances³³, the Blasphemy law³⁴, anti-Ahmadiya legislation³⁵ – laws that targeted the weak and the powerless, particularly women and minorities. More than two decades after his death, a number of these still remain on the statute books³⁶. Politicians inducted by his regime were in later years supported by the military’s intelligence agencies to ensure that no single political force became powerful enough to deny the military what it felt was its due role in shaping policy. In a case before the Supreme Court of Pakistan filed by a former Chief of the Pakistan Air Force, the Inter-Services Intelligence (ISI) agency was accused of manipulating the electoral success of the Islami Jamhoori Ittehad (IJI). The Pakistan Muslim League led by Nawaz Sharif was a key coalition partner in the IJI in 1990, the other major partner being the JI. An affidavit of the former head of the ISI General Asad Durrani, also former ambassador to Germany, is part of the petition wherein he has acknowledged disbursing state funds to the tune of Rs. 140 million. The money went to selected candidates of the IJI prior to the elections. (cited in Rashid, 2004: 187). This was done on the orders, he says, of the then army chief General Aslam Beg

The longest shadow cast by Zia’s legacy has been the direct spin-off from the Afghan war. From Peshawar to Karachi, no section of Pakistani society was immune from the blowback. The war had aggravated the already sharp civil-military imbalance. Zia’s government had empowered the ISI to handle the Pakistan end of the Afghanistan operation. As a result of this engagement the ISI emerged far stronger than it had once been. The war wreaked havoc on Afghan society and created millions of Afghan refugees, three million of whom made their way into Pakistan in the most dire of straits. Concurrently, heroin and weapons were systematically smuggled into the country. The Kalashnikov became a symbol of violence and of the militarized Pakistani society that the war in Afghanistan had left in its wake. Most ominously, there were the *mujahideen* themselves who were abandoned after the war. Once the Soviets had retreated from Afghanistan,

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- 33 The Hudood Ordinance was a law in Pakistan that was enacted in 1979 as part of the then military ruler Zia-ul-Haq’s Islamization process. The Hudood Law was discriminatory with regard to women and resulted in many innocent women being imprisoned for long spells. It prescribed harsh punishments for Zina (extramarital sex), Qazf (false accusation of zina), Offence Against Property (theft), and Prohibition (the drinking of alcohol). It was replaced/ revised in 2006 by the Women’s Protection Bill.
- 34 Pakistan has one of the harshest anti-blasphemy laws among Muslim-majority countries. 295-A of Pakistan’s Penal Code forbids outraging religious feelings. 295-B punishes defilement of the Quran with life imprisonment. 295-C prescribes the death penalty or the death penalty with a fine for the “use of derogatory remarks in respect of the Holy Prophet”.
- 35 Ordinance XX was promulgated under the dictatorial regime of General Zia-ul-Haq and was meant to prevent “Anti-Islamic activities”. It does not allow Ahmadis to call themselves Muslim or to “pose as Muslims” deeming this as an offence punishable by three years in prison.
- 36 While, thankfully, the Hudood laws have been amended recently and can no longer be liberally employed to victimize women, the same unfortunately cannot be said for the Blasphemy law which has been used to victimize minorities as well as Muslims to settle personal scores.

the US completely lost interest. They had done what they set out to do: paid back the Soviets for their humiliation in Vietnam.

The Soviets and the Americans left leaving behind a large group of fighters who had few skills save war and few possessions save weapons. They fought each other for the spoils as the beleaguered Afghan people were once again plunged into the horrors of war. A number of the veterans joined the Jihadis in Kashmir (Hussain, 2007: 77) where an insurgency had grown by 1989 in the aftermath of the 1987 elections. These were perceived by the Kashmiris to have been rigged by the Indian government. Pakistan was quick to seize the opportunity, lending its support to the secular and nationalist Kashmiri groups in the forefront of the struggle. Eventually, the ISI switched its support to the extremist groups in order to ensure that the insurgency did not peter out (Rashid, 2008: 111). According to another observer, Zia had in any case been planning such a strategy and merely waited for opportunity to present itself (Haqqani, 2005: 273). But Pakistan itself would soon feel the heat. "From waging Jihad against infidels in that foreign land, taking on perceived enemies of Islam at home was just a small step away. The influx of huge sums of money and a growing sense of power transformed the mullah's image..." (Hussain, 2007: 77). Nearly a decade ago another observer wrote "Pakistan now faces a typical principal-agent problem: the interests of Pakistan (the principal) and those of the militant groups (the agent) are not fully aligned....By facilitating the activities of the irregulars in Kashmir, the Pakistani government is inadvertently promoting internal sectarianism..." (Stern, 2000).

From the time of partition to the present the number of madrassas is estimated to have swelled exponentially from about 136 to around 30,000 (Abbas, 2005: 204). Many are not registered; accurate numbers are difficult to come by. The great majority of these were established during and after Zia's rule. According to a retired Pakistani General, Zia "established a chain of deeni madaris [religious schools] along the Afghan-Pakistan border ...in order to create a belt of religiously oriented students who would assist the Afghan Mujahideen to evict the Soviets from Afghanistan" (Abbas, 2005: 114). This, however, is only one aspect of the madrassa phenomenon. It would be safe to say that the great majority of the madrassas in Pakistan have no direct connection with such strategic considerations nor can they be seen essentially as nurseries for extremists. The number of students attending madrassas is estimated to be less than 3 percent of the total number of children in school. But it is possible to see madrassas being located within a 'continuum of conservatism', a kind of constituency of the right within which madrassas contribute to creating an enabling environment for extremism. Zia ul Haq used this constituency for his political purposes and greatly strengthened it in the process. In July, 2007 the Lal Masjid (Red Mosque) debacle under

Musharraf illustrated how various strands in the system could come together in an explosive situation with long-term consequences³⁷.

That the Lal Masjid stand-off was allowed to spiral so woefully out of control can be seen as part of the legacy of allowing space to extremists in the belief that they will remain 'agents' with the 'principal' always in command. It does not always stay that way. The Musharraf administration, in dealing with the Lal Masjid incident in 2007 in Islamabad, did not treat the situation as a law and order problem. It was allowed to develop, it seems, for political reasons. The regime probably saw it as a convenient distraction from the growing Lawyers' Movement for the restoration of the Chief Justice of Pakistan illegally removed by Musharraf. The inordinate delay in taking effective action came at a high price. Eventually, when it was determined that matters had gone far enough, the liberal use of firepower by the military resulted in an unacceptably high loss of life. The episode provided a major impetus to terrorism and the wave of suicide bombings that swept the country in the aftermath are seen at least in part as its consequence.

A policy of externally-directed militancy coincided with increasing sectarianism within the country. The proliferation of sectarian violence was also a logical consequence of Zia's vision of Pakistan as an Islamic state that was not perceived as sect-neutral, particularly by the Shia community. A section of the latter had also been charged with new fervour with the assumption of power by Ayatollah Khomeini in Iran. Recall that the petro-dollar boom in the Middle East in the mid-1970s was followed by the takeover in Pakistan by Zia in 1977 (bolstered greatly by US support as a result of the Soviet invasion of Afghanistan in 1978) and the assumption of power by Khomeini in Iran in 1979. Pakistan had become close to Saudi Arabia in any case under Bhutto who in the face of US aloofness, needed Saudi financial support in the wake of the separation of East Pakistan. Additionally, Saudi Arabia saw Pakistan's nuclear weapons programme as something of an asset not just for the country but for the wider Muslim world. The relationship became closer still under Zia who was personally partial to the Wahabi version of Islam, apart from appreciating the value of the Saudi connection for purely secular reasons. On their part the Saudis were mindful, particu-

³⁷ A BBC report summarized the event and provided the context in a way that illustrates the multiplicity of the strands referred to: 'At the beginning of July, the Mosque was the scene of a bloody siege that ended with the deaths of more than 100 people after Pakistani troops stormed the building. Before the bloodshed, the Mosque had a reputation for radicalism, mostly attracting Islamic hard-line students from North West Frontier Province (NWFP) and tribal areas where support for the Taleban and al-Qaeda is strong. A religious school for women, the Jamia Hafsa madrassa, was attached to the mosque. A male madrassa was only a few minutes' drive away. Throughout most of its existence, the Mosque was often favoured by the city elite, including prime ministers, army chiefs and presidents. Pakistan's longest-ruling dictator, General Zia-ul-Haq, was said to be very close to the former head of the Lal Masjid, Maulana Abdullah, who was famous for his speeches on jihad (holy war)' [.http://news.bbc.co.uk/2/hi/south_asia/6503477.stm](http://news.bbc.co.uk/2/hi/south_asia/6503477.stm)



Library of the presidential palace in Islamabad, October 2008

larly after Khomeini's advent in Iran, of the need to strengthen their influence in proximate countries including Pakistan.

The resilience of the Ziaist legacy

From the late 1980s to the late 1990s Pakistan's two main political parties took turns at ruling but this 'democratic decade', sometimes referred to as 'the lost decade', failed to change any of the basic features of Pakistan's political and economic landscape. One of the two main parties, the Pakistan Muslim League – Nawaz (PML-N) of course, owed much to Zia. The Muslim League had once been the party of Jinnah and had presided over the creation of Pakistan. But over the years it had been split into many factions vying for a share of power, often as junior partners to military dictators. A faction of the party was duly appropriated by Zia; its leadership was overhauled and its orientation aligned with the institutions, policies and the societal setting that Zia had put in place. After Zia's death in a plane crash, the PPP was voted into power at the Centre. But the party led by the young and inexperienced Benazir Bhutto was neutralized by the civil and military establishment that brooked little interference with existing policies on the nuclear issue, Afghanistan and India. The creation of the Islami Jamhoori Ittehad (IJI) or the Islamic Democratic Alliance by the head of ISI was by his own admission necessary to provide 'balance' to the one political force on the horizon: the Pakistan People's Party. Because of their political proximity to the issues of Afghanistan and India, where the army set the course, militant groups could not be effectively checked even under the Benazir-led PPP and conservatism, generally, remained a strong presence. Additionally, there was no real decline in Saudi influence. Nawaz Sharif for his part was not averse to bringing in the Shariat Bill (15th Constitutional Amendment Bill), using the religious umbrella to concentrate power in his office. Sharif had promoted, again out of turn, General Pervez Musharraf, as the COAS. They fell out over who was responsible for the debacle in the 1999 Kargil war which reflected good tactical thinking on the part of Musharraf and virtually no comprehension of the strategic impact the operation would have on Pakistan. In yet another army coup, Musharraf deposed the government and set himself up as chief executive, later to become president.

Musharraf: staying with the pattern

Musharraf took over without much popular opposition. Partly, the lack of resistance can be attributed to the difficult times, particularly in terms of the economy, that the country was going through. The pressure on Pakistan had increased after Sharif took the decision to go for a nuclear explosion in the wake of the nuclear blasts by India in 1998. But like Zia, Musharraf got his real break two years after assuming power when the events of September 11, 2001 changed the international political landscape. Following rapidly on the heels of that tragedy, Musharraf was given the notorious ultimatum by US President George

Bush: “you are either with us or with our enemies....”. The decision to unequivocally support the US was made quickly by Musharraf and Pakistan was once again drawn into a support role for a US-led war, asked to act as the ‘anvil’ in its own areas of FATA bordering Afghanistan to the ‘hammer’ of the US-NATO troops operating there. However, Musharraf ended up trying to play a double game. Curtailing the activities of the Pakistan-based Taliban operating essentially from FATA became a selective affair of fine-tuning and doing the minimum necessary to keep the US on board. Musharraf sought to please the US, given the considerable amount of financial compensation and assistance involved. But, the military was equally mindful of growing Indian influence in Afghanistan. Some militant groups in these areas were regarded as strategic assets by the military establishment: they would help to check India’s role particularly in the Pakhtun dominated areas along the border once the US had left Afghanistan, as it was bound to sooner or later.

While Musharraf pushed ‘enlightened moderation,’ his quest for a political base and survival strategy led him to ignore key potential partners who could have made a difference if indeed he had wanted to seriously pursue that agenda. He spurned overtures from the liberally oriented PPP that remained Pakistan’s most popular political party and was particularly strong in Sindh and Punjab, the country’s two most populous provinces. And in the NWFP, instead of allying with the liberal/secular ANP in pursuit of moderation, he opted instead for the *Muttahida Majlis-e-Amal* (MMA)³⁸, an alliance of six politico-religious parties whose coalescence had been facilitated by the intelligence agencies which had also, it was strongly suspected, engineered a much larger victory for their candidates than seemed possible on merit. Certainly, the MMA or its constituent parts did not approach anything close to that kind of success in prior elections and more importantly in the national elections held afterwards in 2008. Musharraf’s political short sightedness was exposed also in his splintering of the Pakistan Muslim League to form a faction of his own, as well as in his unstinting support of the ethnically oriented *Muttahida Qaumi Movement* (MQM)³⁹ to counter the PPP. Musharraf’s tactics in this regard were not very different from those adopted by his military predecessor Zia ul Haq many years earlier. But it was in the two provinces bordering Afghanistan that Musharraf’s policies greatly aggravated the situation. In the NWFP, his alliance with the MMA meant that the militants were afforded time and space in which to consolidate in FATA and even in the adjoining ‘settled’ areas of NWFP such as Malakand and Swat. This was in part the result of the military’s policy to conclude ‘peace’ deals⁴⁰ with commanders such as Baitullah Mehsud in Waziristan, that amounted to accepting the militants’

38 An alliance of six Islamist parties, the *Muttahida Majlis-i-Amal* (MMA – United Council for Action), took 45 seats in the election, a relative high, but still no more than 11 percent of the vote.

39 The MQM was founded in 1984 under Zia’s rule and though limited to urban Sindh has a strong representation in the Provincial Assembly as well as the National Assembly.

40 The militants were not disarmed as a part of such deals.

writ in 'their' areas in return for not being attacked by them in areas outside their domain. In Balochistan, the Taliban leadership found refuge and at the same time the tribal-secular and nationalist element was further alienated. The nadir of this trend came with the killing of Nawab Akbar Bugti in 2006. Though a not particularly popular Baloch *sirdar* or tribal leader for much of his life, Bugti had emerged as something of a spokesman for the rights of the Baloch people in the previous couple of years. This was one reason why his killing inflamed popular sentiment in the province. The Musharraf years saw a high GDP growth rate for the most part but again this was a pattern reminiscent of the Ayub era: while the rate of GDP growth went up disparity remained a central feature. The Sensitive Price Index, of much greater concern to the great majority of the population living below or close to the poverty line, registered a much sharper rise than the overall inflation rate.

Musharraf made some dramatic overtures towards India and in some ways diluted Pakistan's claim to Kashmir while taking the moral high ground instead of the legist position. He declared that Pakistan was prepared to go beyond the Security Council resolutions whereby India was committed to holding a plebiscite to determine whether the Kashmiris wanted to stay with India or opt for Pakistan. In effect he was changing Pakistan's policy to signal that essentially India had to satisfy the Kashmiris (perhaps by offering a generous measure of autonomy or self-government) and what was acceptable to them would be acceptable to Pakistan. India, however, continued to drag its feet and the Musharraf presidency was overtaken by the unprecedented Lawyers' Movement that eventually forced him out of office in 2008.

The assassination of Benazir Bhutto in December 2007 was a blow to the body politic of the country. Notwithstanding her mistakes and charges of corruption that were more particularly directed at her husband, she had remained a popular leader with a sense of Pakistan's urgent priorities, not the least of which was the need to counter the growing menace of extremism and violence that threatened the nation's fabric. In the end, it was Asif Ali Zardari, her husband, who was asked to take her place as head of the party and became president in the wake of the elections. His government has had a mixed record. Personally he remains unpopular. His government's reputation is not helped by a liberal dose of cronyism, endemic to Pakistan's political culture. And stories of corruption at the highest official levels continue to do the rounds. On the other hand, the government seems to comprehend the situation with regard to militancy and related issues and has clearly put its weight behind the efforts of the armed forces to this end. It has sought to put the phenomenon of extremism in perspective at the popular level – not an easy task with a number of political parties initially sending out confusing messages. Some of the confusion had to do with highlighting the 'Islamic' credentials of the Taliban rather than focusing on their extreme tactics, indiscriminate violence and their unambiguous challenge to the writ of the state. But a governance deficit remains central to the situation which is not helped by the impatience of the main opposition party, the PML-N led by

Nawaz Sharif, who according to the polls is Pakistan's most popular leader today. The direction in which Pakistan goes from here depends on the lessons we have learnt from our troubled past and the choices we make based, hopefully, on a sound appraisal of our potential as well as our constraints.

Conclusion

Most states can probably point to a set of disadvantages inherent in their origins. Pakistan may have started with more than its fair share. But its people have shown themselves capable of rising above the odds. Whether justified on the grounds of ideology or security, they have rejected and struggled against military and authoritarian rule. Whenever the space has been available, they have voted into office liberal-secular parties rather than those that interpret Islam in a narrow and doctrinaire fashion. As recent events and polls demonstrate, the great majority reject the Taliban and the politically constructed extremism they seek to propagate using the cover of religion. Pakistani civil society has asserted itself in unexpected ways. For instance, few anticipated the Lawyers' Movement that emerged across the country, and sustained itself for nearly two years against Musharraf's decision to dismiss the Chief Justice of Pakistan (CJP). Certainly, there are few examples of such a movement of professionals anywhere in the world. Earlier, women who are along with minorities, the first targets of any political project that uses Islam instrumentally to further its goals, formed a number of groups across the country to resist discriminatory laws and harsh punishments. After all these years that struggle continues. Again, today's vibrant Pakistani media has come a long way in the struggle that peaked under Zia who made journalists a particular target of his repressive policies.

One of the key factors that has distorted Pakistan's development is the enmity with India originating from the latter's refusal to honour its commitments over Kashmir. This has resulted in the allocation of a huge amount of resources for military purposes including a nuclear programme meant for minimum deterrence. It has also led Pakistan into an acute external dependency syndrome, particularly with regard to the United States, that has further aggravated the institutional imbalance within the country, quite apart from standing in the way of a more balanced and mutually beneficial relationship between the US and Pakistan. While the circumstances of the people of Indian-held Kashmir remains a major concern, the country's two major political parties now share the view that the matter has to be resolved through negotiation and improved ties with India. Benazir Bhutto, Nawaz Sharif and now Asif Zardari have all attempted to establish better ties with India albeit with limited success as there remain powerful constituencies in both countries that have yet to accede to the spirit of this effort.

It is clear that Pakistan today needs a new definition of security: one that enables it to address the internal challenge as much as the external one. Equitable economic development, health and education must become key concerns for our

polycymakers. These are as important to the security of the country, if not more so, than military preparedness. While Islam will doubtless continue to remain important in the lives of the majority of the citizens, there is also a need to reconnect with our shared heritage of a rich and varied Indus Valley civilization and to add a significant dimension to our nationalism we would do well to consider ‘...the Indus Basin as the basis of our *territorial* nationhood...’⁴¹. Much of this of course still depends on making up the deficit in good governance and evolving a greater balance between the elements of state and society. Pakistan is a vast land with immense resources both natural as well as human. It must not remain hostage to the constraints and imbalances that have co-existed virtually since its birth. The country must necessarily transcend these if it is to successfully meet the many challenges with which it is confronted – a task not made any easier given a rough neighbourhood and an unpredictable global setting.

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⁴¹ Alavi cited in Rashid, 2004, p.101.

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RUBINA SAIGOL

Class and Politics in the Radicalization of Pakistani State and Society

The need to understand and explain the phenomena referred to as ‘radicalization’ or ‘Talibanization’, is becoming increasingly urgent, given the massive humanitarian catastrophe unfolding in Pakistan, accompanied by a pervasive sense of fear and foreboding. Though, it is difficult to explore or analyze such transformations while they are still occurring, and the processes appear to be changing by the day, some tentative reflections on the social, economic and political dynamics may be proposed at this stage.

The terms ‘radicalization’ and ‘Talibanization’ are being employed to refer to the increasing tendency to use a peculiar brand of religion, as the justification for conquest and control over territory, populations and resources, and the establishment of specific forms of judicial and social systems by the use of force. Unbridled violence, including gruesome murder, decapitation, lashing and cutting off of limbs and similar tactics, comprise a salient feature of these new phenomena. The creation of intense fear seems to underlie the formation of such social and political systems. Fear is engendered to maintain control and ensure compliance with the dictates of the leaders.

There is a commonly observed tendency to conceive of radicalization in terms solely of ideology. Religious zealotry, extremism and militancy, or whatever one prefers to call them, are often regarded as signs of backwardness, lack of education, absence of a civilized mind-set and a reflection of a barbaric or savage worldview. The recourse to colonial binaries, such as backward versus modern, savage versus civilized, or illiterate versus enlightened, serves to obfuscate the issues rather than clarify them. Categories such as backward, savage, barbaric or pre-modern fail as explanations since they become tautologies: they committed the act *because* they are barbaric; they are barbaric *because* they committed the act. The reliance upon psychological and ideological categories, that refer to some kind of assumed inherent proclivity among certain people to commit heinous acts, becomes essentialist. Such explanations become redundant, for they obliterate history, as well as, material reality that form a part of the dynamics of radicalism. The use of overarching ideological categories seems to rely on some form of biological determinism, thereby rendering such categories

deeply racist. The importance of locating specific actors, within specific historical contexts and material concerns, is overlooked when there is resort merely to ideology, belief or mind-set as explanations for historical phenomena.

Instead of characterizing the perceived extremism and violence as some kind of inherent flaw within a particular people, religion, culture or belief system, it is more fruitful to explore the political economy of radicalization, in order to lay bare the material basis that may have generated it. It seems to be more useful to examine the conflicts between competing social classes attempting to establish their hegemony and deploying religion, or a specific form of it, to justify their position in the social and economic hierarchies. Islam seems to provide an ideological cover for class-based privilege and exploitation. In many Muslim countries 'the upper strata increasingly proclaim their attachment to Islam, in a frenzied search for an ideological guarantee for their social and material advantages'. (Rodinson, 1966:226). The ruling strata use Islam to give religious endorsement to their conservative attitudes. A historical evaluation of the compacts between specific interpretations of religion and political power may serve to demystify radicalism and locate it back within history and material conflicts. The use of religion to attain, maintain and enhance class power may, in turn, serve to explain the increasing currency of religion and its hegemonic ascendancy within the state and society.

Theoretical underpinnings

This paper owes its theoretical underpinning to developments in western political discourse, from which the modern notions of state and society have traditionally been derived (Kant, 1994; Rousseau, 2009; de Tocqueville, 1964). The Enlightenment era liberal philosophers, in particular, contributed immensely to theories of the state and civil society (Hegel, 1991; Hobbes, 1931; Locke, 1821). This discourse was further sharpened and enriched by Karl Marx and Marxist philosophers of state and society.

With the Renaissance, Reformation and Enlightenment in Europe, the influence of the divine in worldly affairs declined and the secular began to take precedence over the sacred. The power of the divine gradually eroded, and the alliance of the clergy with the state diminished in European countries. As the state and society emerged as separate, though overlapping realms, religion was relegated to the private sphere and the public sphere was designated as one based on rational ordering and secular law. Thus, while societies continued to be religious to varying degrees, the state was conceived as being devoid of religion and reformulated along scientific, rational and bureaucratic lines. Religion could no longer be used to shore up the power of kings, nobility and clergy. With the French Revolution in 1789, one of the early forms of the modern state was born.

Karl Marx distinguished between political society and civil society and located these two in a system of production and reproduction. Marx believed that civil society represents the interests of the bourgeoisie. For him, civil society

represented the base in which the social relations of production and reproduction took place, while the state represented the superstructure of power built upon the productive base. Marx relegated religion to the superstructure and called it the “opiate of the masses” which helps them accept the bourgeois order as natural and ordained by God (Marx, 1843). As he wrote, “Religion is the sigh of the oppressed creature, the heart of a heartless world, and the soul of soulless conditions. It is the opium of the people”. The social and economic conditions, the ‘soulless conditions’ that force people to live in poverty and degradation, wed them more deeply to religion for the latter becomes the vehicle for understanding the causes of want and misery. French Structural Marxist, Louis Althusser, regarded the Church as one of the powerful Ideological State Apparatuses that reproduce the ideologies to enable the bourgeoisie to retain and enhance class power (Althusser, 1984).

The philosopher, most relevant to the discussion in this paper, is the Italian Marxist Antonio Gramsci, who proposed the idea of hegemony and counter-hegemony. According to him, civil society is the sphere in which hegemony is created by the ruling classes (Gramsci, 1971). In his view, civil society is the location where ruling ideas become hegemonic – ruling class ideologies come to appear as obvious, common sense and in everyone’s equal interest. Gramsci argued that Political Society is the realm of force and Civil Society of consent. He emphasized, however, that the division is purely conceptual and that the two, in reality, often overlap.

For the purposes of this paper, the arguments of Marx, Althusser and Gramsci – that religion acts as a prop for class interests – are salient. This approach can potentially diminish the understandings that relegate radicalism to the realm, purely of ideology and belief, without reference to a structural base.

Religion and power in the Pakistan movement

Pakistan emerged on the world map in a binary version of religious nationalism, which posited Muslims and Hindus as two eternally opposed, inimical and morally opposite nations (Saigol, 1994, 1995). Having arisen within a dichotomous paradigm premised on religious difference, Pakistan became trapped within its own history, finding it hard to climb out of its foundational mythology, the two-nation theory (Saigol, 2006). The initial conception of two diametrically opposed and inimical nations is attributed to Syed Ahmad Khan, who highlighted the differences between Hindus and Muslims, and opposed democracy on the grounds that it would usher in Hindu rule. Later, however, the two-nation formulation was strengthened by Muslim League leaders in the course of the struggle for Pakistan (Ali, 2009).

While the ideology of two religiously divided nations has been defined as the primary force that powered Muslim separatism in North India, the class basis of the demand for Pakistan is ignored in official, state discourses. The Muslim League was founded in Dhaka in 1906, one year after the partition of Bengal

sharpened social divisions along religious lines, and the Hindus began to agitate for the rescinding of the partition. The founders of the Muslim League belonged to the Muslim ruling groups and Nawabs. The meeting of the Muhammadan Educational Conference in December 1906 was held at the house of Nawab Salimullah, and eminent personalities like Nawab Viqar-ul-Mulk and Nawab Mohsin-ul-Mulk were asked to draft the first constitution of the All India Muslim League founded during the session. Those who led the demand for the rights of Muslims thus belonged to the landed aristocracy of the time¹. In 1909, the Morley-Minto reforms institutionalized religious separatism by accepting the demand for separate electorates. However, it was with the Khilafat movement, and the failure of the Hindu-Muslim unity heralded with fanfare at the time of the Lucknow Pact of 1916, that the Muslim elite classes began to Islamize religion in the pursuit of dominance (Ali, 2009).

Although the movement for Pakistan was finally spearheaded by the Salariat (Alavi, 1992), it was initiated by rich landlords, threatened by the demand for land reforms on the Indian National Congress agenda. In the beginning, the Muslim League was formed for the protection of the class interests of the Muslim landlords (Gankovsky & Polonskaya, 1964). Even though the partition of Bengal was rescinded in 1911, as a result of immense pressure, the lines of division and difference had been engraved on the minds of people. As religion increasingly came to define difference and separation, it was relied on extensively to gain political mileage. The idea of a separate Muslim land caught the imagination of the middle classes and the Salariat. Muhammad Ali Jinnah, a thoroughgoing secular constitutionalist, and initially a strong nationalist interested in a united India, ultimately resorted to the instrumental use of religion to mobilize Muslims for a separate homeland. In 1940 he declared:

It is extremely difficult to appreciate why our Hindu friends fail to understand the real nature of Islam and Hinduism. They are not religious in the strict sense of the word, but are, in fact, different and distinct social orders, and it is a dream that the Hindus and Muslims can ever evolve a common nationality, and this misconception of one Indian nation has troubles and will lead India to destruction if we fail to revise our notions in time. The Hindus and Muslims belong to two different religious philosophies, social customs, literatures. They neither inter-marry nor inter-dine together and, indeed, they belong to two different civilizations which are based mainly on conflicting ideas and conceptions².

What began as a movement for the protection of the interests of the landed gentry became, over time, a movement based on religious difference. Religion became the dominant ideology, the hegemonic 'truth' on which the edifice of a

1 www.storyofpakistan.com

2 Excerpt from the Presidential Address delivered by Quaid-e-Azam at Lahore, March 22-23, 1940.

new nation was to be built. Acting as an opiate, it obliterated any consciousness of the class interests of the landed gentry that were deeply rooted in the demand for a separate homeland. The interests of the Muslim ruling classes came to be viewed as the interests of everyone, including the ruled and subjugated.

Defining Pakistan – The post-partition debate

Once Pakistan emerged on the world map as a fragile new entity, loosely stitched together with a religious thread, struggles over the ideology of Pakistan and its meaning ensued. As early as August 1947, Jinnah, who no longer felt the need for an exclusivist religious nationalism, which had outlived its purpose, imagined a secular state where religion would not play a major role in the business of the state. To quote his now famous speech to the Constituent Assembly:

If you change your past and work together in a spirit that everyone of you, no matter to what community he belongs, no matter what relations he had with you in the past, no matter what is his colour, caste or creed, is first, second and last a citizen of this State with equal rights, privileges, and obligations, there will be no end to the progress you will make... You are free; you are free to go to your temples, you are free to go to your mosques or to any other place or worship in this State of Pakistan. You may belong to any religion or caste or creed that has nothing to do with the business of the State.... We are starting in the days where there is no discrimination, no distinction between one community and another, no discrimination between one caste or creed and another. We are starting with this fundamental principle that we are all citizens and equal citizens of one State³.

For M.A. Jinnah, the new state he imagined would be based on the fundamental principle of citizenship equality. Needless to say, citizenship equality is not attainable as long as one religion is established as the state religion. The moment that this happens, the citizenship of those belonging to other religions is rendered secondary. This, however, is precisely what happened soon after Jinnah's death in 1948, when the Jamaat-e-Islami, which had opposed the creation of Pakistan on the basis that a secular leadership could not possibly construct a state based on Islam, now stepped in armed with a hegemonic religious ideology. The foundational mythology, in the form of the two-nation theory, came back into play in the construction of a new nation and state.

With M.A. Jinnah's towering presence gone, the task of defining the new nation fell to some of the individuals and parties which had opposed the very idea of Pakistan – Maulana Maududi and the *Jamaat-e-Islami*. More than any other religico-political party in Pakistan, the *Jamaat* and its student wing, the *Islami Jamiat-e-Tulaba*, have exerted their influence on Pakistani politics, economics and society. Maulana Maududi led the movement for the construction of a

3 Speech to the Constituent Assembly. August 11, 1947.

theocratic state in Pakistan soon after its inception (Mir, 1986). The movement for Pakistan was now re-interpreted 'as a movement not for the establishment of a national state but for an Islamic state' (Mir, 1986:159).

In 1949, just two years after Pakistan's emergence on the map, the *Jamaat-e-Islami* and Maulana Maududi pressured the Constituent Assembly to pass the Objectives Resolution. The resolution, proposed by the Prime Minister, Liaquat Ali Khan, proclaimed that the future Constitution of Pakistan would not be modeled entirely on a European pattern, but on the ideology and democratic faith of Islam. The first and main clause of this resolution was the affirmation that sovereignty over the entire universe belongs to Allah.⁴ This clause effectively removed sovereignty from the people and placed it in the hands of those who could claim to know the will of Allah, that is, the clergy. The third clause of the Objectives Resolution further reinforced the power of one religion over others by stating that "the principles of democracy, freedom, equality, tolerance and social justice, as enunciated by Islam, shall be fully observed"⁵. Having come into being, on the basis of religious nationalism, the state now became trapped within this confining ideology.

The resolution was hotly debated for five days. The leading members of the government and a large number of non-Muslim members, especially from East Bengal, took a prominent part. Non-Muslim members expressed grave apprehensions about their position and role in the new policy. The minority members of the Constituent Assembly could foresee the potential for a theocratic state, and raised valid objections. Their major objection was that the government was trying to mix religion and politics, which was against the spirit of democracy. Hindu members of the Constituent Assembly argued that the Objectives Resolution differed from Muhammad Ali Jinnah's view in all the basic points. Sri Chandra Chattopadhyaya said:

What I hear in this (Objectives) Resolution is not the voice of the great creator of Pakistan – the Quaid-i-Azam, nor even that of the Prime Minister of Pakistan the Honorable Mr. Liaquat Ali Khan, but of the Ulema of the land⁶.

Similarly, Birat Chandra Mandal declared that Jinnah had "unequivocally said that Pakistan will be a secular state" (Ghazali, 1996). Bhupendra Kumar Datta went a step further and remarked that "...were this resolution to come before this house within the life-time of the Great Creator of Pakistan, the Quaid-i-Azam, it would not have come in its present shape" (Ghazali, 1996). The Hindu members warned that the effects of this resolution would not remain confined but echo even in the countryside (Ali, 2009).

4 Objectives Resolution. Article 2-A. The Constitution of Pakistan.

5 Ibid. Clause 3.

6 Quoted in Ghazali, *Islamic Pakistan: Illusions and Reality*, Islamabad, 1996.



Schoolgirls in Islamabad, April 2009

The non-Muslim members also objected to the novel idea of sovereignty of Allah, and argued that this would militate against the equality of all citizens. The minority members were of the view that *Sharia'h* was not adequate for modern times, and they expressed the fear that religious extremists would attempt to create a theocratic state, inhospitable and hostile to religious minorities. Their accurate and visionary concerns were overridden by the Muslim members, paving the way for the use, misuse and abuse of religion by succeeding ruling classes in Pakistan. The resolution was passed, despite serious objections from the minority members of the Constituent Assembly, who tried in vain, to remind the Muslim members of the commitment of Pakistan's founder towards minority rights and protections.

Maulana Maududi developed an elaborate theory of an Islamic state by declaring that:

Islam is the very antithesis of secular western democracy. The philosophical foundation of western democracy is the sovereignty of the people. Law making is their prerogative and legislation must correspond to the mood and temper of their opinion...Islam altogether repudiates the philosophy of popular sovereignty and rears its polity on the foundations of the sovereignty of God and the vicegerency⁷.

Effectively moving towards a theocratic state, Maulana Maududi deprived the people of their right to govern themselves, as God's will was to be determined by the clergy. It was, however, not merely the theocratic and feudal politicians and the clergy who benefited from the negation of popular sovereignty. The civil and later military bureaucracies also used the notion to their own advantage to further vested interests (Mir, 1986). The theory of divine sovereignty was a political ploy, to capture absolute power, by those who claimed to be the custodians of His Word and Law. The notion of divine sovereignty became an instrument in the hands of future military dictators, as well as, civilian rulers, who chose to interpret the divine in the manner in which it suited their vested interests. In Maududi's view, the ruling ideology of Pakistan should only be Islam as it was, in his opinion, an ideological state. In the context of his theory of an Islamic state, he provided detailed principles of law, constitution and jurisprudence. He believed that an Islamic state is not democratic because democracy permits laws to be changed at the will of the majority, even if the majority is wrong. One of the defining characteristics of the Islamic state, in the opinion of Maulana Maududi was *Jihad*, an imperative for the universalization of religion. The Islamic state perforce had to be an expanding state, leading towards the formation of a universal world state (Ahmad, 1976).

Once the state had been carved out on the basis of an exclusivist, dominant, ruling class version of religious nationalism, it became easy for Pakistan's successive ruling elites to deploy religion as a weapon of legitimacy and power. The

⁷ Quoted in Mir, Religion and Politics in Pakistan, 1986, p. 160.

alliance of religion and state became deeper over time, as rulers – both, civil and military, religious and moderate – used religion as a legitimizing ideology and a means of perpetuating class power.

The nexus between religion and power in Pakistan

A brief examination of the post-partition history of Pakistan reveals that virtually every ruler, whether civil or military, religious or ‘enlightened moderate’, used religion as an instrument of the attainment, maintenance and perpetuation of power. In turn, this deployment of religion in the politics of power strengthened and reinforced religious ideologies, as well as, created enormous sectarian, ideological and, ultimately violent, conflicts over the version of religion that would define the state in Pakistan.

Following the passage of the Objectives Resolution of 1949, a Basic Principles Committee was set up to formulate the main guidelines for the framing of the Constitution. Its report was presented to the Constituent Assembly in December 1952. According to the report of the Basic Principles Committee, the head of state would be a Muslim, elected by a joint session with the majority vote of the Central Legislature for a period of five years. However, Prime Minister, Khawaja Nazimuddin, who had presented the second draft of the report, was removed in April 1953, mainly as a result of the Tahaffuz-e-Khatam-e-Nabuwat movement, which had incited disturbances in the Punjab. The anti-Ahmadiyya movement, started in the Punjab by the Majlis-e-Ahrar, was supported by the Chief Minister of Punjab, Mumtaz Daultana⁸. The movement spread to other parts of the country and created widespread anarchy. Religion, invariably used by the rulers, as the justification for power, was playing its divisive role in the hands of unscrupulous politicians (Ali, 2009).

After the dismissal of Khawaja Nazimuddin, the Governor General appointed Muhammad Ali Bogra as the Prime Minister. According to the Bogra formula of 1953, in place of the Board of Ulema, the Supreme Court was given the power to decide if a law was in accordance with the basic teachings of the Holy *Quran* and *Sunnah* or not. By that time, it seems that politicians had widely accepted the idea that laws would be framed in conformity with the injunctions of religion. The state had already begun its journey towards becoming a religiously-defined political entity.

In 1955, Chaudhary Muhammad Ali was appointed as Prime Minister, and he succeeded in framing the Constitution of 1956, as well as, getting it passed by the Constituent Assembly. One of the basic features of the Constitution of 1956 was its Islamic character. However, the Objectives Resolution was only made the preamble of the Constitution and was not included in the main text. The Islamic provisions were outlined in the directive principles of state policy. Among other Islamic provisions was the requirement for the president to be a Muslim. This

8 www.storyofpakistan.com

provision is exclusionary in essence, and became one of the features that negate citizenship equality. Other provisions included the setting up of an organization for Islamic research, with the aim of defining and establishing a true Islamic society. The name 'Islamic Republic of Pakistan' was adopted, adding to the exclusionary character of the state, which was now, by definition, a religious state. It was specified that no law would be enacted which is repugnant to the injunctions of Islam, as laid down in the *Qur'an* and *Sunnah*, and that existing laws would be brought into conformity with such injunctions. Whether a law was repugnant to Islam or not, would be decided by the National Assembly. Teaching of the *Quran* was made compulsory for all Muslims, and the sale and purchase of alcohol was prohibited. One of the functions of the state would be to strengthen the bonds of unity with other Muslim countries. Within the first nine years of Pakistan's formation, there was a perceptible shift towards becoming a state defined by Islam, and a discernible move away from the kind of state outlined by M.A. Jinnah in his August 11, 1947 speech to the Constituent Assembly.

In October 1958, President Ayub Khan deposed Iskandar Mirza and became the sole power in Pakistan and ruled the country as an all-powerful dictator for a decade. In 1962, Pakistan's second Constitution was promulgated transforming the country from a parliamentary democracy to a presidential form. In spite of his primarily secular outlook, Ayub Khan did not desist from the use of religion to bolster his political career and gain legitimacy. He continued the established tendency to use Islam as an instrument of power, control and domination.

The Constitution of 1962, like its predecessor, had numerous Islamic provisions. The preamble of the Constitution was based on the Objectives Resolution. Initially, Pakistan was named the 'Republic of Pakistan'. However, when the National Assembly met in June 1962 there were demands to add the word 'Islamic', since there were so many Islamic provisions. In December 1962, the first amendment to the Constitution renamed the state as the 'Islamic Republic of Pakistan'. It was further laid out that No law would be enacted which is repugnant to the teachings and requirements of Islam as set out in the *Qur'an* and *Sunnah*, and all existing laws would be brought in conformity with the *Qur'an* and *Sunnah*. According to the Constitution of 1962, only a Muslim was qualified to be the president of the country. These exclusionary clauses, which affirmed the centrality of one religious community over others, served to create unequal citizenship.

In order to create a docile and subservient citizenry, the state chose to take upon itself the responsibility of inculcating religious sentiments in society. Therefore, the teaching of the *Quran* and Islamiyat to the Muslims of Pakistan was made compulsory. The freedom to choose a religion, or not choose any religion, was constitutionally circumscribed. The Constitution further sought to regulate economic and social relations, as the proper organization of *Zakat*, *waqf*, and mosques was constitutionally ensured. It was specified that practical steps would be taken to eradicate what were seen as social evils by Islam, such as, the use of alcohol and gambling. This minute regulation of society through

the conversion of sin into crime, and state control over the personal behaviour of individuals, rendered the state totalitarian, for citizens were not left with any personal moral choices. Instead of leaving such personal choices to people so that they may work out their own unique relation with their religion and God, the state chose to define good and evil by criminalizing acts forbidden in a particular religion, but not necessarily harmful to society.

In the Principles of Policy section, it was specified that steps would to be taken to *enable* the Muslims of Pakistan, individually and collectively, to order their lives in accordance with the fundamental principles and basic concepts of Islam. In reality, however, there seemed to be coercion, for people were denied the right to choose their religion, as well as, to decide the manner in which they would follow it. Stating that people should be provided with facilities, whereby, they may be enabled to understand the meaning of life according to Islamic principles and concepts, meant that people would not be allowed to freely interpret their own religion and observe it in consonance with their own specific belief. With intensive encroachment into the private sphere and social relations, the moral policing by the state enabled religion to permeate deep into society. In other words, it allowed religion to become hegemonic rather than a matter of personal, individual choice.

The encroachment of the totalitarian state into personal life was institutionalized through the creation of an 'Advisory Council of Islamic Ideology', to be appointed by the president. The function of the Council was to make recommendations to the government, regarding the means, which would enable and encourage the Muslims of Pakistan to order their lives in accordance with the principles and concepts of Islam. The Council of Islamic Ideology was empowered to examine all laws in force, with a view to bringing them into conformity with the teachings and requirements of Islam, as set out in the *Qur'an* and *Sunnah*. The overwhelming thrust to construct an Islamic society was further reinforced, through the creation of an Islamic Research Institute, which was to be established by the President. The function of the Institute, as envisioned in the Constitution, was to undertake Islamic Research and Instruction, for the purpose of assisting in the reconstruction of Muslim society on a truly Islamic basis. The state saw as its goal and purpose, the creation of an Islamic society, rather than perceiving its role as the reflection of the collective will of the people and a symbol of people's aspirations. The state was defined as an intrusive state, which arrogated to itself, the right to interfere in the minutiae of everyday existence. As if to further invigorate its Islamic character, the Constitution stated that the state would endeavour to strengthen the bonds of unity among Muslim countries.

By the time of Ayub Khan then, religion had become the established method of the retention of power and control by the rulers. Ayub Khan used it brazenly when it suited his aim of continuing in power. In the elections of 1965, he gathered the support of the Ulema, who argued that Islam does not permit a woman to be the head of an Islamic state. The orthodox religious political parties, including the Jamaat-i-Islami, led by Maulana Maududi, which had repeatedly

declared that a woman could not hold the highest office of a Muslim country, modified their stance and supported the candidature of Miss Fatima Jinnah. This reveals the essentially opportunistic character of both religious and secular ruling groups of Pakistan. When it suited their purpose, the interpretation was accordingly changed in the pursuit of power. Ayub Khan won the election, but his 'decade of development' proved to be a decade of disaster for the country in a number of political, economic and social ways. In 1969, Ayub Khan was forced out of power after handing over the reins of power to another military dictator, Yahya Khan.

After Pakistan's defeat in the war, in December 1971, Yahya Khan departed and the mantle of leadership now fell upon Zulfikar Ali Bhutto, whose Pakistan People's Party (PPP) had won the 1970 election in West Pakistan. As early as 1966, Z.A. Bhutto had declared in a speech that "Islam is our faith, democracy is our policy, socialism is our economy. All power to the people". Z.A. Bhutto stitched together Islam and socialism into an uncomfortable fabric and called it 'Islamic socialism'. This was designed to gain legitimacy for his programme, which involved a re-distribution of wealth and power, and threatened to create new elite structures. Both, religion and socialism, were used by him to shore up his power which, in turn, strengthened his feudal base.

The Constitution of 1973, which was formulated and passed during Pakistan People's Party's first tenure, retained the idea that sovereignty over the entire universe belongs to Almighty Allah alone. In its introductory articles, it went on to state that "Islam shall be the state religion of Pakistan" (Article 2), thus establishing the principle of inherent inequality between Muslim and non-Muslim citizens of the state. The Constitution promised to establish an order "wherein the principles of democracy, freedom, equality, tolerance and social justice, *as enunciated by Islam*, shall be fully observed". The liberal notions of democracy, freedom and equality were made subordinate to Islam, thus, automatically curtailing the liberal freedoms, and reducing the equality, of non-Muslims. There was the reiteration of the usual 'enabling Muslims individually and collectively to live their lives in accordance with the fundamental principles of Islam', and the promise to create 'a democratic state based upon Islamic principles of social justice'. The principle, that only a Muslim could be president or prime minister was also retained. Despite his secular and liberal outlook at a personal level, Bhutto took recourse to Islam as a political instrument, thus, undermining the secular socialist state that he otherwise propounded.

The Constitution of 1973, reproduced and preserved, a number of Islamic provisions observed in previous constitutions. The name 'Islamic Republic of Pakistan' was retained and Islam was declared the state religion of Pakistan. With the state having thus chosen one religion as the official one, the status of the followers of other religions was inevitably lowered. The idea of Islam as the state religion was reinforced with the constitutional intent that all existing laws would be brought in conformity with the injunctions of Islam, as laid down in the *Qur'an* and *Sunnah*, and no law would be enacted which is repugnant to such injunc-

tions. The Constitution reiterated the need for a Council of Islamic Ideology, whose functions would be to make recommendations to the Parliament and the Provincial Assemblies. These recommendations, as envisioned, would specify the ways and means of enabling and encouraging the Muslims of Pakistan, to order their lives in accordance with the principles of Islam. It was further specified that “the President or the Governor of a province may, or if two-fifths of its total membership so requires, a House or a Provincial Assembly shall, refer to the Islamic Council for advice on any question as to whether a proposed law is or is not repugnant to the injunctions of Islam”.

The Constitution of 1973, not only reiterated the stances of the previous constitutions with regard to Islam, but empowered the state to define who is or is not a Muslim. For the first time, the Constitution of Pakistan gave the definition of a Muslim which states: “‘Muslim’ means a person who believes in the unity and oneness of Allah, in the absolute and unqualified finality of the Prophethood of the Islamic prophet, Muhammad, and does not believe in, or recognise as a prophet or religious reformer, any person who claimed or claims to be a prophet, in any sense of the word or of any description whatsoever, after Muhammad (PBUH)”. With the state arrogating to itself the right to define a ‘Muslim’, this right was wrested from people who belonged to varying, conflicting and contesting sects and versions of Islam.

A monolithic and homogenized view of ‘Muslims’ seemed designed to assert state control over meaning and interpretation, and impose a singular view on the population. The effect of the act of defining a ‘Muslim’ by the state was most visibly seen, with disastrous consequences, when the Second Amendment in September 1974 declared, for the first time, the Ahmadiyya Muslim Community (Qadianis), or the Lahore Ahmadiyya Movement for the Propagation of Islam (Lahoris), as non-Muslims, and their leader, Mirza Ghulam Ahmad, as a fraudster and imposter. The anti-Qadiani riots of the 1950s now bore poisoned fruit, and Maulana Maududi’s dream of forcefully pushing certain sects out of the pale of Islam, was now accomplished during the democratic period of Z.A. Bhutto.

The deep penetration of society with religious thought continued, and the Constitution averred that steps would be taken to make the teaching of the *Qur’an* and Islamiyat compulsory. The intent was to encourage and facilitate the learning of Arabic language, and to secure correct and exact printing and publishing of the *Qur’an*. It was no longer enough, simply, to promote Islam but the Arabic language learning would now be facilitated, underscoring Pakistan’s deepening relations with Saudi Arabia and the Gulf countries; the idea of bonding with other Muslim countries was also reinforced. There was deep penetration also into the economy and social relations, as the Constitution declared that proper organization of *Zakat*, *waqf* and mosques would be ensured, and *the state shall prevent prostitution, gambling and consumption of alcohol, printing, publication, circulation and display of obscene literature and advertisements*. The moral policing of society by the state reached its pinnacle at that time, as the state decided to define what is or is not obscene. This massive and intrusive foray into the private

realms of life, set the stage for the aggressive 'Islamization' agenda of General Zia that followed the ouster of Z.A. Bhutto.

In 1977, Z.A. Bhutto was accused of rigging the national elections, and the Pakistan National Alliance (PNA) movement against him, drew upon the angry sentiments of various sections of the public and rival political parties. Despite the presence of secular and liberal politicians in the PNA movement, it soon acquired a religious colour. The PNA claim, that its manifesto was the *Quran*, helped mobilize a sizeable number of supporters from all over Pakistan. Religion, used by Bhutto to galvanize the population around his agenda, now became equally a tool in the hands of his opponents. An alliance of nine parties, the PNA used mosques to stimulate the masses and tried to create an impression that it was only working for the enforcement of *Nizam-i-Mustafa*. The leaders criticized the socialistic attitude of Bhutto and alleged that he had lost faith in Islam. The Ulema whipped up emotions for a *Jihad* to save Islam, which they alleged was in danger from an evil regime. The Alliance promised to implement Islam and *Shariah* in the form of *Nizam-e-Mustafa*.

The Nine Stars of the PNA Alliance constituted a contradictory and diverse conglomerate of parties, as divergent in their agendas as Khan Abdul Wali Khan's National Awami Party, which espoused secularism and socialism, Asghar Khan's Tehrik-e-Istiqlal which preached secularism, Maududi's hardline Islamist Jamaat-e-Islami, and Mufti Mahmood's Jamiat- Ulema-e-Islam which emphasized its Deobandi version of Islam and *Shariah*⁹. They were united only in their opposition to Z.A. Bhutto's autocratic style of ruling. Nonetheless, their use of Islam as the instrument of gaining power, ushered in the longest and most terrifying military dictatorship, that relied on a harsh and fundamentalist version of Islam for its legitimacy.

Bhutto's belated attempt to placate the Islamists through cosmetic and symbolic measures, such as, declaring Friday as the weekly holiday, banning alcohol and gambling dens was, for his opponents, too little too late. Even though there was some evidence of rapprochement between Z.A. Bhutto and the opposition, General Zia seized the opportunity to overthrow an elected civilian government and establish military rule on July 5, 1977. Thence followed the period when religion, to which every ruler had in the past resorted, became the main ideological instrument for the hegemony of the new classes that had acquired wealth from remittances from the Gulf countries and Saudi Arabia.

General Zia-ul-Haq established the Majlis-e-Shoora in 1980, and all 284 members, including many Ulema, were nominated by him as the president. General Zia seized upon Islam as the most powerful, hegemonic ideology, through which he could justify his illegal takeover. He instituted drastic changes in nearly every sphere of life, from the most private to the public. At that point

9 Major component Parties of the PNA Alliance were, Jamiat Ulema-e-Islam, Pakistan Muslim League, Jamaat-e-Islami, Jamiat Ulema-e-Pakistan, Pakistan Democratic Party, National Democratic Party (formerly National Awami Party (Wali)), Tehrik-e-Istiqlal, Khaksar Tehrik, Azad Kashmir Muslim Conference.

in Pakistan's history, the state was more intrusive, more totalitarian and more punitive than at any previous or subsequent time. Every area of life, from the political to the social, economic and cultural was brought under the surveillance and control of the government, to force people to order their lives according to the religious interpretation provided by the state.

General Zia's interpretation of Islam was derived heavily from the Deobandi, Jamaat-e-Islami's view of religion. Initially, the Objectives Resolution formed the preamble to Pakistan's Constitution. However, during the time of General Zia-ul-Haq in 1985, this resolution was made a substantive part of the Constitution, through the insertion of Article 2-A in the Constitution. The model for undertaking the 'Islamization' project was supplied by Maulana Maududi's theory of the state, and the *Jamaat-e-Islami* was the only political party that could freely function during the time. General Zia placed the economy outside the purview of Islamization for ten years, as Pakistan's financial interests were tied to the global economic system which depends upon interest payments. Cosmetic economic changes were introduced within Pakistan. However, the judiciary, education and the media were subjected to far-reaching changes (Jehangir & Jilani, 1990; Saigol, 1993, 1994 & 1995; Malik & Hussain, 1996).

It is relevant here to shed some light on Maududi's expositions on women's status and rights within Islam. Maududi did not allow any place to modern, western or liberal thought, and relied entirely on the *Qura'an* and *Sunnah*. So much so, that he even opposed the compulsory registration of marriages (Ahmad, 1976). In his view, the *Shariah*-ordained method of contracting marriages was ample. He opposed the appointment of Registrars of Marriage, on the grounds, that Islam was opposed to a professional clergy. The non-registration of marriages was a major problem for Muslim women, as husbands could simply pronounce the triple *talaq* (divorce), and later even recant leaving the women at their whim and mercy. Registration provides proof of the marriage so that women can claim their rights whether married or divorced.

Maulana Maududi's views on women's status and position in society were laid out in his book *Purdah* written in 1963 (Maududi, 1963). In this book, he attributed the fall of great civilizations to woman, calling her an Agent of Satan. He then proceeded to reassure society that an Islamic state would preserve civilization, by protecting women from both the extremes of maid or mistress (Ahmad, 1976; Haque, 1987). Maududi vehemently asserts that, if an Islamic state is to be established in the true sense, the position ascribed to women by *Shariah* must be adhered to completely or else Muslim civilization would collapse, especially if women failed to play their pre-determined role. Maududi's view of gender roles was based on the theory of separate spheres, with men's role relegated to the public productive realm, and women's role to the private reproductive sphere (Haque, 1987). The relation between the sexes was seen as complementary, and one based on mutual interdependence. Free mixing of the sexes was seriously disapproved for the possible chaos it might create.



A Pashtun boy in Amlokdara, Swat valley, August 2005

Maulana Maududi found adult franchise unsuitable for women, and harmful for the welfare of the country, for being an ‘imitation of the West’. He believed that women should not have the right to be elected to the legislature, as this would be contrary to the spirit of Islam. Maududi contended, that active politics and administration were not a field of activity of the womenfolk, and should be restricted to men. He advocated a separate assembly for women, whose main function would be to look after the special affairs of women, such as female education and female health issues. This assembly would be consulted by the male legislature on matters of importance affecting women (Ahmad, 1976). Maulana Maududi, thus, propagated a theory of complete segregation of the sexes and relegated ‘women’s issues’ to a separate assembly of women, as though, these issues were not of general national importance. Women, in Maududi’s formulation, become citizens of a different type than male citizens. General Zia’s social, economic and legal measures reflected the perspectives outlined by Maulana Maududi.

In December 1978, in a nationwide address to ostensibly enforce an Islamic system devised by him, Zia accused, quite ironically, politicians of exploiting the name of Islam: *“Many a ruler did what they pleased in the name of Islam”*. After assuming power, the government began a programme of public commitment, to enforce *Nizam-e-Mustafa*, marking a major shift from Pakistan’s predominantly Anglo-Saxon law, inherited from the British. As a preliminary measure to establish an Islamic society in Pakistan, General Zia announced the establishment of Sharia Benches. A parallel judicial system, consisting of the Federal Shariat Court and Shariat Bench of the Supreme Court, and other Islamic courts were instituted. Other measures to Islamize the legal and judicial systems included, the Hudood Ordinances of 1979, the Qisas and Diyat Ordinance (which became law in 1990), and the Law of Evidence of 1984. The latter laws seriously affected the protection, security and status of women and the minorities, whose citizenship rights were curtailed through such measures (Jahangir & Jilani, 1990). The general atmosphere created by General Zia’s ‘Islamization’, was one of fear, public lashings, beatings and severe punishments for the poor and weak, women and minorities.

The minoritization of certain sects of Islam had begun with the Second Amendment in 1974. With Zia, the targeting of those with differing religious views reached a height. The Pakistan Penal Code (PPC) and the Criminal Procedure Code (CrPC) were amended, through ordinances in 1980, 1982 and 1986, to declare anything implying disrespect to the Prophet Muhammad (PBUH), Ahl al-Bayt (family members of Muhammad), Sahaba (companions of Muhammad) and Sha’ar-i-Islam (Islamic symbols), a cognizable offence, punishable with imprisonment or fine, or both. A significant addition to the laws was Ordinance XX of 1984. Under this, the Ahmadiyya were barred from calling themselves Muslims, using Islamic terminology or practicing Islamic rituals. While other religious minorities could, within limits, practice their religions, the Ahmadiyya community suffered the most, as they could not carry out marriage or other

rituals according to belief.¹⁰ Thousands of members of the persecuted Ahmadiya community fled Pakistan to save their lives and to escape victimization. During Zia's reign, many Shi'a Muslims and politicians were killed, most prominent being the judicial murder of Prime Minister Zulfikar Ali Bhutto.

In 1986, the Criminal Law (Amendment Act, III) was passed by the Majlis-e-Shoora, and it added Section 295(C) to existing Blasphemy laws which reads: "Whoever by words, either spoken or written, or by visible representation, or by imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (Peace Be Upon Him) shall be punished with death, or imprisonment for life, and shall be liable to fine". Around 1991 a petition was filed in the Shariat Court, which prayed that Section 295(C) prescribe only the death penalty, with no option of life imprisonment. The Shariat Court allowed the petition, and its decision was later upheld by the Shariat Appellate Court of the Supreme Court. The Blasphemy law, which carries the death penalty, was used against Muslims to settle personal scores but particularly, and perniciously, against non-Muslim citizens, especially Ahmadis and Christians, in the context of disputes that often involved property and money. Religion was now forged as a weapon against enemies in personal disagreements. The intrusive state could now take the life of its citizens for mere speech and utterance.

State regulation of the most personal aspects of social life was not limited only to women's dress, their right to take part in sports, to work and move freely, the state also took it upon itself to decide virtue and vice. Drinking of all forms of alcohol was not a crime under the Pakistan Penal Code. In 1977, however, the drinking and selling of wine by Muslims was banned in Pakistan, and the sentence of imprisonment of six months or a fine of Rs. 5000/-, or both, was provided in that law. Under the Zina Ordinance (one part of the Hudood Ordinances), the provisions relating to adultery were replaced so that the woman and the man guilty would be flogged, each of them, with one hundred lashes, if unmarried. And, if they were married, they would be stoned to death. People could no longer establish an independent moral system as a private matter. Morality, its control, regulation and enforcement became public matters. While the state privatized the crime of murder through the Qisas and Diyat Ordinance, which allowed the

10 General Zia-ul-Haq promulgated Ordinance XX on 26 April, 1984, banning members of the Ahmadiyya community from performing their religious ceremonies and prayers. He declared that "This Ordinance may be called the Anti-Islamic Activities of the Qadiani Group, Lahori Group and Ahmadis (Prohibition and Punishment) Ordinance, 1984". Article 298-C of this law states "Any person of the Qadiani group or the Lahori group (who call themselves 'Ahmadis' or by any other name), who, directly or indirectly, poses himself as Muslim, or calls, or refers to, his faith as Islam, or preaches or propagates his faith, or invites others to accept his faith, by words, either spoken or written, or by visible representations, or in any manner whatsoever outrages the religious feelings of Muslims, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine". Thousands of cases were registered against Ahmadis. One such case even included the entire 35,000 population of an Ahmadiyya town on the behest of a religious clergy of a neighbouring town.

relatives of the victim to accept compensation or seek retribution, the private issues of adultery or fornication became a crime against the state, and a public matter.

Apart from the regulation of social life, economic relations were also brought under strict state control. There was a compulsory levy of *Zakat* on all saving account holders, and *Ushr* tax was also instituted. The idea of charity and almsgiving in Islam is a matter of personal choice and preference. However, the state negated this freedom of choice to force economic activity to conform to the official version of religion. Since Pakistan's economy was heavily indebted to foreign donors, and Zia was deeply linked with Western powers and dependent on their largesse, the international features of the economy were exempted from Islamic provisions. This is an indication that his use of religion was purely opportunistic, for when it suited his material purposes, he conveniently overlooked Islamic injunctions.

In seeking legitimacy through the blatant use of religion, Zia surpassed all his predecessors. In December 1984, he held a referendum, in which the only option was to elect or reject him as the future president of Pakistan. The question was phrased in such a way that few Muslims would have the courage to answer in the negative. The question asked was, whether the people of Pakistan wanted Islamic Shariah law enforced in the country or not. An affirmative answer was taken as a verdict in his own favour. Predictably, over 95 per cent of the vote cast was affirmative. He used the referendum to get himself elected as president for five years. Although, only 10 per cent of the registered voters cast their votes in the farcical referendum, General Zia chose to regard the results as an endorsement of his policies. During Zia's rule, the merger of state and religion, along with the fusion of ruling classes and political Islam, was complete.

A highly destructive and long-lasting effect of the use of religion for political purposes, during Zia's reign, was Pakistan's involvement as a frontline state in the Afghan Jihad, and the creation of the Mujahiddeen to drive out the Soviet Union from Afghanistan. Islam was no longer an instrument of power for the local ruling classes, for it now became a tool in the global imperial contests over West and Central Asian oil and gas resources. Islam became an ally of western capitalism, which manifested its imperial impulse through the US involvement in Afghanistan. The Soviet Union's attempt to gain access to a warm water port, through Afghanistan and Pakistan, was blocked by the US by invoking Islam, which was believed to have immense evocative power and resonance among Muslims, in both countries.

The most devastating effect of General Zia's reign of terror, financed and supported by the Reagan administration in the US, was the massive rise of fundamentalist and sectarian parties, with their followers becoming daringly belligerent over time. The definition of an Islamic state is a contested concept, with competing sects vying for the acceptance of their brand of Islam as the true one. This predictably gave rise to enormous sectarian conflict and violence. And the decades following Zia's Islamization saw an exponential rise in sectarian strife,

with hundreds of people killed and injured (Rashid, 1997). The fundamentalist Wahhabi brand of Islam, being propounded by the Deobandi *Jamaat-e-Islami*, was the dominant version, yet several other versions of Islam were contesting for a dominant place at the state level. Religious parties, which had never won a substantial portion of Pakistan's vote in any election, were imposed on the population through state policy.

The picture was further complicated by the Soviet invasion of Afghanistan in 1979, followed by the US and Saudi Arabia supported Afghan *Jihad*, in which Pakistan became a frontline state. The astronomical amounts of funding that poured into Pakistan, to fight communism in neighboring Afghanistan, spawned a large number of *Jihadist* and militant outfits in the northern and western parts of Pakistan, bordering Afghanistan. In his thoroughly researched book, *Jihad-e-Kashmir o Afghanistan*, journalist Muhammad Amir Rana reveals telling facts. After the Soviet invasion of Afghanistan in 1979, Jimmy Carter's administration created a secret fund of \$500 million, to create terror outfits to fight the Soviets. Nicknamed "Operation Cyclone", this fund was kept secret even from the Congress and the American public. Subsequently, the Reagan administration and Saudi Arabia provided \$3.5 billion to General Zia's regime, for the funding of *madrassahs* for the Afghan Jihad. Militants were trained by the CIA in the Brooklyn School in New York and in Virginia. In Pakistan, they were trained by the British MI6 and the Inter-Services-Intelligence, which worked with the CIA on the project. The idea was to create Mujahideen to fend off the Soviets who were advancing in search of a warm water port (Rana, 2002).

The greatest increase in religious parties was recorded between 1979 and 1990, and a major chunk of it is accounted for by a staggering rise in the number of sectarian outfits. While Jihad-related organizations increased by 100 per cent, the rise in sectarian parties was 90 per cent. In the same period, religious seminaries began to proliferate in Pakistan. Prior to 1980, there were a total of 700 religious schools in Pakistan, and the rate of increase was 3 per cent a year. By the end of 1986, the rate of increase in *deeni madaris* reached a phenomenal 136 per cent. By 2002, Pakistan had 7000 institutions that award higher degrees in religious teaching (Rana, 2002). Currently, it is estimated that there are between 18,000 and 22,000 *madrassahs* operating in Pakistan, teaching over 1.5 million children.

The massive proliferation of militant and sectarian outfits includes, the *Jaish-e-Muhammad*, *Harkat-ul-Mujahideen*, *Lashkar-e-Islam*, *Lashkar-e-Tayyaba*, *Hizb-ul-Mujahideen*, *Harkat-ul-Jihad-ul-Islami*, *Al-Badr Mujahideen*, *Tehreek-e-Nifaz-e-Shariat-e-Muhammadi*, *Sipah-e-Sahaba-e-Pakistan* and so on (Rashid, 1997; Rana, 2002). Extremist and violent versions of Islamist outfits, hitherto neither much known nor encouraged in Pakistan, began to multiply at an alarming rate. Religico-political parties, such as the *Jamiat-ul-Ulema-e-Islam*, influenced by Wahhabi and Deobandi brands of fundamentalism, trained the Taliban ideologically, while Pakistan's military establishment and the Inter-Services Intelligence Agency (ISI), with generous help from Saudi Arabia and the

US, provided military training (Rana, 2002). Long after the defeat of the Soviet Union in Afghanistan and the fall of the Berlin wall, the militancy and extremism, unleashed by the global forces in the north-western regions of Pakistan (NWFP), and its tribal areas, have only grown rather than having subsided. Many Afghan Mujahideen, later morphed into new forms of *Jihadist* outfits, in the shape of Taliban and Al-Qaida in the early 1990s. Islam seemed to have become deeply enmeshed in the global imperial project and, in the process, Islamist movements themselves acquired transnational characteristics and became de-territorialized.

General Zia did not only patronize the Taliban and Al-Qaida, he was also the patron of Sheikh Abdullah of the Red Mosque in Islamabad, who sought to cement relations with him in 1977. These relations continued until the death of General Zia-ul-Haq in 1988. Sheikh Abdullah took advantage of his close relations, and throughout the rule of Zia-ul-Haq, he was nominated head of the Central Committee for Verifying the Start of the Hegira Month¹¹. This relationship ultimately, and long after Zia's death, led to the Red Mosque and Jamia Hafsa fiasco in Islamabad: where armed vigilantes kidnapped people and committed crimes in the name of religion, and carried out moral policing for months before the army routed them in Operation Silence, in July 2007. In retaliation, the followers of Red Mosque unleashed a spate of suicide attacks across the length and breadth of Pakistan. Long after General Zia's death, in a plane crash in August 1988, the presence of his spirit can be felt in Pakistan, as it tackles militancy, radicalism and terror on a daily basis.

General Zia's death was followed by a decade of civilian democratic governments led by Benazir Bhutto and Nawaz Sharif, alternatively. In spite of Benazir Bhutto's secular and liberal outlook, she pandered to the religious lobby, in an effort to retain political power. It was during her second tenure (1993-1996), that the Taliban rose to power in Kabul and her Minister of Interior, Naseerullah Babar, described them as 'our children'. Nawaz Sharif became Prime Minister from the platform of the conservative Islami Jamhoori Ittehad in 1990. It was during his tenure that the Enforcement of Shariat Act, 1991 was passed, which declared the supremacy of Shariah and called for laws to be interpreted in the light of Shariah¹². It specifically referred to the Islamization of education, economy and the mass media (Saigol, 1993). It also referred to notions of 'obscenity' and 'vulgarity', which could potentially be misused by anyone for personal vendetta. However, international financial obligations and contracts were maintained and exempted from the Islamization of the economy.

Politically nurtured by General Zia as his protégé, Nawaz Sharif implemented the former's agenda faithfully. In his second tenure, Nawaz Sharif introduced his infamous Shariat Bill (15th amendment) which, if passed, would have effectively made him *Amir-ul-Momineen* (Commander of the Faithful), for it was designed

¹¹ The Hegira calendar is a lunar calendar followed by the Muslims across the world.

¹² *Enforcement of Shari'ah Act, 1991. Act X of 1991.*

to gain absolute power by determining virtue and vice and imposing it upon the country. Nawaz Sharif was removed in a military coup before this bill could become law. However, both Benazir Bhutto and Nawaz Sharif, and their respective parties, have a history of hobnobbing with religious parties and pressing religion into the service of attaining and prolonging power. Needless to say, the propensity to use religion to shore up power and become an absolute ruler, in turn, strengthens the hegemony of religious discourse, as well as, religious parties which claim it as their turf.

The decade of civilian democratic rule of the 1990s was followed by another long period of martial law, during which, General Musharraf became an absolute ruler by centralizing all power in his own person. He usurped many of the powers of the Prime Minister, and became an all-powerful president, while retaining the post of the Chief of Army Staff. Despite his liberal and 'enlightened moderate' protestations, Musharraf was, obviously politically, the most illiberal and immoderate ruler, who twice violated the Constitution and demolished the judiciary, the mainstay of a liberal state. After the World Trade Center attacks of 9/11, Musharraf ostensibly made his famous U-Turn on the Afghan policy. But, there was widespread suspicion and evidence, that he played a double game and used parts of US funding against terrorism, to shore up the extremist outfits created by the state, as 'strategic assets', against India¹³. Contrary to his self-representation as a modern and moderate ruler, he created the Muttahida-Majlis-e-Amal (MMA), an alliance of six religious parties, and engineered their victory in the elections of 2002. Subsequently, the MMA played the role of a 'friendly opposition', and supported Musharraf who agreed not to interfere with their government in NWFP and Balochistan. He used all power at his disposal, to keep the two relatively moderate and popular leaders, Benazir Bhutto and Nawaz Sharif, out of the country. As a result, their parties could not participate effectively in the elections.

In return for bringing the MMA into power in the NWFP, Musharraf managed to get the 17th Amendment passed. This amendment washed his political sins clean, and allowed him to continue to remain the Chief of Army Staff until December 2004. Musharraf backtracked on that promise and retained his uniform until November 2007, more so, by having succeeded in using religious parties to his own advantage. It was during his tenure in 2005 that the NWFP Assembly passed the Hasba Bill, which would enforce Shariat in NWFP, and pave the way for the Talibanization of the province.¹⁴ However, the Supreme Court of Pakistan stepped in, and declared the Bill a violation of the fundamental rights granted in the 1973 Constitution. The games played by the military ruler to prolong his

13 In September 2009 General (Retd) Pervez Musharraf admitted publicly that he had diverted the aid given by the US to fight terrorism towards shoring up the forces against India.

14 The stated goal of the Hasba bill was political power for it stated: the implementation of Islamic way of life revolves around *Amer-Bil-Marooif and Nahi-Anil-Munkir* [forbidding that what is not proper and practicing that what is good]. It is not hard to fathom who would determine what is not proper and what is good.

rule through the use of religious parties, and their attempt to get their pound of flesh in return, led Pakistan further down the road of radicalism, by increasing the hegemony of religion and wedding religion inextricably to politics.

The proclivity to make accommodations with extremist outfits, and capitulate to their illegal demands persisted after the revival of democracy, with the installation of Pakistan People's Party government and the departure of Pervez Musharraf, in August 2008. The Nizam-e-Adl Agreement (NAR) reached between the Awami National Party (ANP) government in NWFP, and Sufi Muhammad's Tehreek-e-Nifaz-e-Shariat-e-Muhammadi (TNSM), subserviently passed by a pliant parliament, and signed by President Asif Ali Zardari in April 2009, is yet another example of a secular, liberal party like ANP, appeasing the religious extremists to prolong its stay in power. The NAR agreement established a parallel 'state within a state', where religious extremists and militants had total sway (Saigol, 2009).

The PPP and ANP, both considered democratic, liberal and secular parties, not only agreed to bring Shariat to Malakand Division, they remained comfortable in an alliance with the Jamiat-ul-Islam (F) of Maulana Fazl-ur-Rehman, widely regarded as the Father of the Taliban. On the other hand, the ruling alliance refused to restore the Chief Justice, wrongly deposed by a military dictator, and thereby failed in their commitment to a liberal parliamentary democracy. The Chief Justice was restored only when the government's hand was forced. Hence, by implication, the rulers supported the illegal actions of a dictator. Their lack of commitment to a liberal, parliamentary democracy also seems evident from an observed reluctance to undo the 17th Amendment, inserted into the Constitution by a dictator who mauled and battered the Constitution beyond recognition. The perceptible lack of commitment of seemingly democratic, secular and liberal parties, to the construction of a democratic, secular and liberal state, is one of the major reasons for Pakistan's failure to emerge from the stranglehold of religious extremism. While they may blame some of their failings on the all-powerful Establishment, which refuses to subordinate itself to an elected government, it does not seem plausible that the Establishment stood in the way of judicial restoration or the restoration of the Constitution in its original form. The main reason for their capitulation, to the religious parties, is their overwhelming objective of retaining power at all costs. Secondly, as Mubarak Ali argues, the failure to deliver basic goods to the people was often covered up by appeals to religious sentiments (Ali, 2009).

The pact between the provincial government and the Swat Taliban was reached under duress, after law enforcing authorities failed to prevent heinous crimes of murder, decapitation, loot and plunder by the Taliban. The provincial government had no choice but to conclude an agreement, in the hope of securing peace which, nonetheless, remained elusive. The NAR agreement unraveled quickly: as the violence continued, the Taliban refused to lay down arms, moving swiftly into neighboring areas, and Sufi Muhammad staunchly repudiated democracy, the Constitution, the parliament and the judiciary.

He openly expressed his dream to impose his version of Shariah law, all over Pakistan and beyond. It also became fairly obvious, that while the peace deal had been reached with Sufi Muhammad of TNSM, the real control in Swat lay in the hands of the uncompromising Fazlullah, who appeared to have greater affinity with Baitullah Mehsud's Tehreek-e-Taliban Pakistan in Waziristan. Convinced that the capitulation to an illegal armed militia had produced disastrous results, and, under pressure from international and national critics, the government launched Operation *Raah-e-Raast* in May 2009, to clean out the Swat valley and, later on, Waziristan of terrorists. It did not take the government long to recognize the folly of making pacts with the devil.

Pakistan's history, spanning six decades, provides ample evidence that the ubiquitous presence of religious radicalism and violence cannot be attributed solely to ideology and superstructure factors. Such an approach overlooks historical, economic and material factors in producing a phenomenon such as the Taliban. The Taliban, or whatever name one chooses to give to the wide variety of religious extremists, are a modern, contemporary social formation. They use modern weapons and techniques to establish their sway over territories, peoples and resources. They are certainly not throwbacks to some ancient period or a pre-modern manifestation of fanaticism.

Modern religious fanaticism in Pakistan is the product of interlocking capitalist, imperial, national and local factors. In the specific case of religious violence, emanating allegedly from an Islamic base, global and transnational factors have been recorded by many writers (Rashid, 2001, 2008). Pakistan's ruling classes, including those involved in its birth, took frequent recourse to religion and made alliances with retrogressive forces to achieve the worldly aims of political power. In this, they sought the help of global and imperial powers, such as, Saudi Arabia and the US. In return, Saudi Arabia greatly enhanced the influence of Wahhabism in South Asia, and the US defeated the former Soviet Union and gained control over the route to the riches of the Caspian Sea.

The various versions of the Taliban, therefore (and there are many varieties), do not represent anti-imperial forces, as some romanticists would have us believe. Religious zealots, aided and abetted American imperialism which helped produce them. Wars, such as the one in Iraq and Afghanistan, are ultimately imperial wars conducted in search of oil, gas and other raw materials in the race for energy sources. Energy politics, combined with oil and gas pipeline politics, found in religion, particularly Islam, a useful ally that could be relied upon to defeat rival powers and reach precious resources¹⁵. Pakistan is geographically located at the nexus of competing and rival imperialisms (Saudi Arabian, Iranian, US, Chinese, Russian, European) that are now pitted against each other. The ruling political classes of countries like Afghanistan and Pakistan, have invari-

15 See Pepe Escobar's article 'Pipelinistan goes Af-Pak' Central Asia, May 14, 2009. http://www.atimes.com/atimes/Central_Asia/KE14Ag01.html Also see Escobar's 'Balochistan is the ultimate prize', South Asia, May 9, 2009. http://www.atimes.com/atimes/South_Asia/KE09Df03.html

ably been more than happy to oblige in the imperial project, in return for stints in power. In conclusion, it may be said that it is vital to understand the political economy of religious violence, instead of explaining it by recourse to some essential ideological characteristics of the actors involved.

Imagining a new State – path to survival

The main argument of this paper is that issues of terrorism and extremism (somewhat erroneously called ‘radicalism’) do not arise merely from ideology, backward thinking and lack of education. Rather, the problems that Pakistan is confronted with arise from fundamental socio-economic and class inequalities which have allowed the ruling classes to espouse, promote and encourage orthodox, rigid and fundamentalist versions of religion, as opposed to the more tolerant, peaceful ones that the dispossessed classes reflect. As Pakistan redefined its identity by invoking the Arabian origins of Islam, the relatively more tolerant, syncretic and peaceful versions of South Asian religion have been increasingly replaced by harsh, literalist and bland versions of Arabian Islam (Ali, 2009).

The solution, therefore, does not lie merely in increasing education, reforming the media and attempting to disseminate values of peaceful co-existence and tolerance. While this approach would certainly form a part of the strategy of transformation, it is located only at the level of the superstructure. At the level of basic socio-economic structures, serious changes would need to be instituted.

Firstly, and most centrally, land reforms have to be carried out seriously so that wealth may be distributed more equitably in the population. Such a measure, if designed carefully, would alter class relations in the rural areas of certain parts of the country, thereby reducing poverty. The stake that landlords have in maintaining the status quo, whether through religion or links with the army, would be diminished. At the same time, abject poverty would not force the poor to enroll one or two of their children in a madrassa, where ideologies of hate and terror are propagated. The investment of wealth in productive activity could potentially provide livelihoods for people, so that, they are not drawn to the only source of living provided by the madrassas. Once the feudal structures, in parts of Pakistan, are dismantled, it is hoped that larger numbers of the middle class would enter the legislative assemblies and make laws that do not just benefit one class. The redistribution of national wealth must involve the army generals as well. The military has become, not only the major landowning entity in the country, it is also engaged in a number of corporate enterprises (Siddiqi, 2007). The military’s role in the national economy needs to be lessened, for it to become a truly professional outfit, disengaged from militants.

At the same time, development of the tribal regions of the country needs to be undertaken. This development needs to be planned in a manner that provides job opportunities and employment for youth, both urban and rural. The productive base of the country needs to be strengthened by focusing on economic and social development. Once young people have a chance of employment in a

productive economy, they are less likely to be attracted to religious or other kinds of violence, as a form of earning a livelihood. A serious revamping of socio-economic structures of the country is required, if people are to be discouraged from participation in so-called Jihad, which is seen as lucrative and empowering.

The sources of funding that support extremist outfits need to be dried up. It is not well known, exactly, from where the funds for terror are derived¹⁶. However, there is some evidence that there are at least three sources: one, private donations from well to do citizens within the country, as well as, the Muslim diaspora in the US, Saudi Arabia, the UK and UAE; two, money earned through the trafficking of drugs; and three, arms smuggling. In the past, Jihad was officially funded by the CIA, ISI and the Pakistani and US states. However, that source seems to have now been blocked, and the money comes from private sources and criminal activities. The law enforcing agencies need to trace the sources and block them, for as long as the funding continues, so will the activities.

If Pakistan is to emerge from the present quagmire, a major paradigm shift is needed, not only in its policy of national security, but also in its self-definition as a state. For the sake of its survival, Pakistan needs to transform itself from a national security state to an economic development one. The overwhelming focus on national security, which arises from the constant threat, imagined or real, from India would have to change. The peace process with India needs to be revitalized, to enable Pakistan's resources and energies to be released for economic and social development. This, by implication, means that the foreign and defence policies need to be made by democratically elected governments rather than by the security establishment. Elected governments have exhibited a propensity to make peace with India, but the security establishment, which thrives on the neighbourly hatred, has historically resisted attempts to resolve outstanding issues. The worn out policies of perceiving Afghanistan as Pakistan's 'strategic depth', and forces such as the Taliban as 'strategic assets', must be shunned in order to defeat terrorism. The Taliban have now become 'toxic assets' that need to be subdued and totally discarded. Similarly, the old policy of 'bleeding India with a thousand cuts', by encouraging militant infiltration into Indian Kashmir and carrying on a prolonged low-intensity conflict, must be revised. This policy has precluded a solution to the Kashmir dispute, and has also placed Pakistan in an unenviable position in the international community. National security policies need a fresh approach, arrived at, through a radical re-thinking of the state and its priorities.

As long as 'national security', as defined by the military, remains the main national priority, Pakistan is unlikely to move into the future, as an economically developed and democratic country, on the road to prosperity. Instead of the national security paradigm, Human Security needs to be emphasized, as the latter concept encompasses the notions of economic and social security of the population. National security paradigms, typically tend to favour the elite and

16 See Rahimullah Yusufzai's article 'The big question mark' in *The News*. June 21, 2009.

ruling classes, which dominate the state. Once economic and social development, based on a just distribution of the fruits of development, become overriding national priorities, the importance of war and militarism would tend to decrease. It is imperative, therefore, that military interventions which overthrow elected governments and parliaments are stopped forever. Military takeovers play havoc with national institutions and weaken civil society and democratic mechanisms, that would, otherwise, retain the power to deal with ethnic conflict, as well as, terrorism and extremism.¹⁷

Pakistan would need to make a major paradigmatic shift, by re-ordering and re-designing its national ruling ideology that is based on religion. Article 2 of the Constitution defines Islam as the state religion, and aims to bring all laws in conformity with it. The definition of the state, in terms of one religion, necessarily excludes those who belong to other religions – they become unequal as citizens. This conflicts with Article 25 of the fundamental rights section, which declares all citizens to be equal. Such contradictions, within the basic law of the land, need to be removed so that all citizens, irrespective of religion, sex, region, ethnicity or sect are considered equal before law. Although, formal equality is not sufficient without substantive equality, it is a start towards reducing the many hierarchies and divisions in society.

The separation of religion and politics is advantageous for both – the state and religion. For the state, such a separation would help remove the inequalities of citizenship inherent in the basic law of the land. It would enable the state to make laws and policies, without reference to any religion. Religion would gain by becoming detached from the often ‘dirty’ business of politics. It would cease to be debased by extremists and fanatics, or by rulers who would then not be able to use it to establish legitimacy and hegemony. The higher aspects of religious thought, based on serious philosophical debate, would replace its denigration by association with terrorism and criminal acts.

It is often believed, that the preservation of the foundational ideologies of the state is imperative for survival, and that everything must be done to preserve the mythologies of origin, within which, the state was born. However, dynamic societies reveal an important secret – that change and transformation are as necessary for survival as preservation. Sometimes, foundational myths have to be revisited in the light of changed circumstances. A reformulation, a radical re-imagining of the state is necessary, if Pakistan is to survive against the internal threats it is confronted with today.

17 See the International Crisis Group Report, *Pakistan: The Militant Jihadi Challenge*. Asia Report No. 164. 13 March 2009. According to this report, ‘Musharraf’s eight-year rule caused a general breakdown of governance, leaving state institutions like the police and the courts in disarray. Political interference by the military establishment has not only limited the police’s technical capabilities, but has directly prevented consistent action against radical jihadi groups’, p. 29.

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Political Parties and Fragmented Democracy

A political party is a group of people organized on the basis of a shared political programme. It articulates and aggregates the interests and concerns of the community in broadly based demands and options. It also mobilizes people, in pursuance of its political agenda and endeavours, to acquire and exercise power normally through the electoral process within the limits of the constitution and law. Political parties are indispensable for the democratic process. It is not possible to conceive of democratic and representative governance and political management in the absence of freely organized political parties. These are rightly described as an “ubiquitous phenomenon of contemporary political life” (Macridis, 1967: 9).

Pakistan inherited political parties at the time of independence in August 1947 from British India. There were less than ten political parties at that time. Initially, only two were represented in the first Constituent Assembly of Pakistan. The two political parties were: the Muslim League that led Pakistan’s independence movement and the Congress Party, which was an off-shoot of the Congress Party of British India. The latter was an all-Hindu party from East Bengal (East Pakistan). Later, other political parties surfaced inside and outside the Constituent Assembly. And since, to date – the post-independence period – there has been an expanded proliferation of political parties in all parts of the country. In 2009, registered and non-registered political parties number over 80, although 15 to 20 political parties figure prominently in politics. Two political parties – Pakistan People’s Party (PPP) and the Muslim League (different factions at different times) – have been dominating politics since 1988. However, none has been in a position to form a stable government, without seeking cooperation of smaller and regional political parties.

This chapter undertakes an analytical review of the dynamics of political parties in Pakistan. It focuses on the major features of the political party system, especially their internal organizational matters and, whether these have contributed to political fragmentation or helped to create consensus on the framework for political action. The chapter also examines the leadership issues, and how far the internal structure of the parties is democratic. Do political parties have to be democratic in their internal organization to promote democracy in the society?

The origins and its impact on current political parties

The origin and development of political parties in Pakistan was different from the growth of political parties in the European states and North America. In the latter regions, political parties began to grow with the development of a representative government. Initially the members of incipient representative assemblies formed groups and with the extension of franchise, these groups developed into political parties that later built organizational networks. The rise of political parties and their key role in the political process followed the introduction of representative democracy. Once political parties came into existence, these functioned to strengthen democracy.

In the case of Pakistan, the roots of political parties go back to the period of British rule in India. The Congress Party of India was established in 1885 and the Muslim League came into existence in 1906. Both parties emerged as advocacy groups, rather than as an outcome of a democratic process. The Muslim League was founded as a forum of the educated Muslim for presenting their perspectives on Indian affairs to British Indian government, and petition to it for protection of their rights and interests. It also aimed at removing misunderstandings between the British Government in India and Indian Muslims.

The expansion of the Muslim League had little to do with the introduction of elected assemblies under a restricted franchise in British India. Its character changed when it transformed itself into a nationalist movement, demanding a separate homeland – Pakistan – for Muslims of British India. This changed its character from an elitist advocacy group to a popular nationalist movement. It worked towards building its roots in Muslim populace and contested the 1946 elections with much seriousness. Following the universal adult franchise was introduced both in India and Pakistan after their independence. Therefore, the Muslim League's role as a nationalist movement had a profound impact on its role in Pakistan and influenced how other political parties developed.

Three impacts of the pre-independence period are noteworthy for the review of the nature and role of political parties in independent Pakistan: transformation of a nationalist movement –the Muslim League – into a national party that enjoyed the support of people across social and economic divides; a conscious discouragement of opposing the Muslim League, equating opposition to the Muslim League with opposition to the Pakistani state; and the habit of opposition to and confrontation with the colonial ruler was not given up by political parties: a habit that was then exercised targeting the post-independence government. We shall discuss these in the following section.

When Pakistan adopted democracy and universal adult franchise, the question of national identity and the nation-state were not settled. Whereas, in Europe and North America, by the time democracy and universal adult franchise were accepted as the operational norms of the political process, the issues of the nation-state and national identity had been more or less resolved. Further and noteworthy, that Pakistan's political and social order then hinged on fragmented

ethnic, linguistic, regional and religious strands. These identities persisted over time and continue to date with consolidated structural formations. Modern means of communication and transportation have been made use of effectively to better organize these identities to make political dividends. Notwithstanding that some political parties endeavoured to by-pass or diffuse such fault lines by emphasizing all-embracing and catch-all political agendas. These are described as nationwide political parties. However, their attempts have not always been successful, although these political parties have played varying degrees of aggregative and comprehensive roles, cutting across these divides.

The political parties that primarily represent regional, ethnic and other parochial interests, operate within a narrow particularistic political framework, and use the electoral process to strengthen their exclusive character. Region or ethnicity based politics is thus strengthened through the democratic process, thereby strengthening fragmentary nature of the polity. Religious political parties, on the other hand, are more exclusive and sectarian. Most of them are critical of other political parties, but also differ with each other because of their Islamic-denominational divergences, called Islamic sects. In other words, such parties promote two types of social and political cleavages: differences between exclusively Islamic parties and other political parties, and differences among Islamic political parties on denominational lines.

Initially, around the inception of Pakistan, regional and ethnic cleavages submerged in the wake of the nationalist movement. However, these began to resurface when the nationalist euphoria of the independence struggle began to decline within a few years of independence. The Muslim League failed to assume the role of a nationwide party that could command political loyalty across various societal and cultural divides. The successors of Muhammad Ali Jinnah and Liaquat Ali Khan, its top leadership, lacked the nationwide stature: most of them had regional political standing whose appeal did not go beyond their region or province. Consequently, some ex-bureaucrats assumed the political role, and since 1958, the military and the bureaucracy groomed leaders who substantially lacked popular appeal. In such a situation, the political parties failed to play an aggregative and integrative role, and thus, contributed to sustaining and accentuating social and political fragmentation in Pakistan.

The most noticeable indication of the fragmentary nature of Pakistani political system was the 1970 election results. Two political parties emerged as lead entities. However, both had regional bases. The Awami League and the Pakistan People's Party (PPP) swept the polls in East Pakistan and West Pakistan, respectively. However, the Awami League did not put up any candidate in West Pakistan and the PPP did not contest elections in East Pakistan. It did not practically exist there. This made it difficult for these parties to accommodate each other on power sharing in 1971, especially when the military establishment was opposed to the Awami League.

Since 1988, when Pakistan temporarily returned to civilian-democratic rule, three broad categories of political parties, reflecting three divergent political and

social trends, appear to dominate the national political scenario to the present. First, the two nationwide political parties: the PPP and the Pakistan Muslim League-Nawaz Group (PMLN). These political parties are present in all the four provinces and have traditionally gotten their candidates elected from all the provinces. The PPP derives its main support from Sindh and the Punjab. The PMLN's strong base is the Punjab and its performance in the elections in other provinces is uneven. Second, there are several ethnic and regional political parties whose support comes mainly from a region or an ethnic group. These include, among others, the Muttahida Qaumi Movement (MQM) supported mainly by Urdu-speaking populace of urban Sindh (Malik, 1995; Haq, 1995), and the Awami National Party (ANP) that represents NWFP based Pashtun ethnic nationalism. Other than these, there are numerous other ethnic-identity parties operating in the four provinces of Sindh, NWFP, Balochistan and the Punjab. Third, a constellation of several Islamic political parties. These parties are mainly literalist, in varying degrees, in interpreting religious scripture and want to create a puritanical Islamic political system. Although they do not agree among themselves on the precise details of an Islamic state in terms of political, economic and administrative institutions and political and social processes. They also reflect Pakistani society's denominational fragmentation, which has sharpened over time, as the Pakistani state under General Zia-ul-Haq advocated Islamic orthodoxy and militancy. These Islamic political parties reinforce religious cleavages that adversely affect socio-political harmony and stability.

Major features of Pakistan's political parties

Pakistan's political parties have some peculiar features that help to understand their nature and political dynamics, as well as, their role in the country's political system over the years.

Dominant to multi-party system

Pakistan started with a dominant party system, but it gradually transformed into a multi-party system with no single party in a position to dominate the political process. At the time of independence, the Muslim League was the pre-eminent party because it had led the independence movement and inherited power from the British. There were other political parties inside and outside the Constituent Assembly, but these were too weak to challenge the dominance of the Muslim League. The Muslim League, thus, dominated the political scene "not only in the legislative and ministerial spheres, but also in provincial gubernatorial and high diplomatic fields. It had an overpowering majority in the first Constituent Assembly and in all the Provincial Assemblies." (Aziz, 1976: 71).

However, the PML's dominant position gradually eroded and it lost its salience by 1954. The PML failed to effectively transform itself from a nationalist movement to a national party, and began to lose its momentum after the demise

of Mohammad Ali Jinnah in September 1948 (within 13 months of independence). His successors lacked Jinnah's stature and could not run the party as a coherent and effective political machine. The leadership crisis became acute after the assassination of Liaquat Ali Khan, the first Prime Minister of Pakistan, and a prominent leader of the independence movement (Jinnah's Lieutenant), in Rawalpindi in October 1951. (Rizvi, 2003: 62). The party came under the domination of the feudal gentry that had no commitment to making the party an effective organization or working towards strengthening democracy. "The League rapidly became the monopoly of a class [that] used it for the realization of its own political ambitions and the advancement of its economic interests." (Ahmad, 1970: 131).

Weak leadership and internal rifts led a good number of its members to quit the party and set up separate parties. It could not manage internal conflicts of region based leaders that weakened the party, and became vulnerable to manipulation by the Governor General/ President who exploited mutual jealousies and rivalries of the political leaders with the help of bureaucracy, in order to strengthen his hold over power.

Internal conflicts in the Muslim League had, in fact, developed within a year of the establishment of Pakistan. In North West Frontier Province (NWFP), the conflict between Khan Abdul Qayyum Khan and the Pir Aminul Hasnat of Manki rocked the party; the latter left the Muslim League. In the Punjab, factional conflict between Iftikhar Hussain Khan of Mamdot and Mian Mumtaz Daultana weakened the party. The former formed a new party, called Jinnah Muslim League in 1950. Another party, Azad Pakistan Party, was formed in 1952 by former members of the Muslim League (Mahmood, 2000: 120). In Sindh province, feuds among various feudal groups, adversely affected the Muslim League. In East Bengal (East Pakistan), some former Muslim Leaguers and others joined together to establish the Awami Muslim League in 1949, which turned out to be the main or focal opposition to the Muslim League.

The ultimate blow came when various opposition parties joined together to establish the first opposition alliance, the United Front, for the 1954 provincial assembly election in East Pakistan, which defeated the ruling Muslim League in the province. (Afzal, 1976: 60-86, 93, 97; Rashiduzzaman, 1970) This formally ended the Muslim League dominance of politics, and several regional powerful parties jockeyed for power that caused political polarization and instability.

Weak organization and internal incoherence

All political parties suffer from weak organization and internal incoherence. In theory, political parties have an organizational structure, from the top to the lowest level. However, the operational realities are very different. The national and provincial level bodies of political parties function intermittently, on the call of the top leader. However, below these levels, their organizational network is weak or non-existent except at the time of general elections, when the party

candidates activate local party units or create new ones, comprising their loyalists and supporters. Thus, the parties are built around personalities with political clout and local influence. These leaders dominate local politics and often create a party organization that revolves around them. Lacking institutionalization, party organization suffers from internal feuds based on personal factors, region and political jealousies.

Intra-party factionalism is a widespread phenomenon. Each faction pursues a two-track policy. On the one hand, it endeavours to identify with the leader at the top of the party or some of his close associates in order to improve its bargaining power within the party. On the other hand, it attempts to outmanoeuvre its rival faction at the local level. If internal competition and conflict among factions become very intense, some factions break apart to formally set a new party or join another party. The Muslim League is the best example of in-party factionalism and how different factions set up separate Muslim Leagues, which at times numbered six to eight. Various attempts were made from time to time to reunify the PML factions. However, the unification arrangements did not endure.

As local factions are linked with different leaders at the national level, their political clout depends on the power of their patron-leader at the national level in the party. In a way, different factions become networks of interaction between different top leaders and local level party. This point is well typified by reviewing the political parties and politics in Sindh and the Punjab, largely dominated by the landed gentry, most of whom have relatively secure constituencies. A good number of them do not depend on party support to win the elections. They are more committed to their personal and factional interests in the local context rather than some abstract political ideology. Their alignment with the national level party leadership is influenced mainly by personal ties and local rivalries, material gains and above all, how to strengthen their clout in the local power structure. A well-known political analyst, Keith Callard, was not wrong to remark that Pakistani politics was run by “a large number of leading persons, who, with their political dependents form loose agreements to achieve power and to maintain it.... Those who lacked fixed ideas but who control legislators, money or influence have tended to prosper” (Callard, 1957, 63).

The only exceptions to this are the cadre parties that have and maintain a strong party organizational setup and internal discipline. However, their mass appeal is limited. In Pakistan, the best example of the cadre party is the Jamaat-i-Islami with, as seen, limited electoral appeal. Ruling parties, on the other hand, rely on the state machinery and the bureaucratic apparatus to reach out to the common people and strengthen the party at regional and local levels. The ruling parties, thus, have a clear edge over the other parties to demonstrate a well-established and functioning party mechanism.

In the event of a lack of a strong internal organization, the political parties depend heavily on the appeal and clout of the leader. Such a leader has a free hand in managing the affairs of the party in consultation with his close and trusted advisors. He does not always consult the formal policy making and management bodies of the party. These bodies meet periodically, either to endorse the leader's decisions or give their opinion on different issues, whose implementation is left to the discretion of the leader. The party system works more through informal consultations rather than through the formal party structure.

Pakistan's law calls for internal party elections after a specified number of years. Such elections are held to elect the national leader but this is more of a formality than a real internal democratic exercise, with multiple leadership choice to the members. A strong and a powerful leader who personifies the party gets re-elected easily, mostly without contest. It may be mentioned that each party has its own system of elections, and the top leadership is not necessarily elected directly by the vote of the ordinary members. The leader is often elected indirectly through some national or provincial level committees/bodies of the party.

It is generally observed that open and freely competitive elections often intensify factional wrangling. These factions exchange charges and counter charges of enrolment of fake members, use of intimidation and threats and manipulation of party elections. In some instances, the faction losing the election refuses to accept the electoral victory of the adversary that accentuates internal incoherence and some factions or leaders quit the party. In order to avoid these type of situations, the top leadership often nominates leaders for the lower party echelons. For example, district and local office bearers may be nominated rather than elected by the ordinary members of the party in the concerned district or city/town.

The personalized and authoritarian structure of the political parties and poor internal democracy is a manifestation of feudal mindset that dominates Pakistani politics. The party leader and his close associates often run the party like a personal fiefdom. They hardly face resistance to personalized management of party affairs because of a lack of democratic culture at the societal level. There is very little, if any, pressure from the rank and file of the party to adopt open and competitive elections in the parties. The leaders find it easy to get away with authoritarian management of the party. If there is some opposition to the leader, it is likely to be the consequence of some factional feud, rather than a protest against authoritarian management of party affairs. Some political parties are so deep-rooted in their ethnic, regional and religious-sectarian framework, what they do not believe in open and competitive elections within the party.

Whereas, reference the cadre party, like the Jamaat-i-Islami, elects its party leader for five years by the vote of its members. However, the membership is

restricted, which enables the party bosses to manage the elections without too many problems. Even in the Jamaat-i-Islami, other central office bearers are appointed by the elected party leader through a consultative process.

Problems of the role of the Opposition

Traditionally, the ruling parties have maintained negative, if not hostile, attitude towards the opposition. During 1947-58, the government then did not encourage the development of a healthy opposition. Pakistan's earliest rulers thought there was no need to establish a party in opposition to the Muslim League, as it had led the movement for the establishment of Pakistan. The first Prime Minister of Pakistan, Liaquat Ali Khan (1947-51) said in October 1950: "The formation of new political parties in opposition to the Muslim League is against the best interests of Pakistan. If the Muslim League is not made strong and powerful, and the mushroom growth of parties is not checked immediately, I assure you that Pakistan which was achieved after great sacrifices, will not survive"¹.

To this end, the Muslim League adopted a policy of carrot and stick to deal with the opposition. Material rewards or high government jobs were offered to entice the opposition or independent members. The state apparatus was used to harass the opposition leaders, along with false corruption and other cases registered against them. The tradition of non-recognition of legitimate role of the opposition, established in the early years of independence, continued to adversely affect the political process in the subsequent years. In the same vein, the opposition parties also did not observe the democratic norm of respecting the right of the ruling party to govern and often opposed every policy initiated by the government. At times, the opposition made it difficult for the government to run the constituent assembly/National Assembly and provincial assemblies in an orderly manner. Unruly and violent behaviour was not unusual on the floor of various assemblies during 1951-58. In September 1958, a free-for-all fight broke out in the East Pakistan Assembly. Several members including the Deputy Speaker were injured. The Deputy Speaker later died in hospital.

During the course of the 1962 Constitution, that is, 1962-69, the government-opposition relations were so extremely troubled that President Ayub Khan managed the state affairs in an authoritarian style. His rule came to an end in March 1969, after a long-drawn-out street agitation and violence. The same pattern of troubled government-opposition relationship continued during 1972-77 when the civilian leader, Zulfikar Ali Bhutto was in power. Though the government and the opposition joined together to unanimously approve the 1973 Constitution, this cooperation did not last long. The government and the opposition returned to a negative and hostile mutual interaction. Several opposition leaders were arrested in 1975 on the charge of conspiring against the state. Their relations were so strained that when the Army Chief removed Z. A.

1 *Statesman*, October 28, 1950.

Bhutto's government in a coup in July 1977, most of the opposition welcomed it, and subsequently, some opposition parties even joined the military government.

The troubled relationship between the government and the opposition surfaced again when the civilian rule returned to Pakistan during 1988-1999. Two major political parties, the PPP and the Pakistan Muslim League – Nawaz Group (PMLN) dominated the political scene. The PPP leader, Benazir Bhutto served as the prime minister twice (1988-1990, 1993-1996) and Nawaz Sharif also held the office twice (1990-1993, 1997-1999). These two parties appeared to be at war with each other during these years. Whosoever, among them, was in the government applied bureaucratic and legal pressures to harass the other. When in opposition, each engaged in propaganda against the government of the other party for corruption and mismanagement. They welcomed the dismissal of each other's government by the president, with the support of the army chief.

The disposition of the PPP and the PMLN has moderated towards each other after the general elections in 2008. They are no longer engaged in a free-for-all political fight against each other. And despite their differences on policy matters, they appear to show mutual restraint: the ruling government of PPP is seen not to harass the opposition leaders, and the opposition appears to maintain working relations with the PPP without creating unnecessary and excessive obstacles in the working of the parliament. If such an interaction between the government and the opposition sustains over time, Pakistan's democracy will be strengthened.

The changed disposition of the PPP and the PMLN towards each other can be attributed to two major developments. First, the top leaders of both parties suffered under the military rule of General Musharraf. Both, Benazir Bhutto and Nawaz Sharif, had to spend some years in exile. They realized that in-fighting among civilian political leaders provides a convenient excuse to the army top brass to control power. Therefore, they decided to pursue politics with moderation and avoid unnecessary confrontation between the government and the opposition. Second, the societal criticism of the performance of the political leaders and parties has led the political leaders, especially the leaders of the two major political parties, PPP and PMLN, to review their political role. The criticism focused on their conflict ridden politics and their failure to create a coherent and stable political order. The private sector electronic media and the print media, largely contributed to building up the pressure on them to pursue their political agenda with restraint and moderation.

Consequently, it is seen that the PPP and the PMLN do cooperate, but also conflict with each other on many political fronts and issues. However, an over-all restraint is nonetheless observed by both sides, noticeably, their cooperation with each other inside and outside the parliament. Important to note is the fact that it is for the first time in Pakistan's history that the government and the opposition are not at political war with each other. The current improved

interaction between the PPP-led government and the PML engenders the hope that Pakistan's revived democracy will become sustainable, and that both will continue to respect the letter and spirit of the constitution and law.

Periodic restrictions on political parties

Periodic breakdown of constitutional political order and restrictions on politics and political parties have adversely affected the growth of political parties. The onus of such acts mainly rests with the military governments, that imposed restrictions on political parties. When General Ayub Khan imposed the martial law in October 1958, political activities were banned and the political parties were disallowed to function, with their offices sealed by the military government. However, when the military rule was lifted and the new constitution was introduced in June 1962, the political parties were not revived. Following, under strong political pressure, Ayub Khan agreed to revive the political parties but to keep the cart going, he assumed the presidency of one of the factions of the PML, called the Pakistan Muslim League- Convention (PML-C), which was set up in 1962 for supporting Ayub Khan's policies.

A Political Parties Act was introduced in 1962 to regulate the activities of the political parties. This Act continues to be operative today, although subsequent governments introduced several amendments in it. The Act, as it stands today, makes it obligatory for the political parties to register with the Election Commission of Pakistan in order to participate in the elections, leadership elections in the parties, and submission of the statement of income and expenditure of the party every year, to the Election Commission of Pakistan. The political parties can be banned for these specified reasons.

Another political disruption was caused by the imposition of the second military rule by General Yahya Khan, in March 1969. Though the political parties were not entirely banned but a temporary ban was imposed on political activities. This ban was lifted to enable the political parties to take part in the 1970 general elections. Whereas, the third military government of General Zia-ul-Haq came on with an iron fist on the political parties and political leaders that questioned his legitimacy. Large scale political leaders and activists were arrested and were either sentenced to imprisonment or flogged.

The latest of the military government led by General Pervez Musharraf, did not ban the political parties but impactively restricted their activities: mainly harassing the two largest national parties, the PPP and the PMLN that challenged its legitimacy. Musharraf, often argued that there was no role for the leaders of these parties in Pakistani politics. However, Musharraf's bid did not succeed for too long and both parties returned triumphantly to the political stage, as the Musharraf regime weakened in 2007-2008.

Hence, and generally speaking, political discontinuity and restrictions majorly blocked the natural evolution of political parties in Pakistan. As a consequence, these political parties could not develop into coherent and effective

political machines. Further, all military governments effectively attempted to divide and fragment political forces, and create a pro-military leadership by pampering political non-entities. This caused adverse political *fragmentation* in the political process. Prominent features of this trend point at two of the military rulers who excluded political parties from the electoral process: Ayub Khan held the 1962 elections on non-party basis; Zia-ul-Haq also excluded political parties from the 1985 general elections. The latter planned to follow the same for the 1988 general elections, but died in an air crash before the elections could take place.

Not only that, all military rulers were also engaged in massive propaganda against the political leaders, accusing them of corruption, mis-governance and undermining the national interest. General Ayub Khan's military government disqualified several hundred political leaders, including former prime ministers from taking part in public life for 6 years. General Yahya Khan placed several restrictions on political activities until the date for the 1970 general elections was announced. General Zia-ul-Haq issued several white papers on the 'misdeeds' of the civilian government led by Zulfikar Ali Bhutto, and came very hard on those who opposed his military government. General Pervez Musharraf, like his predecessor military rulers, held the political leaders responsible for the political ills and economic problems of Pakistan. These military rulers projected themselves as the saviours of Pakistan.

In all, however, there were three political parties in Pakistan that were exposed to an exclusive ban in the country. The first was the Communist Party of Pakistan, banned in July 1954. Though the ban was not formally lifted, the Communist Party of Pakistan resurfaced in the early 1970s. It is now limited to a small number of activists and has no presence at the common people's platform. The Jamaat-i-Islami was banned in 1964 by the government of General Ayub Khan, but the ban was lifted by the Supreme Court, the same year. In February 1975, the National Awami Party (NAP) was banned by the government of Zulfikar Ali Bhutto and the Supreme Court endorsed it. The NAP activists first created the National Democratic Party (NDP) in November 1975. Later in 1986, they established the Awami National Party (ANP), rendering NDP as non-functional. The ANP joined the federal government after the 2008 general elections and established the provincial government in NWFP.

Towards two strong political parties

An interesting trend has gradually emerged in Pakistan's politics since the 1988 general elections. Notably, two mainstream political parties have continued to dominate the political scene: the PPP and the PMLN. Although, both in their own domains, acquired the largest number of election votes but each had to reach out to smaller and regional political parties to establish a stable government. The emergence of this political scenario is indicative of a two major party system in which both have to opt for a coalition government with smaller political parties.



In Rawalpindi, April 2009

This has enabled the smaller and regional parties to enter national mainstream and share power at the federal level.

These two parties, PPP and the PMLN, succeeded as the leading parties in the general elections held in 1988, 1990, 1993 and 1997. The majority of the votes were polled by these parties. Both the parties formed two governments each, and all these governments were coalition-based. The smooth functioning of the government led either by the PPP or the PMLN depended, to a great extent, on the capacity of the major party to work harmoniously with smaller parties in the coalition. However, in the 2002 general elections, Pakistan Muslim League-Quaid-i-Azam Group (PMLQ), a pro-Musharraf faction of the PML, and the PPP came first and second, respectively, in winning seats in the National Assembly. The PMLN was third in this order. Henceforth, the PMLQ formed a coalition government that functioned for the next five years.

Moving on, the 2008 general elections, once again, saw the return of the PPP and the PMLN as the two top winning political parties: PPP won over three smaller regional parties, Muttahida Qaumi Movement (MQM), ANP and Jamiat-i-Ulema-i-Islam Fazlur Rahman (JUIF) to set up a coalition. The PMLN was also part of this coalition for some time. These two main parties continue to work together at the provincial level in the Punjab, where the PPP is part of the coalition led by the PMLN. Notwithstanding that the military government of General Pervez Musharraf made all out efforts to weaken and divide the PPP and the PMLN while he faced major opposition from them. However, and despite high handed manipulations and efforts Musharraf did not succeed, resulting in winning of the two parties as nationally representative in the 2008 general elections.

The emergence of PPP and PMLN as the two major political parties is indeed a very positive trend, especially considering the turbulent path meted out by the state polity of this country since its inception. However, be as it may, none can create a stable government without the support of smaller parties. This, no doubt ensures political continuity and stability and strengthens links between the mainstream federal politics and regional or smaller political parties: with the latter allowing and developing a stake in the political process at the federal level. It is now hoped that the two party system, that has culled out, will strengthen democracy and federalism while the major political parties cultivate the smaller and regional parties to set up the government.

Role of the Intelligence Agency

Repeated military rule in Pakistan has enabled an expanded role of the intelligence agencies in politics. Two military-dominated intelligence agencies, the Inter-Services Intelligence (ISI) and the Military Intelligence (MI) have been actively involved in politics since the days of General Zia-ul-Haq's military government. These empowered intelligence agencies, during Zia's regime, were able to starkly distort politics and manipulate political leaders, to protect the interests of the military government. So much so, their interference did not stop even after

the end of the General's rule. In the run up to the 1988 general elections, the ISI went so far as to help create an anti-PPP alliance of several political parties. In fact, the Islami Jamhoori Ittehad (IJI) was the creation of the ISI that pulled together diverse political elements in opposition to the PPP under the leadership of Nawaz Sharif. It also helped the IJI election campaign against the PPP in 1988. The ISI was seen to be active again in the 1990 general elections, but it adopted a different method this time on: it distributed Rs. 60 million among the political leaders opposed to the PPP. The ISI's consideration was that the PPP should not sweep the elections and that there must be a counter-balancing political force in the National Assembly. These intelligence agencies also attempted to win-over some members of the National Assembly in favour of the vote-of-no-confidence against the government of Benazir Bhutto in 1989. This attempt however failed.

The ISI and the MI were also equally instrumental in promoting the political interests of the military government of General Pervez Musharraf. Any, and perhaps every dialogue between the political leaders and the Musharraf government took place through these intelligence agencies or, at best, with their involvement. The very initial dialogue between General Pervez Musharraf and Benazir Bhutto also took place through the ISI. Later, General Musharraf directly interacted with her in 2007. To cap it all, any study of the Pakistani politics and the role of political parties will be incomplete without taking into account how the intelligence agencies exercised their power and control to manipulate them. Their role in state politics has undoubtedly, borne all-round negative implications for the natural growth of political parties in Pakistan.

Islamic political parties

There are several Islamic political parties in Pakistan. Some of them like the Jamaat-i-Islami (JI), the Khaksar Tehrik, and the Majlis-i-Ahrar were established in the pre-independence period. While, several new Islamic parties were set up in the post-independence period. The religious and political disposition of all these can be described as orthodox and conservative, especially considering that they are literalist in interpreting the religious text. They all have a negative disposition towards western culture and continue to endeavour to restrict its impact on the Pakistani society. Most have Islamic-sectarian (religious denominational) identification, which restricts their appeal to those who share the Islamic-sectarian disposition. The Jamiat-i-Ulema-i-Islam (JUI) is identified with the Deoband Islamic tradition. The Jamiat-i-Ulema-i-Pakistan (JUP) identifies with the Bareilvi Islamic tradition. The Jamiat-e-Ahle Hadith (Hadees) represents the Ahle-Hadees Islamic tradition. All these parties have factions that diverge on leadership and political disposition. There have been two or three Shia political parties but with little electoral following.

These parties demand the introduction of an Islamic political order. They talk of the supremacy of the traditional Islamic law (the Sharia) but have continuously failed to produce a constitutional document, reflecting their vision of an

Islamic state. Further, and more importantly, there is complete lack of consensus among the Islamists as to what Islamic system stands for in terms of institutions and processes. Their denominational differences and religious orthodoxy makes it difficult for them to translate the Islamic principles into concrete institutions and processes. Although, these parties have dedicated and religiously motivated workers, but their electoral appeal is limited. They polled their highest number of votes in the 2002 general elections which was to the order of 11.2 percent of the vote cast. Generally, their vote has remained at 5 to 6 percent signaling that they alone cannot come to power, through an open competitive electoral process.

Concluding Observations

Pakistan has a multi-party system where a large number of the political parties field their candidates in the general elections. Only 45 parties contested the 2008 elections as compared to 77 parties in the 2002 elections. The highest number of parties in the electoral contest was 97 in the 1997 elections². There are a number of unregistered parties that do not take part in the elections, but engage in political activities and take positions on national and international issues. These political parties represent political dispositions of a wide variety, ranging from secular and liberal-left to centre-right to rightist and Islamic disposition.

As a matter of fact, Pakistan is now moving towards a Two Major Party System, wherein two political parties have established their political eminence, but none can establish a stable government without bringing on board some regional and smaller parties. This pattern is expected to stabilize provided the democratic process is not short-circuited again by the military.

Pakistan's political parties lack internal democracy and these are dominated by strong personalities. All parties have oligarchic organizational structures, which are hardly moderated by internal party elections as there are no open and freely competitive party elections. Generally, elections are indirect and carefully managed or the party continues to elect the same leader who is viewed as a charismatic personality. The leadership culture in Pakistan is shaped, mainly by feudal and authoritarian norms that adversely affect the prospects of democracy inside and outside the political parties.

The absence of internal democracy does not necessarily mean that the political parties cannot promote democracy in the political system. The experience of the working of the political parties in North America and Europe shows that democracy inside the parties follows the democratization of the political system and the society. As authoritarian trends are quite conspicuous in Pakistani society, the political parties reflect these trends in management of their affairs. However, as democracy develops roots in Pakistan's political system and fair and free elections are held regularly, the political parties will find it difficult to sustain an authoritarian and personalized party organization. Important, however, is to

2 *Daily Times*, February 14, 2008.

note that the natural evolution of the political parties and their internal democratization were also adversely affected by repeated military rule. Wherein, the political parties had to struggle for survival during military rule, the issues of internal democratization were pushed to the background.

There are a few political parties that could be described as aggregative and comprehensive cutting across social-economic, ethnic and regional cleavages that characterize the Pakistani society. The political parties like the PPP and different factions of the PML, especially the PMLN and PMLQ, are 'catch-all' parties that endeavour to build support in all provinces, and among various ethnic and regional groups. These parties pursue an all-encompassing political agenda. However, most other political parties have localized or region-based or ethnic dispositions. These parties may use "catch-all" slogans but their main support base is a narrow region or ethnicity and thus reinforces existing societal cleavages.

There are differences in the political class on articulation of Pakistani national identity and its relationship with Islam. Some unresolved differences pertain to center-province relations, degree of provincial autonomy and especially the management and sharing of financial and economic resources among provinces and political groups. These differences have sustained fragmentary trends in Pakistani political system, although, some regional and dissident movements are very vocal in presenting their political demands.

Thus, the political parties have not been able to evolve enduring agreements, if not consensus, on these contentious issues that adversely affect the development of civilian institutions and processes. One argument in defence of the political parties is that periodic restrictions on their role by military governments have caused such discontinuities that these parties could not evolve broadly-based understandings on these issues. Hopefully, if the democratic process sustains for a long time and fair and free elections are held on a regular basis, the political parties may be better placed to play an aggregative role in the political system.

On the other hand, the political parties have also demonstrated the capacity to be instrumental in developing consensus on some issues or causing far reaching changes in the political system. However, their accumulative impact has been minimal due to discontinuities of the democratic process. These political parties joined with other societal groups for launching successful political movements from time to time. Their noteworthy political movements were the 1968-69 anti-Ayub movement, the 1977 anti-Bhutto movement, the Movement for the Restoration of Democracy (MRD) against General Zia's military government in 1983 and 1986. Most, not all, political parties also joined the lawyers' movement (2007-08) in protest against the efforts of the then- President Pervez Musharraf to remove the Chief Justice of the Supreme Court, followed by the suspension of the constitution and declaration of state of emergency in November 2007, to remove more than 60 judges of the superior courts. The success of this movement was a triumph of the lawyers, societal groups and the political parties that joined the movement.

Therefore, despite the weaknesses of the political parties, these parties build participatory pressure on the government – civilian or military – and play an important role in articulating and aggregating political demands which may reflect, on the one hand, the aspirations of an ethnic or regional identity or, on the other hand, manifest the aspirations shared across these divides. Overall, one can say that the Pakistani political parties devote serious attention to issues like the nature of the political system, federalism and provincial autonomy, democracy, socio-economic equity, and the relationship between Islam and polity. Over time, the political parties are expected to strengthen democratic norms and the primacy of constitutionalism and the rule of law.

On the same note, it is important to mention that the Islamic political parties in Pakistan want to create an inbuilt advantage for themselves in the political system, in the name of Islam. They are, however, not expected to achieve such a primacy or veto power over legislation by the elected parliament and the administrative actions by the government. Unlike Iran, the final word on Islamic nature of law and administrative action will continue to be with the superior judiciary or the elected parliament.

While the rise of the ongoing Islamic militancy threatens democracy and internal stability, Pakistan's Islamic parties distance themselves from various militant groups, including the Taliban. However, Islamic political parties often function as their political front and oppose the use of coercion against the militant groups. Most of these Islamic parties share the Taliban vision of a more or less puritanical Islamic order, although they disagree with each other on the details and how far coercion is justified for implementing the Islamic Order.

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Pakistan: From Development State to Security State

The world economies are in crisis. Many banks in the USA, UK and elsewhere in the world have failed, only saved from liquidation by borrowing a page from socialism – nationalization. The economic meltdown, caused by neo-liberal policies, has unleashed a global recession – costing millions of people across the world in terms of loss of jobs and livelihoods.

Pakistan has escaped the financial crisis; mainly because the country is not a player in world financial markets. Nevertheless, Pakistan is bearing the impact of the consequential global economic recession. However, Pakistan's economic crisis pre-dates the world crisis. In fact, Pakistan's economy has been in long term decline over the last quarter of a century. There have been brief interregnums of the appearance of growth and progress; but it has been just that – an appearance.

This is unfortunate, given that Pakistan is not a poor country; it is a resource rich country, capable of abolishing unemployment and poverty in the span of one generation and illiteracy even earlier. Instead, Pakistan has been lurching from crisis to crisis; having to go out to the world with a begging bowl in hand about every 10 years and exacting a heavy price from the poor and the middle classes of the country.

The roots of the crises are not economic, they are political. The fact of the matter is that the Pakistani state has gone off the track and landed the economy on a dead end street. How has this happened? For the answer, it is necessary to look at the country's history of economic development.

Pakistan's six decades since independence can be divided into two more or less equal halves: the period when the country was a Development State and the period when it was a Security State. The Development State spanned the first 30 years from independence in 1947 to the overthrow of the Bhutto government in 1977. The military coup in 1977 saw the demise of the Development State and the birth of the Security State. Thenceforth, socioeconomic development virtually ceased to be the primary objective of the state. This essay presents a fiscal analysis of Pakistan's economic journey from a Development State to a Security State and its impact on economic performance and equity and poverty.

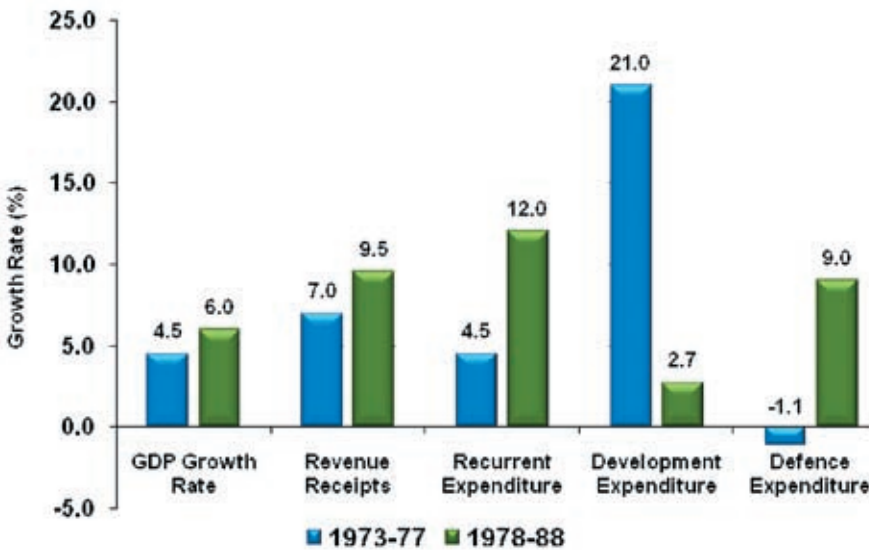
1. Period of the Development State: 1947-1977

The period of the Development State saw an array of governments. There were civilian governments from 1947 to 1958, military regimes from 1958 to 1971, and a civilian government from 1972 to 1977. All governments and regimes – civilian and military – from 1947 to 1971 had a capitalist orientation. The government from 1972 to 1977 had a socialist orientation. However, every government or regime – civilian or military, capitalist or socialist – was committed to and pursued economic development as the primary objective of the State.

An array of economic assets was created during this period. Mega-projects, such as, Sind Industrial Trading Estate, Mangla Dam, Tarbela Dam, Port Qasim, Steel Mill, Heavy Electrical and Mechanical Complexes, Karachi-Hyderabad Superhighway, etc., are all products of the first 30 years of the Development State phase of the country. These projects produced quantum leaps in productive capacity and output and continue to play a key role in the generation of income, employment and exports.

An indication of the nature of the Development State can be discerned from the following statistics (See Chart 1). During 1972-1977¹, average real annual GDP growth was less than 5 percent, average annual growth in revenue receipts was 7 percent, average annual growth in current expenditure was 4.5 percent,

Chart 1
Comparative Economic Priorities: 1973-77 and 1978-88



Source: Government of Pakistan, Pakistan Economic Survey, various issues from 1973 to 1990

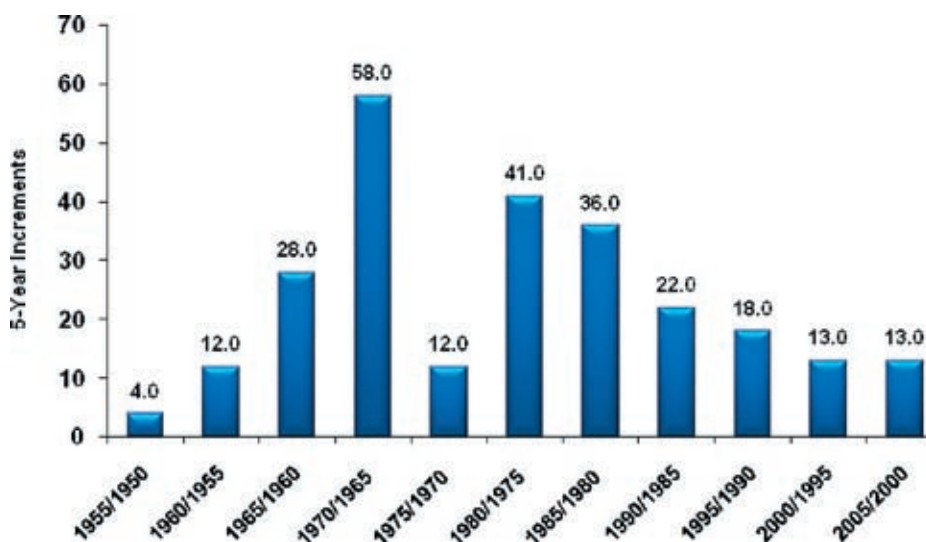
¹ Reference throughout the essay is to fiscal years, i.e., July to June, 1972-77.

average annual development expenditure growth was 21 percent, and average annual defence expenditure growth was -1.1 percent.

On average, there was a 2.5 percentage point revenue surplus, which was channeled towards financing development expenditure. Growth in development expenditure was between 4 to 5 times GDP growth and defence expenditure growth was negative. Clearly, fiscal prudence was the order of the day and the surpluses generated by the economy were being reinvested in developing the economic infrastructure and in enhancing the productive capacity of the economy.

The returns to the economy from infrastructure investments were significant. Water availability at farm gate registered a 42 percent increase from 64 MAF in 1966 to 91 MAF in 1980 – the period during which Mangla and Tarbela dams were commissioned. Greater and timely water availability led to significant enhancements in crop yields. Wheat yield, for example, rose 82 percent between 1965 and 1980. Overall, the Agricultural Production Index registered a record 58 point increase in 1970 over 1965 (post-Mangla) and another 41 point increase in 1980 over 1975 (post-Tarbela). (See Chart 2)

Chart 2
Increments in Agricultural Production Index (1980-81 = 100)

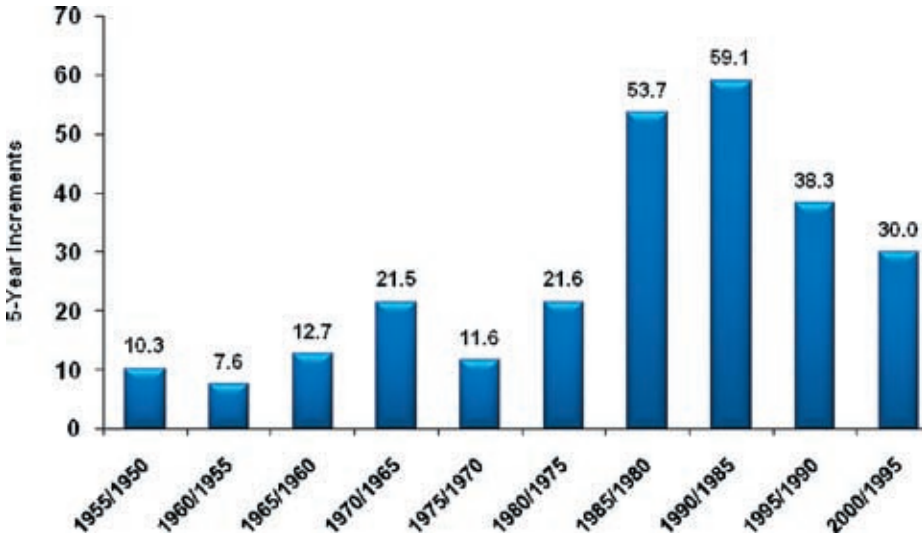


Source: Government of Pakistan, Pakistan Economic Survey, various issues from 1955 to 2007

Several large scale manufacturing projects were initiated in the 1960s and 1970s, most of which came on stream post-1977. For example, the Pakistan Steel Mill was conceived in 1968, construction started in 1974, partial production commenced in 1980, and it was commissioned in 1983. Notably, the Quantity Index of Manufacturing registered a record growth of 54 points over 1980-1985 and another 59 points over 1985-1990. (See Chart 3)

Chart 3

Increments in Manufacturing Production Index (1980-81 = 100)



Source: Government of Pakistan, Pakistan Economic Survey, various issues from 1955 to 2002

An indication of investments in economic infrastructure during the Development State is also provided by developments in electricity generation capacity. The period 1960-1977 saw hydel, thermal and nuclear power projects coming on stream and leading to increments in power supply capacity of as high as 47 percent in 1962, 62 percent in 1968 and 32 percent in 1977. Cumulatively, power supply capacity increased 14-fold in 1977 over 1960. (See Chart 4)

2. Period of the Security State: 1977-2008

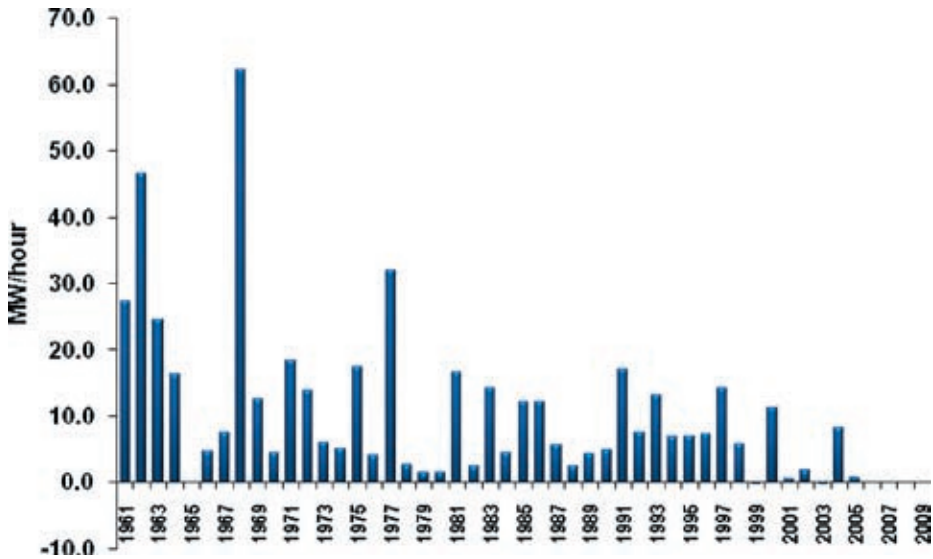
The Development State ceased to exist in 1977 and, over the next 30 years, Pakistan emerged as a 'Security State'; with security defined in terms of military adventurism not just outside the country, but also within the country. This period too has seen an array of governments and regimes; beginning with the military regime from 1977 to 1988, political governments from 1988 to 1999 and a military regime again from 1999 to 2008.

An indication of the shift to the Security State is provided by the following statistics. During 1977-1988, average GDP growth rose to 6 percent, average growth in revenue receipts rose to 9.5 percent, average current expenditure growth rose to 12 percent, average development expenditure growth crashed to less than 3 percent, and average defence expenditure growth escalated to 9 percent. (Refer to Chart 1)

On average, there was an average 2.5 percentage point revenue deficit. Growth in development expenditure was less than half GDP growth and defence expenditure growth was 50 percent higher than GDP growth. Compared to the

Chart 4

Electricity Generation Installed Capacity: Year to Year Percentage Growth



Source: Government of Pakistan, Pakistan Economic Survey, various issues from 1960 to 2009

period 1972-1977, average GDP growth rate was 50 percent higher, average development expenditure growth rate was 7 times lower, and average defence expenditure growth rate was 4.5 times higher. Clearly, fiscal profligacy was the order of the day and the surpluses generated by the economy were being drained into building the security apparatus.

2.1 Decade of the 1980s

Given the 7-fold decline in annual development expenditure growth rate during 1977-1988, relative to the period 1972-1977, it is not surprising that no major development projects were launched during the entire decade 1977-1988. Yet, the period recorded high GDP growth rates. The enigma merits some explanations.

The fact is that the planners and policymakers in the decade 1977-1988 were borrowing growth largely from the past and the future. Primarily, there were three sources of high growth during the decade: returns on investments made in the 1970s, remittances from the Middle East, and high levels of debt accumulation.

2.1.1 Returns on past investments

Reference has been made earlier of the large-scale long-gestation capital intensive projects that were initiated in the 1970s and which came into commercial production stage in the 1980s. The clear examples are Heavy Mechanical and Electrical complexes and the Pakistan Steel Mill, which – as shown in Chart 3 –

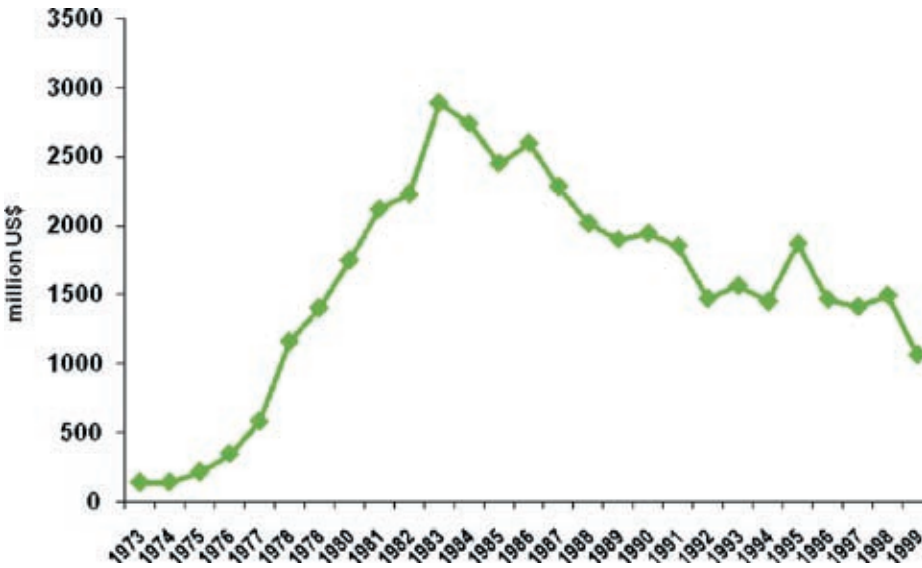
boosted large-scale manufacturing value added and GDP post – 1980. Cumulatively, the Production Index of Manufacturing increased 111 points over the decade 1977-1988.

2.1.2 Remittances from the Middle East

The Middle Eastern economies, particularly Saudi Arabia, delivered an oil price shock to the world in 1973, with oil prices quadrupling from US\$ 3.00 per barrel in 1970 to US\$ 12.00 in 1974. Most oil importing economies of the world, including that of Pakistan, suffered from high oil prices in terms of balance of payments and inflation. The event, however, boosted the coffers of the oil exporting countries, which enabled them to launch massive construction and development programmes. Given that these countries had small populations, they were constrained to import labour in large numbers to work on construction sites and in the commercial and industrial facilities that were being created. A significant part of the required labour, particularly at the low-skill end, was provided by Pakistan.

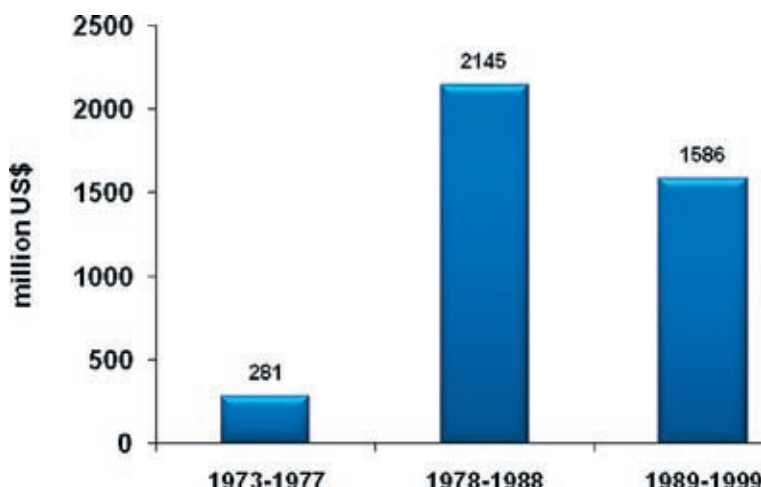
However, there was a lag between the increase in oil prices and the commencement of development work in the Middle Eastern countries. As such, the outflow of labour to the Middle East and the corresponding inflow of remittances began about 5 years later around 1978. This is indicated by the fact that the value of remittances doubled from US\$ 578 million in 1977 to US\$ 1,156 million in 1978. Overall, the average annual value of remittances during 1973-1977 and during 1977-1988 was US\$ 281 million and US\$ 2,145 million, respectively. (See Charts

Chart 5
Trend in Remittances



Source: Government of Pakistan, Pakistan Economic Survey, various issues from 1973 to 2001

Chart 5a
Average Annual Value of Remittances



Source: Government of Pakistan, Pakistan Economic Survey, various issues from 1973 to 2001

5) The economic activity generated by remittances, particularly in construction, also helped boost GDP growth rates during the period.

2.2 Decade of the 1990s

The 1990s was a turbulent period in economic as well as political terms. It was a period of faltering transition from a ruthless military dictatorship and the spillover effects of the war in Afghanistan. The period saw a succession of four governments within a decade, during which attempts to resurrect the Development State can be discerned.

The 1990s have been billed as the lost decade. The characterization is not only incorrect, but also unfair. Admittedly, the economic growth rate was low compared to Pakistan's historic standards and poverty increased. Both were alarming developments, but which were not entirely within the control of the governments of the day.

However, the decade can also boast of several landmark achievements. It is in the 1990s that historic turnarounds occurred on many fronts, which are of significance in terms of the future development of the country. Over half a dozen 'firsts' can be cited.

First, Pakistan made a significant demographic transition, with the population growth rate falling well below 3 percent. Second, a major achievement on the social front was the 28 point fall in the infant mortality rate from 116 per 1000 live births in 1990 to 88 per 1000 live births in 1999. Third, a surplus in wheat production was attained. Fourth, an important event in the area of public finance was

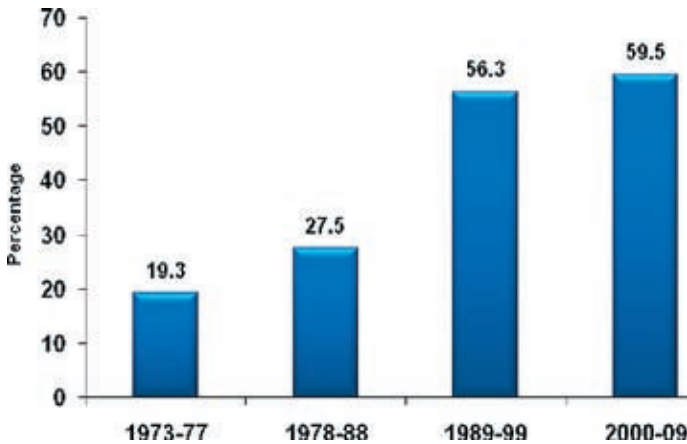
the conversion of the primary budget deficit into a surplus. Fifth, defence expenditure was reduced in real terms. Sixth, a major boost was achieved in electricity production. And seventh, a major breakthrough was achieved in the telecommunications field, ranking Pakistan among the advanced countries in the world in the sector.

Nevertheless, lack of successes on the economic front continues to cloud the decade. Fiscal deficits and rising debts dogged the governments during the period, GDP growth began to stagnate and poverty began to rise. However, to be fair to the 1990s, the root of the problems can be traced to economic management in the 1980s. Essentially, the debts incurred in the 1980s to finance fiscal profligacy matured in the 1990s and ended up being the albatross round the economy's neck.

A perusal of data shows that average expenditure on debt servicing as a percentage of federal revenues doubled from 28 percent during 1978-1988 to 56 percent during 1988-1999. (See Chart 6) Similarly, debt servicing expenditure averaged at 27 percent of federal current expenditure during 1977-1988; but rose to 45 percent during 1988-1999. (See Chart 7) The escalation of the debt servicing burden can also be seen in the context of the doubling of the debt/GDP ratio from 24 percent in 1977 to 48 percent in 1988 and testifies to the fact that debt accumulation was rapid during the 1980s.

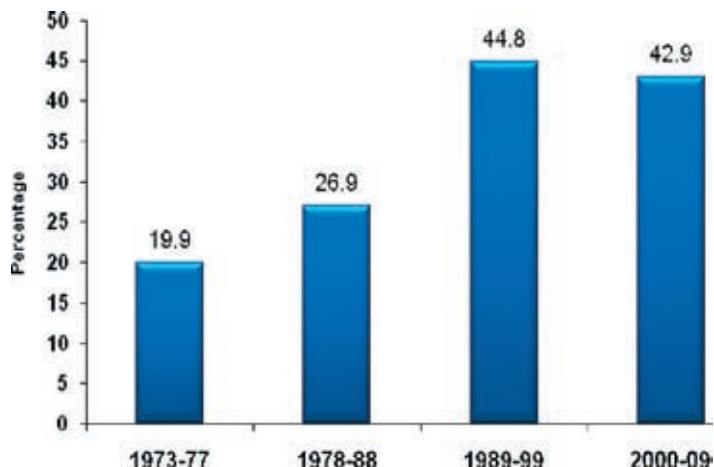
That debt servicing cost soared to 83 percent of revenues and 55 percent of current expenditure by 1999 can certainly be attributed to high levels of debt accruals during the 1980s. The doubling of the debt servicing to revenue ratio from an average of 28 percent during 1977-1988 to 56 percent during 1988-1999 implied that there was little fiscal space left for development and social sector expenditures. It appeared that the primary economic function of the government

Chart 6
Average Debt Servicing as percentage of Revenue Receipts



Source: Government of Pakistan, Pakistan Economic Survey and Federal Budgets, various issues from 1973 to 2009

Chart 7
Average Debt Servicing as percentage of Current Expenditure

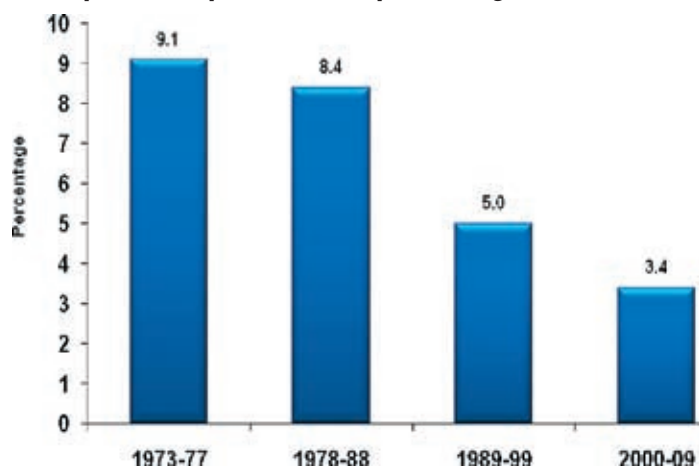


Source: Government of Pakistan, Pakistan Economic Survey and Federal Budgets, various issues from 1973 to 2009

was reduced to meeting the debt servicing needs of the creditors rather than to cater to the developmental needs of the economy.

The result was the decline in development expenditure as a percentage of GDP from an average of 8.4 percent during 1977-1988 to 5 percent during 1988-1999 – an almost 40 percent decline in the share of national output devoted to development needs. (See Chart 8) The contractionary public expenditure policy during

Chart 8
Average Development Expenditure as percentage of GDP



Source: Government of Pakistan, Pakistan Economic Survey and Federal Budgets, various issues from 1973 to 2009

the 1990s – enforced by the IMF in order to keep budget deficits low – caused economic growth to stall, with GDP growth dropping to as low as 1.7 percent in 1997. Given that population growth during the period was 2.6 percent, there was an almost one percent decline in per capita income.

The impact was visible in terms of unemployment and poverty incidence. Open unemployment rate increased from an average of 1.4 percent in the 1980s to 5.7 percent in the 1990s. The percentage of population below the poverty line, which had declined sharply from 46.5 percent in 1969-70 to 17.3 percent in 1987-88, rose again to 31 percent in 1996-97. (See Chart 9)

Chart 9
Number of Poor as percentage of Population



Source: Social Policy and Development Centre, Social Development in Pakistan, Annual Review 2001, Growth, Inequality and Poverty; p.14.

The elected governments during the 1990s, despite binding fiscal and political constraints, did attempt to resurrect the Development State – with mixed results. Two significant developmental initiatives in the 1990s merit mention. One was the programme to set up a series of thermal power plants in the private sector – an initiative that saved the 1990’s and the period up to mid-2000s from the kind of power shortage that is now endemic. The thermal power plants filled a crucial gap in hydel power production during the long drought from 1997 to 2003. The electricity output spikes in 1991, 1993, 1997 and 2000 were due to the commissioning of thermal power plants established post 1988. The spike in 2004 was due to the commissioning of the Ghazi-Barotha hydel power plant, construction of which had commenced in the mid -1990s (Refer to Chart 4). The other project was the construction of the Lahore-Islamabad motorway, the economic feasibility of which continues to be a moot point.

2.3 The decade 2000-2009

The impact of lack of investment – replacement as well as new – since 1977 began to pronounce itself post-1997. This was the period when almost all real sector variables began to show an element of fatigue and the regime that took power in late 1999 had to resort to gimmickry as well as manipulation of data in order to maintain the façade of growth.

The period 2000-2007 can be evaluated in terms of two sub-periods: 2000-2002 and 2003-2007. The first sub-period saw continued decline of the economy – along with the continued growth of the state apparatus. The second sub-period saw growth, driven by credit-financing and consumption-orientation – and blatant manipulation of data. The absence of a development agenda of the state was beginning to manifest itself.

Table 1
Comparison of Budgeted and Actual Receipts and Expenditures

Actual as % of Budgeted	1997-99	2000-02
Gross Revenue Receipts	-5.9	-6.1
Current Expenditures	-0.4	6.6
Development Expenditures	-4.7	-15.0
Defence Expenditures	0.8	6.4

Source: Government of Pakistan, Federal Budgets and State Bank of Pakistan Annual Report, various issues from 1997-2004

2000-2002: The fiscal and balance of payments crises that boiled over post-1988 and particularly in 1997 continued up till 2002. Tax collection targets failed to be achieved, current expenditure exceeded budgeted targets and development expenditure had to be cut on account of resource constraints. Average tax revenue collection during 1997-1999 and during 2000-2002 was short of target by 6 percent in both years. Average current expenditure during 1997-1999 was on target, but was over the target by 7 percent during 2000-2002. Development expenditure was lower than budgeted by 5 percent during 1997-1999 and by 15 percent during 2000-2002. (See Table 1) The era of fiscal profligacy and lack of priority to development, reminiscent of the 1980's, had returned.

The fiscal situation continued to deteriorate from a development perspective. Average debt servicing over 2000-2009 rose to 60 percent of revenue receipts and average development expenditure as a percentage of GDP declined further to 3.4 percent. However, average share of debt servicing in current expenditure

declined 2 percentage points on account of the liberal debt rescheduling granted to Pakistan in the wake of the catastrophic events of September 2001 in the USA. (Refer to Charts 6, 7 and 8).

The dominance of stabilization goals in the policy framework was the most important economic feature of the sub-period 2000-2002. Average budget deficit to GDP ratio declined from 7 percent during 1991-1999 to 4.7 percent during 2000-2002; average inflation rate fell from 10.4 percent to 3.8 percent and the current account balance as a percentage of GDP improved from -4.8 percent to a modest 0.3 percent surplus. The exchange rate was relatively more stable, depreciating 8.9 percent during 2000-2002, compared to 10.6 percent during 1991-1999. (See Table 2)

Table 2				
Performance of Stabilization and Growth Indicators (Averages)				
Stabilization Variables	1991-99	2000-02	2003-07	2007-09
Budget Deficit to GDP Ratio	7	4.7	3.6	5.4
Inflation Rate	10.4	3.8	6.5	14
Current A/c Gap to GDP Ratio	-4.8	0.3	-1.2	-6.2
Nominal Exchange Rate	10.6	8.9	0.9	13.5
Growth Variables				
GDP Growth	4.5	2.9	6.8	4.3
Fixed Investment to GDP Ratio	16.9	15.8	17.8	19.8
Exports to GDP Ratio	13.2	12.1	12.8	11.2
Imports to GDP Ratio	17.8	13.5	16.5	18.7
Unemployment Rate	5.6	6.6	7.5	5.5
Poverty growth rate	4.1	6.2	NA	NA

Source: Government of Pakistan, Pakistan Economic Survey, various issues from 1991 to 2009

By comparison, growth indicators failed to perform satisfactorily across the board. Between the two periods, 1991-1999 and 2000-2002, average GDP growth rate declined from 4.5 percent to 2.9 percent, fixed investment to GDP ratio dropped from 16.9 percent to 15.8 percent, exports to GDP ratio fell from 13.2 to 12.1 percent and imports to GDP ratio reduced substantially from 17.8 percent to

13.6 percent. Given that Pakistan's imports almost entirely fall in the 'essential' category, comprising of fuel, industrial machinery and raw materials, the decline was indicative of recessionary conditions attributable to stabilization policies. The human cost was also high, with open unemployment rising from an average of 5.6 percent to 6.6 percent and growth in the incidence of poverty rising from an average of 4.1 percent during 1991-1999 to 6.2 percent over 2000-2002.

The above statistics provide an insight into how the stabilization goals were achieved. The budget deficit was reduced by cutting development expenditure, with current expenditure rising during the period. The 33 percent cut in development expenditure in 2001 was the most severe and was indicative of a macroeconomic policy that focused solely on achievement of stabilization objectives, even if at the cost of growth and employment. The sharp cutbacks in public investment created recessionary conditions and reduced import demand. As such, the conversion of current account deficit to a surplus was achieved by import compression rather than by export growth. The resultant decline in GDP growth and rise in unemployment and poverty shrank aggregate demand, which led to a drop in inflation. The security state's lack of focus on any kind of developmental agenda was laid bare.

2003-2009: The year 2003 marked a shift from stabilization to growth. While the successes on the stabilization front was being applauded in international financial centres in Washington, New York, London and Manila, it was widening the legitimacy deficit of an unconstitutional regime that was already beset with serious questions of legality. However, the growth process that was followed was based on a credit bubble and on statistical shenanigans, which failed to advance the development goals of enhanced productivity and output, higher employment and lower poverty. In any case, the contrived growth sheen lasted just up to 2007.

Stabilization indicators turned mixed. While the budget deficit to GDP ratio continued to decline from an average of 4.7 percent during 2000-2002 to 3.6 percent during 2003-2007, the marginal current account to GDP surplus of 2000-2002 was reversed into a deficit of -1.2 percent over 2003-2007. Inflation too crept up from an average of 3.8 percent over 2000-2002 to 6.5 percent during 2003-2007. The exchange rate remained stable, however (refer to Table 1).

Growth indicators moved up. Average GDP growth rose from 2.9 percent over 2000-2002 to 6.8 percent during 2003-2007, reaching 9 percent in 2005. Fixed investment to GDP ratio accelerated from an average of 7.4 percent to 17.8 percent, exports to GDP ratio increased marginally from an average of 12.1 percent to 12.8 percent, and imports to GDP ratio grew from an average of 13.5 percent to 16.5 percent.

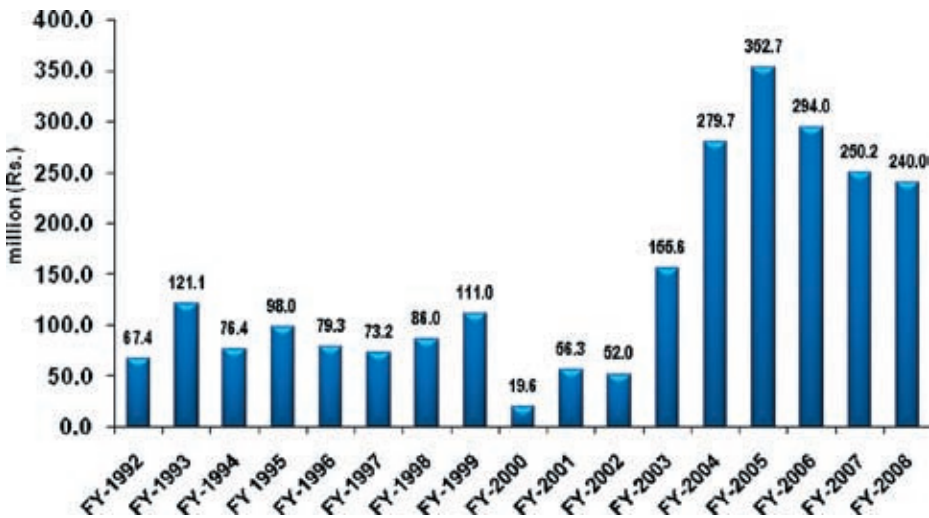
Ironically, however, unemployment continued to rise from an average of 6.6 percent over 2000-2002 to 7.5 percent over 2003-2007. Poverty figures are mired in controversy, with official claims of a one-third reduction in the incidence of poverty over a short period of 2-3 years challenged by independent analysts as mathematically improbable. Reportedly, the government's Chief Economist was

also removed from his position for the reason that he disagreed with the poverty reduction figures².

Herewith, it is interesting to investigate behind the aggregates and determine how the ‘stellar’ growth figures, as the then officials called them, were achieved. Essentially, the growth process was driven by credit-financed consumption. The catalytic role of bank credit and the scale of credit expansion can be seen from the fact that annual average increments in net credit to the private sector averaged Rs. 76.4 billion over 1991-2002 and escalated to Rs. 262 billion over 2003-2008. Credit to the private sector increased by Rs. 52 billion in 2002, with increments tripling to Rs. 155 billion in 2003, and peaking at Rs. 352.7 billion in 2005. (See Chart 10)

Liberal disbursement of bank credit spurred demand for consumer goods, especially automobiles and electronic items. The ensuing impact on demand

Chart 10
Increase in Net Credit to Private Sector (in 2001 prices)



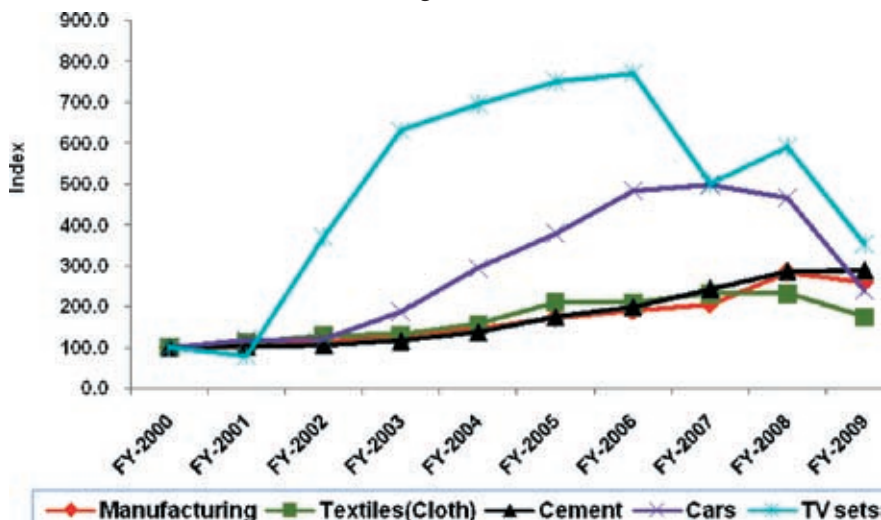
Source: Government of Pakistan, Pakistan Economic Survey, various issues from 1992 to 2009

can be seen from the following. The index of manufacturing as a whole and of the country’s core industries, e.g., textiles (cloth) and cement, expanded from 100 in 2000 to 283, 232 and 288, respectively, in 2008. By comparison, the index for cars and television sets swelled 5 to 7 fold to 498 in 2007 and 771 in 2006, respectively. (See Chart 11)

The 50-point average increase in the Manufacturing Production Index in 2 years between 2003 and 2004 is, therefore, spurious. (See Chart 12) Demand for cars and electronic goods were driven by credit availability, not income growth. Manufacturing sector growth is the weighted average of growth in particular

² The News, June 18, 2006

Chart 11
Index of Growth in Manufacturing and Selected Industries

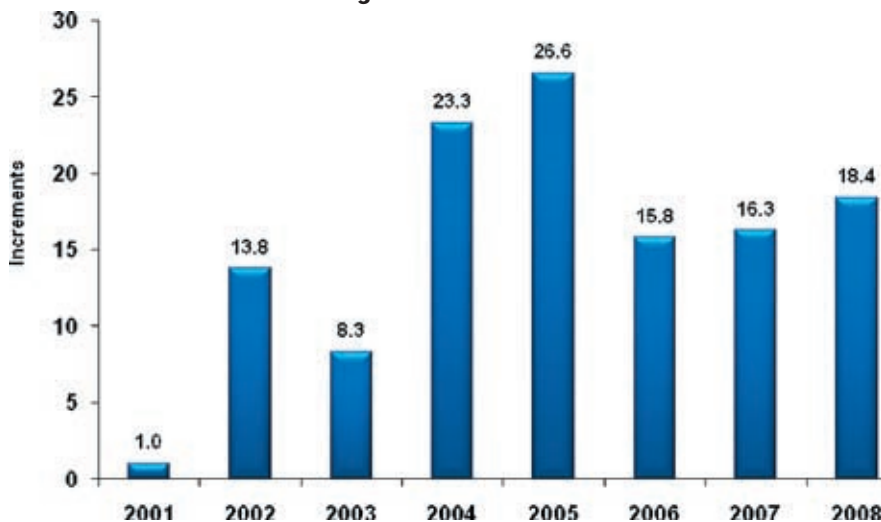


Source: Government of Pakistan, Pakistan Economic Survey, various issues from 2000 to 2009

industries and GDP growth is the weighted average of growth in component sectors. *Sans* credit, automobile and electronic sectors would not have achieved the high growth that it did and manufacturing and GDP growth would not have shown the ‘stellar’ performance that it was made out to be.

The unsustainability of credit-financed consumption-driven growth was exposed beginning 2007, became a reality by 2008 and imposed its full impact

Chart 12
Increments in Manufacturing Production Index: 2000-2008 (1999-00 = 100)



Source: Government of Pakistan, Pakistan Economic Survey, various issues from 2000 to 2009

by 2009. The Index of Manufacturing Production Growth for cars fell from a peak of 498 in 2007 to 239 in 2009 and for TV sets fell from the peak of 771 in 2006 to 353 in 2009. The manufacturing sector as a whole shrank by 3 percent in 2009, with large scale manufacturing declining by 8 percent. Partly, the manufacturing slump was caused by constriction of bank credit, on account of which the banking sector also declined by 1.2 percent. Overall, GDP grew by just 2 percent.

2.3.1 Manipulation of data

Far more serious than policy gimmickry was the manipulation of data, ranging from misrepresentation of economic indicators to outright falsification of data.

2.3.1.1 Misrepresenting per capita income growth

The military regime's economic managers reported 'stellar' growth in 2002 and claimed that per capita income (derived from GNP and market prices) had increased over the year by 6.6 percent in real terms. However, an analysis of how per capita income was arrived at raised serious questions about the claim.

Per capita income is estimated from Gross National Product, which is defined as Gross Domestic Product plus/minus Net Factor Income from Abroad. The major item in Net Factor Income from Abroad during the period was remittances. Till 2001, remittances were received in largely two forms: through formal banking channels and informally through what is known as *hundi*. The latter was an attractive form of money transfer as it offered higher rates than the official exchange rate. The State Bank of Pakistan mopped up funds received through *hundi* by means of kerb market purchases of dollars. Post-2001, the difference between the official and kerb market rates narrowed to near zero. Resultantly, overseas workers, remitting funds to Pakistan, switched from *hundi* to official banking channels.

This is evident from the fact that official workers remittance receipts doubled from US\$1.1 billion in 2001 to US\$ 2.4 billion in 2002 and doubled again to US\$ 4.2 billion in 2003. However, a part of the increase was merely a switch from what was earlier reported as State Bank's purchases. This is again evident from the fact that State Bank's purchases declined from the peak of US\$ 2.2 billion in 2001 to US\$ 1.4 in 2002 and to zero in 2003. (See Table 3)

In this context, estimation of GNP and per capita income based on the face value of remittance data led to over-estimation of the growth rate of GNP and per capita income in post-2001 years. Adjustments were in order for the purpose of estimating per capita income; whereby, the State Bank's purchases were treated as part of Net Factor Incomes from abroad for the pre-2001 years.

For example, remittances during 2001 and 2002 increased more than 100 percent from US\$ 1.1 billion to US\$ 2.4 billion, while State Bank purchases declined by 36 percent from US\$ 2.2 billion to US\$ 1.4 billion over the two years. Taking State Bank purchases into account in both the years, the combined growth rate stands at just 15 percent. And based on the above, GNP growth rate in 2003 stands reduced from the officially claimed 8.9 percent to 5.9 percent and

per capita income from 6.6 percent to 3.7 percent. The same applies to the year 2003.

Table 3
Composition of Current Transfers

	2000	2001	Growth (%)	2002	Growth (%)	2003	Growth (%)
1. Remittances	1.0	1.1	10.0	2.4	118.2	4.2	75.0
2. SBP Purchases	1.6	2.2	37.5	1.4	-36.4	0	-
3. Total (1+2)	2.6	3.3	26.9	3.8	15.2	4.2	10.5

Source: State Bank of Pakistan Annual and Quarterly Reports, various issues from 2000 to 2004

2.3.1.2 Fudging a key budget indicator

The Budget for the year 2004 reported the fiscal deficit for 2003 at 4.5 percent. This, however, was an under-estimate on the following account³.

The Budget reported a receipt in 2003 of Rs. 57.7 billion under the head “Recovery of Investment from KESC” – an electricity utility that had been privatized. On the expenditure side, it also showed for 2003 an entry for Rs. 57.3 billion under the head “Unallocables”. The latter was inexplicable. While an amount reported as “Unallocable” can be understood for the budgeted year, it cannot be understood for the year that has ended and the expenditures have actually been incurred. For an expenditure that had actually been incurred and yet reported as “Unallocable” merited investigation.

Enquiries revealed that the two receipt and expenditure figures were mere accounting entries – and canceled each other out. Neither had KESC returned the amount of Rs. 57.7 billion to the government nor had the government incurred the expenditure of Rs. 57.3 billion on any particular head. There was thus no accounting impact on the budget.

The implication of these entries was, however, meaningful. Essentially, the entry of the amount on the receipt *as well as* expenditure side absolved KESC of its liabilities to the government to the extent of Rs. 57.7 billion without being shown as a loan write-off!

³ Social Policy Development Centre (2003), State of the Economy, “Behind the Aggregates”; pp15-16.

Table 4
Growth in Customs Duties by Commodity Group

Commodity Group	FY2002 (mill. Rs.)	FY2003 (mill. Rs.)	Growth (%)	FY2004 (mill. Rs.)	Growth (%)	FY2005 (mill. Rs.)	Growth (%)	FY2006 (mill. Rs.)	Growth (%)
Chemical and chemical products	7476	7711	3.1	8459	9.7	10739	27.0	12598	17.3
Dyes, colours, paints & varnishes	2105	2171	3.1	2382	9.7	3024	27.0	3548	17.3
Iron, steel & manufactures	5330	5496	3.1	6030	9.7	7655	26.9	8980	17.3
Machinery	7309	7540	3.2	9081	20.4	10500	15.6	12318	17.3
Metals (other than gold)	1014	1046	3.2	1147	9.7	1456	26.9	-	-
Minerals, fuel oils (POL)	883	4259	382.3	4671	9.7	5930	27.0	6957	17.3
Rubber & rubber products	1563	1612	3.1	1769	9.7	2246	27.0	2635	17.3
Plastic resins, etc.	5632	5808	3.1	6372	9.7	8089	26.9	9490	17.3
Vehicles	5556	6730	21.1	7787	15.7	7981	2.5	9363	17.3
Wood pulp and paper	2273	2344	3.1	2572	9.7	3265	26.9	3830	17.3
Yarn and fabrics	2870	2960	3.1	3247	9.7	4122	26.9	-	-
Medical & photographic equipment	943	973	3.2	1068	9.8	1356	27.0	-	-
Other items	36459	39950	9.6	50015	25.2	67537	35.0	-	-

Source: Government of Pakistan, Federal Budget, Explanatory Memorandum of Receipts, various issues from 2003 to 2007.

The correct procedure would have been to have just one entry on the expenditure side. In the event, the fiscal deficit would have risen from the reported 4.5 percent to 5.6 percent, which was the actual fiscal deficit for 2003.

2.3.1.3 Distorting data

Budget documents publish details of tax receipts, including Customs Duty receipts, by 13 categories of imports. An analysis of the data over the period 2002 to 2006 showed inexplicable results. The analysis shows that, for 10 out of 13 categories of imports, the rate of growth in any one year to be almost exactly the same. (See Table 4) The growth rate of customs duty receipts for 10 out of 13 categories of imports is shown to be uniformly 3.1 percent in 2003, 9.7 percent in 2004, 27.0 percent in 2005 and 17.3 percent in 2006. Clearly, it is not possible for tax revenues from different categories of imports to rise by the same percentage during the year. Clearly, the tax data is suspect.

3. Current State of the Economy

The consequence of the demise of the development state post-1977 became explicit post-2000. The 3-decade long absence of adequate investment in infrastructure, including replacement investment, began to manifest in actual collapse of infrastructure facilities. November 2005 saw the collapse of a berth at the Karachi port. Subsequently, two more berths also collapsed. June 2006 saw the collapse of a railway bridge near Hyderabad city. Given that Karachi is the only major port of the country and there is only one railway line linking Karachi with the rest of the country, the two breaches constituted a serious blow to the functioning of the economy.

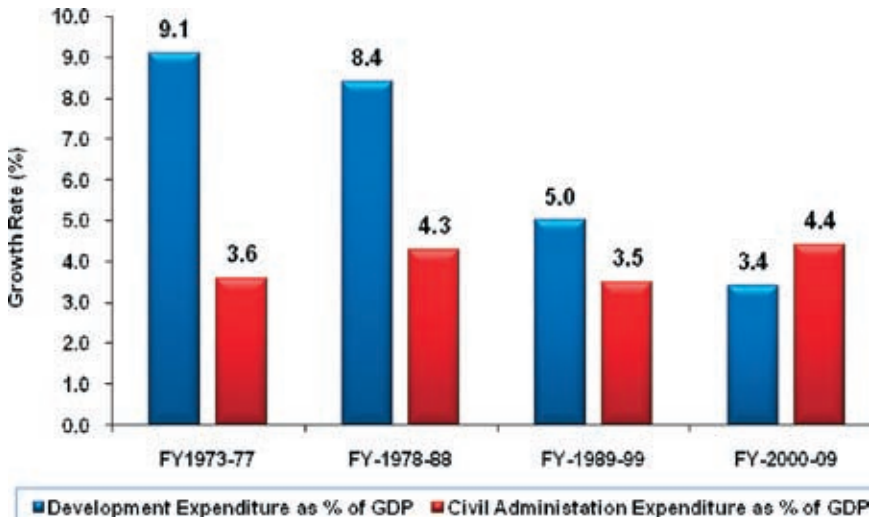
Ironically, however, while the economic base has remained stagnant, the state apparatus, including the security apparatus, has expanded. Till 1971, East Pakistan was a province of the country, but which seceded to become the independent state of Bangladesh. Pakistan's size post-1971 is, as such, smaller than earlier. Yet, there are more Generals currently than when the size of the country was larger and the length of the borders was greater. Prior to 1971, there were 60 general officers, including two full generals and 11 lieutenant generals. Currently, there are 125 general officers, including three four star generals, 30 three star lieutenant generals and 92 two star major generals. In 1970, there was one agency – the Coast Guards – that was responsible for peacetime security of the coast. Today, there are two: the Coast Guards and the Maritime Security Agency. And so on.

The civil side has been no better. In 1977, there were the federal and provincial ministries of education – 5 in all. Today, there are 11 entities: federal and provincial ministries, national and provincial education foundations, and a national commission of human development – in addition to more than a dozen autonomous organizations dealing with education. Yet, the state of education has become more and more pathetic!

State organizations too have expanded in size. Initially, Pakistan Post was headed by one Director General in Grade 21 and supported by 4 Deputy Director Generals in Grade 20. Currently, the Director General's post has been upgraded to Grade 22 and 3 new positions of Additional Director Generals have been created in Grade 21. The posts of Post Master General at Karachi and Lahore have also been upgraded from Grade 20 to 21. This expansion has taken place despite the loss of East Pakistan and the shift of a significant part of business to private courier companies.

The above phenomenon is evident from the analysis of public finance data. From 1973 to 1999, development expenditure as a percentage of GDP (despite declines, especially during 1988-1999) exceeded civil expenditure as a percentage of GDP. The ratio of development to civil expenditure as percentage of GDP was 2.5:1.0 during 1973-1977 and declined consistently to 2.0:1.0 during 1988-1999 and to 1.4:1.0 during 1988-1999. However, for the first time during 2000-2009, this ratio declined to below 1, i.e., 0.8. In other words, civil expenditure as a percentage of GDP exceeded development expenditure as a percentage of GDP – by one percentage point or 29 percent. (See Chart 13)

Chart 13
Average Development and Civil Administration Expenditure as percentage of GDP



Source: Government of Pakistan, Pakistan Economic Survey and Federal Budget, various issues from 1973 to 2009

The reversal is indicative of the fact that the state apparatus has expanded faster than the economic infrastructure and maintenance of the state apparatus now consumes most of the resources that the tax regime can generate from the economy. From 1973 to 1986, federal revenues exceeded expenditure on debt servicing, defence and civil administration by an average of 14 percent. In other

words, for every rupee collected in taxes, 86 paisas was spent on the three current expenditure heads and 14 paisas were diverted to development needs. Post-1986 (1986-2009), expenditure on debt servicing, defence and civil administration exceeded federal tax revenues by an average of 4 percent. In other words, for every rupee collected in taxes, 104 paisas was spent on the three current expenditure heads and not a single rupee of tax revenue was available for development of economic infrastructure or for human development. The year 2000 was a fiscal low, as expenditure on debt servicing, defence and civil administration exceeded federal tax revenues by 23 percent.

The abject lack of concern with growth and development was also manifested by the failure to invest in the generation of a single megawatt of electricity over the whole decade 1997-2007. This is evident from the fact the electricity generation capacity increased from 17,399 MW in 1997 to 19,250 MW in 2004, thanks to the launch of the Ghazi-Barotha Hydel Power project in 1996. Thereafter, no new investment was made and electricity generation capacity has remained more or less constant at 19,440 MW till 2009. In other words, there has been zero growth in electricity generation capacity from 2004 to 2009 (Refer to Chart 4). Demand has continued to increase, however; and the result is massive power outages across the country, with severe impact on output and employment.

3.1 Impact on economic performance

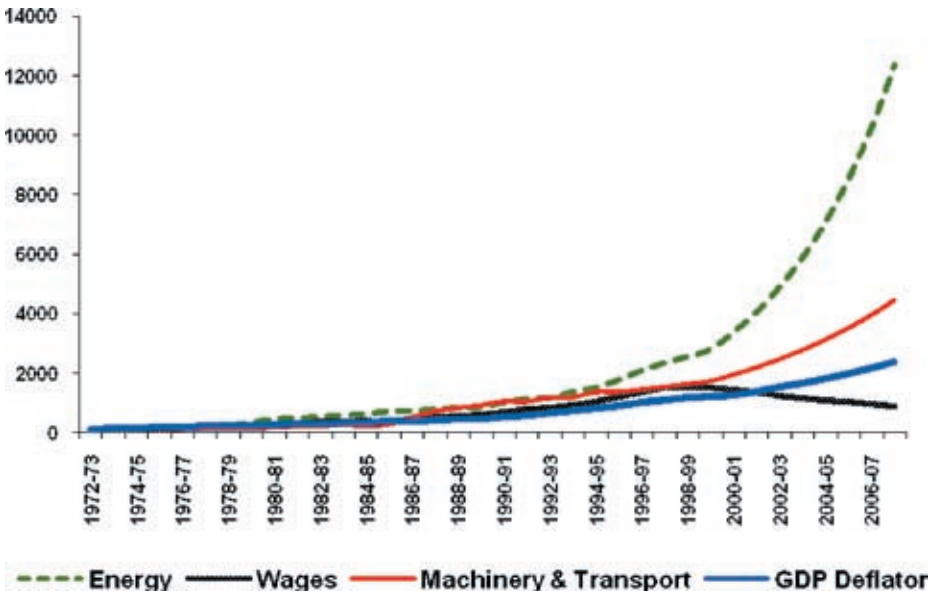
The impact on economic performance has inevitably been quite adverse. The lack of investment in maintenance and expansion of the physical and social infrastructure has compromised the productive capacity and competitiveness of the agriculture and manufacturing sectors and constrained the growth capacity of the economy.

This is evident from the adverse terms of trade that the manufacturing sector now faces. A comparison of GDP Deflator, as a proxy for output prices, and manufacturing input prices shows that: beginning 1985, growth in energy costs began to outpace output prices; beginning 1987, cost of machinery and transport began to grow faster than output prices; and beginning 1996, wage cost began to exceed output prices.

From 2001 onwards, input costs, except wages, began to escalate relative to output cost. While the index for GDP Deflator rose 87 percent from 1266 in 2001 to 2370 in 2008, the index for energy cost rose 264 percent from 3399 in 2001 to 12359 and the index of machinery and transport rose 128 percent from 1957 to 4470. However, the index for wages declined 60 percent from 1425 to 890, indicating a significant decline in the purchasing power of industrial labour. (See Chart 14)

The uncompetitive situation of the country's manufacturing sector has, in turn, also compromised Pakistan's export capacity. It is not surprising that the composition exports today has narrowed further compared to what it was 30

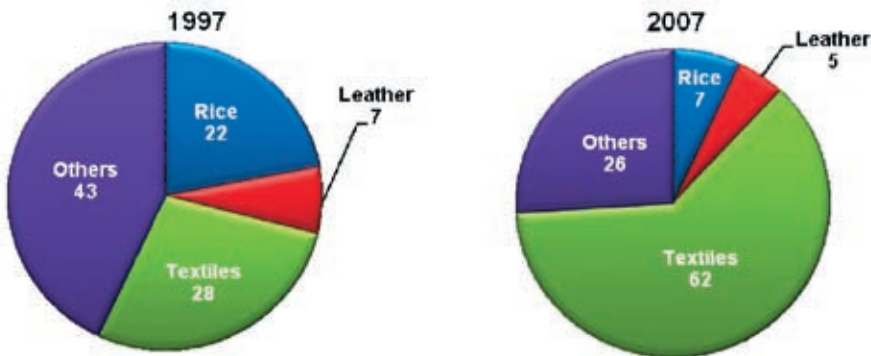
Chart 14
Trend in Manufacturing Input Prices and GDP Deflator
(Index 1972-73 = 100)



Source: Government of Pakistan, Pakistan Economic Survey, various issues from 1973 to 2009

years ago and Pakistan continues to export just 3 ‘ches’⁴: *chawal* (rice), *chamra* (leather) and *chadar* (bed sheets). The three commodity groups accounted for 57 percent of total export in 1977. This share increased to 74 percent by 2007, with textile alone accounting for 62 percent of exports. (See Chart 15)

Chart 15
Composition of Exports: 1977 and 2007

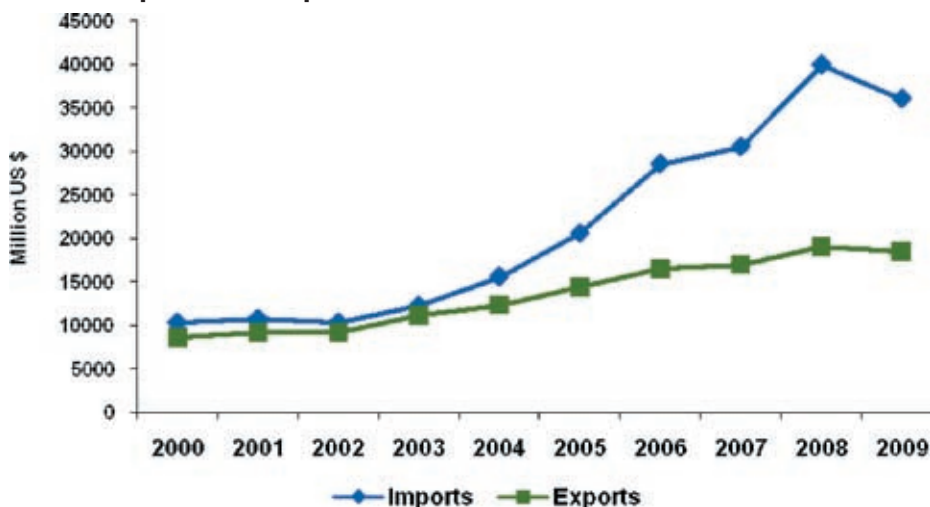


Source: Government of Pakistan, Pakistan Economic Survey, and Trade Statistics of Pakistan, 1997, 1998, 2007 and 2008

⁴ ‘Che’ is the 4th Urdu alphabet.

The limitations of Pakistan’s export capacity also became apparent with the alarming difference in export and import growth over 2000-2009. While exports doubled over the period, imports more than tripled (See Chart 16). That the growing trade deficit would lead to a serious balance of payments problem had become apparent as early as 2006. The crisis finally hit the country in 2008.

Chart 16
Trend in Imports and Exports



Source: Government of Pakistan, Pakistan Economic Survey, various issues from 2000 to 2009

Pakistan today is like a factory that spends all its revenues on maintaining a luxurious Head Office and on payment for an army of security guards, with little available for raw materials or spare parts. Such a factory is destined to be shut down. Pakistan stands at a similar threshold.

Evidently, priorities need to be reappraised and the Development State needs to be resurrected. The principle that is being followed since 1977 is to accord priority to funding non-productive sectors at the expense of the needs of the economy and of the people. Instead, the principle that that ought to prevail is as follows: The wealth produced by the productive sectors of the economy should be used, firstly, to reinvest in the economy to maintain and expand its productive capacity and, secondly, to meet the basic needs of the people. The state needs to invest in economic infrastructure so that agriculture, industry and commerce can function productively and generate jobs. Only then can the needs of the non-productive sectors be considered.

3.2 Equity impact

The second dimension of the demise of the development state has been the pattern of policymaking, whereby, public policies are no longer aligned to public

interest. Three specific areas can be cited in this respect: distributional impact of growth policy, monetary policy and privatization policy.

3.2.1 Distributional impact of GDP growth

Gross Domestic Product is the sum of value added in various sectors and sub-sectors. GDP growth rate is a (weighted) average growth rate of each of the sectors. And the sectoral growth rate is a (weighted) average growth rate of its sub-sectors.

Some sectors are labour-intensive and have high employment elasticity, e.g., agriculture, construction, education, and health. Others are capital-intensive and have low employment elasticity, e.g., fertilizer and automobile manufacturing, banking, etc. Capital intensive sectors contribute to national income largely through higher profits; labour intensive sectors contribute largely through higher wages. Higher profits or higher wages or both contribute to GDP growth.

Post-2003, GDP growth emanated from low employment elasticity sectors like banking and automobile manufacturing – leading to what is known as jobless growth. Compared to the average GDP growth rate of 7-9 percent, the banking sector recorded growth at 20-30 percent and the automobile sector at 40-45 percent. Given that these are capital intensive sectors, GDP growth emanated largely through profit growth rather than wage growth. Needless to say, the process worsened the inequality of income. Further, given that the profit-generating asset ownership pattern is largely concentrated in Karachi and central Punjab, the process also worsened regional inequality.

The growth process was also not sustainable. Rather, it can be said that the economy was made to stand on one leg: bank credit. High large-scale manufacturing growth ensued largely on account of extraordinarily high automobile manufacturing growth, which was itself on account of liberal leasing facility provided by the banking sector. The leasing facility is part of the banking sector's consumer financing window, which accrued bank windfall profits; thus, high banking sector growth rate.

However, it was postulated that if bank credit is constricted (due to higher interest rates, for example), bank lending will decline, bank profits will decline, and its contribution to GDP will decline. Correspondingly, the shrinkage of bank credit will cause a decline in automobile sales, auto industry profits will decline and so will its contribution to GDP. Resultantly, the average GDP growth rate will decline. This scenario became reality post-2007.

3.2.2 Distributional impact of monetary policy

Till about 2002, banks carried excess liquidity; i.e., there were more clients making deposits, but fewer clients seeking credit. That implied a loss to the banks. They were paying interest to depositors, but not earning corresponding interest from creditors. In about 2003, the State Bank of Pakistan came to the rescue of the banks by allowing the widening of the window of consumer banking. Banks could now lend for houses, cars, refrigerators, air-conditioners, toasters and even

vacations. If for nothing in particular, banks could also provide a personal loan. Credit cards were liberally handed out.

The result of this aspect of monetary policy was distributionally uneven. Firstly, banks unloaded their excess liquidity onto the market by expanding credit lines and began to earn large profits. Bank profits soared more than 100-fold from Rs. 1.1 billion in 2001 to 123.6 billion in 2006 – representing an average growth of 157 percent per annum⁵. Secondly, it created two classes of people: those that were eligible for bank facilities and those that were not.

The eligible class comprised that segment of the population that could meet the bank's requirement of producing either a tax statement (from self-employed applicants) or an employer certificate (from permanently salaried employees). In both cases, some minimum level of regular income was considered necessary for credit applications to be entertained. This eligible class was able to improve its standard of living in various ways.

The ineligible class comprised those who earned less than, say, Rs 10,000 a month or were not regularly or permanently employed, i.e., temporarily employed, part-time employees/workers, contract workers, piece rate workers, home based workers, etc., and those altogether unemployed. This category constitutes about 60 percent of the population and in underdeveloped areas of Sindh, Balochistan, southern NWFP and south-western Punjab as much as 80 to 90 percent.

The initial impact was a surge in credit-driven demand, which caused the GDP growth rate to rise. This occurred because the growth in demand caused underlying excess output capacity in the economy to be rapidly utilized. In 2005, large scale manufacturing sector growth rate roared to 16 percent!

Once, however, the excess capacity was exhausted, supply constraints began to appear – given that credit-driven demand continued to grow. Notably, credit was not being directed to investment in commodity producing sectors to allow supply growth to keep pace with demand growth. With demand outstripping supply, the result was inflation which jumped from an average of 3-4 percent during 2001-2003 to 8-11 percent post-2003. Food inflation was even higher at 11-14 percent. Food constitutes about 70 percent of the household expenditure of the poor. Thus, high food inflation hit the poor more than the non-poor.

Here lies the irony. The particular monetary policy followed benefited the upper, eligible class, but the cost of this beneficence has had to be paid by those who were themselves ineligible for any of the 'largesse' being handed out by the banks.

3.2.3 Distributional impact of privatization

The elected government (1988-1990) adopted a systematic approach to privatization. It commissioned a study and, following its recommendations, tested the

⁵ State Bank of Pakistan (2003 and 2006), Banking System Review.

ground by privatizing 10 percent of Pakistan International Airlines Corporation (PIAC) shares through the stock market.

With the change of government in 1990, the privatization process was pushed through *sans* principles or policy. At the outset, the common refrain regarding public enterprises was that they were loss making entities – a burden on the budget and responsible for fiscal deficits. However, the first big push for privatization in 1992 commenced with profit making enterprises!

Post-2000, privatization was justified on neo-liberal ideological grounds: *it is not the business of the state to be in business*. Thus, enterprises had to be privatized even if they were being run efficiently and profitably. Profitable state enterprises were sold, including to foreign state enterprises! A prime example is the sale of Pakistan Telecommunications Corporation Limited (PTCL) to Etiselat, a United Arab Emirates (UAE) state-owned company. *De facto*, therefore, the ideological principle changed to “*it is not the business of the Pakistani state to be in business, but it can be the business of a foreign state to be in Pakistani business*”.

Conceptual issues apart, the privatization of PTCL raises fundamental distributional issues. The argument presented in support of privatizing PTCL to Etiselat was that while the former operated with 13 employees to one land line, the latter had just 2 employees to one land line. This was a powerful efficiency argument, but needs to be looked at in somewhat broader context.

While the bottom line for private companies is profit, the bottom line for the national economy is value added, summed up as Gross Domestic Product (GDP). Value added includes profits, rent and interest income, which are returns to owners of capital, and wages, which is returns to owners of labour services. GDP can rise if only profits grow or if only wages grow; however, the distributional impact of the GDP growth is different. The former benefits the propertied class, the latter benefits the working class.

Assume total value added to be equal to:

Profits = 40 and Wages = 60; Value Added is 100

If labour is laid off on efficiency grounds, the composition of value added changes to, say:

Profits = 70 and Wages = 30; Value Added = 100

The company will improve its employee to land line ratio and show greater profits. However, if total value added remains the same, the company's contribution to the national economy has remained unchanged. Distributionally, labour has suffered for the sake of greater company profitability.

Can privatizations *a la* PTCL be justified on neo-liberal ideological grounds alone? Or does it need to be established that the post-privatization total value added is greater for efficiency gains to outweigh equity losses? The decision will be determined by whether governments consider themselves responsible to society or to companies and how will this choice be balanced. The weight of

evidence points to the state now being an agent of corporate interests rather than the public interest.

3.3 Impact of inequality and poverty

Table 5
Share of National Income by Income Group

Income Group	Share (%)
Top 10%	33.8
Bottom 10%	2.9

Source: Government of Pakistan, Federal Bureau of Statistics, Pakistan Standard of Living Measurement Survey, 2007

The state of affairs has created an economy that is now inherently weak. It has also led to pervasive inequality and poverty. Over one-third of the population lives below the poverty line and another one-third lives under severe economic stress. The economic structure is also highly unequal. For every rupee of increase in national income, the richest 10 percent of the population receive 34 paise, while the poorest 10 percent receive 3 paise (see Table 5). This inequality is reinforced by the tax system. The richest 10 percent of the population pay 12 percent of their income in taxes, while the poorest 10 percent pay 16 percent! (See Table 6)

Resultantly, two Pakistans have emerged: one, a Pakistan of the *ashraafia* (elite) and, two, a Pakistan of the *awam* (people). The *ashraafia* live in palatial houses in the luxurious, military-provided Defence Societies, send their children to expensive English medium schools, have 2-3 cars per house, and so on. The *awam* live in one to two room quarters or in slums, ride on bus tops, and send their children – if at all – to poor quality Urdu-medium schools or to religious *madrasahs*.

For over 30 years now, the state has progressively ceased to cater to the needs of the economy and the people. An unjust society and state that cannot deliver even basic services to the people cannot and does not command political legitimacy. This is the primary factor that lies at the root of the multitude of economic, political and security crises facing Pakistan today. It is imperative that the Development State is reinstated, if the existential crises facing the country are to be dealt with.

Table 6
Burden of Direct and Indirect Taxes by Income Group and Province (%)

Household Income Group	Pakistan	Punjab	Sindh	NWFP	Balochistan
Poorest 10%	16.1	16.0	17.2	14.5	14.9
	2	15.0	14.8	16.2	13.6
	3	14.1	13.8	15.9	12.8
	4	14.1	14.1	15.0	12.8
	5	13.3	13.1	14.3	12.3
	6	12.8	12.6	13.6	12.3
	7	12.5	12.2	13.9	11.6
	8	12.2	11.9	13.3	11.1
	9	11.6	11.3	12.8	10.6
Richest 10%	12.0	11.3	13.3	11.6	12.7
All Households	13.4	13.1	14.5	12.3	13.2

Source: SPDC estimates based on HIES 2001-02, Supply and Use Tables of Pakistan 1989/90 and Tax and Tariff Rates downloaded from www.cbr.gov.pk

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Pakistan's Nuclear Trajectory Past, Present, and Future

This paper traces the early development of Pakistan's nuclear weapons, situates the weapons in the larger context of China and India, and goes on to discuss the crises that followed their operationalization after the 1998 tests. It argues that false assumptions, shifting goals, and a high level of risk-taking have made deterrence less effective with time. Using publicly available information, the current state of the nuclear arsenal, missiles, and aircraft is presented, together with a discussion of what might constrain further expansion. The loose nukes problem is discussed, together with Pakistani efforts to deal with it politically and technically. The prognosis for the next several years is that, barring a major US-led global denuclearization drive, both Pakistan and India will continue to rapidly expand their nuclear arsenals and delivery systems.

India-Pakistan nuclear history: A snapshot

South Asia's nuclear history begins in 1948. Prime Minister Jawaharlal Nehru, on the advice of the brilliant Cambridge-educated nuclear physicist, Dr. Homi Jehangir Bhabha, who was both his confidante and scientific advisor, ordered the establishment of the Atomic Energy Agency Commission of India (AEC). While the AEC's public position was to work towards generating nuclear energy for electricity generation, earth excavation, medical technology, and other peaceful purposes, Bhabha struggled to keep its mandate deliberately ambiguous so that the AEC could also do secret weapons-related research (Perkovich, 2002). This freedom would eventually lead to the development of India's nuclear weapons. The Sino-Indian border war in 1962 was to create a new nuclear vigour and soon India quietly embarked on its quest for the Bomb. Violating the terms on which Canada had provided a CANDU-type nuclear reactor, plutonium was stealthily reprocessed from its spent fuel. In 1974, when Prime Minister Indira Gandhi was in deep political trouble, the Buddha suddenly smiled.

Apologists for India's bomb say that Pakistan's quest began in 1972. This is wrong, but it was indeed close to the beginning. A year earlier Pakistan had been decisively defeated by India whose military intervention followed the bloody civil war in East Pakistan. Bangladesh emerged, leaving the 'Two-Nation Theory' – the basis on which Pakistan had come into existence – in tatters. On 20 January 1972,

in the city of Multan, an emotionally charged Prime Minister Zulfikar Ali Bhutto called a meeting of senior scientists and engineers wherein he exhorted them to build the Bomb, fired the existing chairman of the Pakistan Atomic Energy Commission (Dr. Ishrat Usmani) and hired a new one (Munir Ahmad Khan). Nevertheless, some of my senior physics colleagues present at that meeting – including Dr. Riazuddin, who later received a high Pakistani award for being the Bomb’s chief theoretician – are certain that nothing actually moved on the ground, until the shock waves from the India’s 1974 nuclear test reached Pakistan, now half its former size.

There was soon an all-out ‘Manhattan-style’ effort in Pakistan to counter the Indian bomb¹. Bhutto raised money from the Arab states such as Libya and Saudi Arabia, and crucial nuclear help from China. Alarmed at the Indian success, China willingly shared the designs of its first weapon, tested in Lop Nur in 1964, with Pakistan. It also supplied UF₆ gas for testing the centrifuges, before a UF₆ plant was secretly imported from Germany². This gas is the raw material from which the bomb material is ultimately extracted. By 1986, or possibly a year earlier, Pakistan too had the Bomb. Just 17 days after the Indian tests on May 28 1998, the Chaghi mountains in Baluchistan turned white from five nearly simultaneous atomic blasts.

Contrary to what is widely assumed, both then and today, Pakistani leaders were not enthusiastic about demonstrating their Bomb after the Indian tests. The fear of international sanctions was a real one. But belligerent statements by Indian leaders after the tests, and strong domestic pressure – including inflammatory speeches by Benazir Bhutto (then in the opposition) – soon succeeded in forcing the then Prime Minister Nawaz Sharif and his cabinet over the hill.

Pakistan’s reluctant leaders became instant heroes. They feasted in their new-found glory as massive celebrations, organized and spontaneous, erupted across Pakistan as well in some Muslim countries. Bomb makers became celebrities, school children were handed free badges with mushroom clouds, and poetry competitions extolled the great national achievement. Missile and fiber-glass replicas of the nuclear test site mushroomed across the country. Most were eventually removed but many still stand in Pakistan’s public squares and at crossroads. They are testimony to the delirium that had overpowered the country at a time when, for the man on the street, they stood as symbols of national glory and achievement but not of death and destruction.

The exhilaration overpowered the rational sensibilities of national leaders, both military and civil. Soon Pakistan was to see nuclear weapons as a talisman, able to ward off all dangers. Countering India’s nuclear weapons with Pakistani

- 1 Shahid-ur Rahman’s, ‘The Long Road To Chaghi’. This is an insider account of Pakistan’s bomb history, probably written with the encouragement of the Pakistan Atomic Energy Commission, as part of its effort to counter Dr. A.Q.Khan’s claims to being the father of the Bomb.
- 2 German Firm cited in ‘Case Involving Sale Of Fluoride Conversion Plant To Pakistan’, *Nuclear Fuel*, July 20, 1981, Section: Vol. 6, No. 15; Pg. 3.

nuclear weapons became secondary. Instead, the latter became the means for neutralizing India's far larger conventional land, air, and sea forces. Size no longer mattered. Bhutto's dream of avenging East Pakistan, and liberating Kashmir, now lay within the realm of possibilities.

Regional nuclear politics: China, India, Pakistan

It is quite likely that the development of nuclear weapons by Pakistan would have taken considerably longer without Chinese assistance. Although current assistance is largely in the power sector, in the early years the provision of the design of an implosion bomb was quite crucial. Subsequently, the design was improved upon. And this process still continues.

The relation of nuclear India with nuclear China differs fundamentally from the relation with nuclear Pakistan. It is, on the one hand, less hostile and free from the kind of tension that makes a Pakistan-India confrontation an ever present possibility. In July 2009 China and India concluded their 13th round of border talks with a wide range of agreements such as the installation of a hot line between the Chinese and Indian capitals, an agreement to celebrate 60 years of diplomatic ties next year, *inter alia*. Their mutual trade, which amounted to a whopping \$52 billion in 2009, is set to increase to \$60 billion in 2010. In comparison, India-Pakistan trade – discounting smuggling and third party trading – amounts to less than \$1 billion annually.

On the other hand, India and China are serious competitors for global markets and global prestige. This has fuelled intense nationalism. With competing territorial claims in Arunachal Pradesh and Aksai Chin, the two countries are no closer to resolution today than in 1962. Hence, once Pakistan firmly resolved to make the Bomb after the Indian test of 1974, China provided key assistance with the aim of creating an offset to India. Thus, even without the equivalent of a Kashmir dispute, regional ambitions are driving China and India towards potential conflict.

A recent article by Bharat Verma, the editor of Indian Defense Review, makes the dramatic prediction that China will attack India before 2012, leaving only three years to Indian government for preparation. He claims that a desperate Beijing is out “to teach India the final lesson, thereby ensuring Chinese supremacy in Asia in this century” and it is working towards an end game rooted in the “abiding conviction of the communists that the Chinese race is far superior to Nazi Germany”. Verma's solution: India must arm itself to the teeth (Verma, 2009).

This is fear-mongering with a sinister purpose – that of militarizing India. The 1959-1962 conflict is the only recorded war between China and India in the long history of their civilizations. Even this was by no means an all-out war and was limited to the disputed areas. While Verma panders to the right-wing of the establishment, he is not alone in articulating the desire for major arms acquisitions and a blue-water navy.

On August 10, 2009, serving Naval Chief and Chairman of the Chiefs of Staff Committee, Admiral Suresh Mehta, delivered a major speech on 'India's National Security Challenges' wherein he stated that China will be India's primary challenge (Mehta, 2009). He drew the same corollary: India must arm itself. The recent launch of the nuclear submarine, Arihant is a step in that direction. The US-India nuclear deal – which dealt a stunning blow to arms control globally – purposefully gives India an edge over China. Apart from legitimizing India's nuclear status and giving its nuclear power industry a huge boost, India will be allowed to buy high technology defense equipment from the US while China will not have this option.

In a startling development eleven years after the 1998 test of India's purported hydrogen bomb test, a senior Indian official and technical expert K. Santanam, has confirmed the long-suspected fact: the Bomb did not do as well as it should have. An irresistible urge to tell the truth or moral unease is scarcely the reason for this dramatic revelation. Santanam's 'coming clean' has the stamp of approval of the most hawkish of Indian nuclear hawks. Among them are P.K. Lyengar, A.N. Prasad, Bharat Karnad, and Brahma Chellaney. By rubbishing the earlier test as a failure, they hope to make the case for more nuclear tests. This would enable India to develop a full-scale thermonuclear arsenal. As is well known, a thermonuclear (or hydrogen) bomb is far more complex than the relatively simple fission weapon first tested by India in 1974, and by Pakistan in 1998. Advanced weapons need fine tuning to achieve their full destructiveness – France had to test 22 times to achieve perfection.

Rattling the nuclear sabre

While China was the *raison d'être* for India's nuclear weapons, these weapons created new dynamics of hostility in Pakistan-India relations. A fearful Pakistan acquired its own weapons with the obvious formula of balancing Indian nukes with Pakistani nukes. But this was to change very soon in Pakistan.

An enlarged set of objectives appeared even before the nuclear tests. A former director of the Inter-Services Intelligence (ISI), who was later Pakistan's ambassador to Germany put it this way: "If", argued Lt. General Asad Durrani, "we were to make it clear that whatever nuclear deterrence we might have is primarily meant to deter the use of nuclear weapons from the other side, then by so saying we will fail to deter a conventional attack". Therefore, he argued, the other side must be led to believe that "we are primed, almost desperate to use our nuclear capabilities when our national objectives are threatened, [as] for example, a major crackdown on [the] freedom movement in Kashmir...." (Durrani, 1995).

After their successful 1998 nuclear tests, Pakistani generals were quick to see that the calculus of power had changed. Now nuclear weapons could be used for more than just a boring stand-off with India. Drawing a lesson from the NATO-Warsaw Pact experience, they saw a way of equalizing scores with a much larger Indian conventional force. Convinced of an impregnable defence, they embarked

on breath-taking adventurism in Kashmir. Just months after the Pakistan had established its nuclear credentials, the Chief of Army Staff, General Pervez Musharraf, sent troops out of uniform along with Islamist militant fighters across the Line of Control. They seized strategic positions in the high mountains of the Kargil area at the beginning of January 1999, setting off a war. This conflict was a direct consequence of Pakistan's nuclearization and almost certainly would not have happened otherwise. The war was to claim about 5000 dead on both sides.

As India counter-attacked, Pakistan stood diplomatically isolated³. Gloomy and worried, Prime Minister Nawaz Sharif flew to Washington on 4 July 1999, where he was bluntly told to withdraw Pakistani forces or be prepared for full-scale war with India. Bruce Riedel, Special Assistant to President Clinton, writes that he was present in person when Clinton informed Nawaz Sharif that the Pakistan Army had mobilized its nuclear-tipped missile fleet (Riedel, 2002). If this is true, then the preparations for nuclear deployment and possible use could only have been ordered by General Pervez Musharraf, at either his own initiative or in consultation with the army leadership. Unnerved by this revelation and the closeness to disaster, Nawaz Sharif agreed to immediate withdrawal, shedding all earlier pretensions that Pakistan's army had no control over the attackers. This was the key in poisoning relations between him and Musharraf leading to his ouster months later. However, contrary to claims that he made a decade later, Nawaz Sharif had visited forward army posts near the Kargil area where he had given rousing speeches to jihad-shouting soldiers (Hoodbhoy and Mian, 2001).

Despite the defeat in the Kargil War, Pakistan's political and military leadership insisted that Pakistan had prevailed in the conflict and that its nuclear weapons had deterred India from crossing the Line of Control or the international border. This belief still remains strong in the military, which otherwise would have to concede that its 'crown jewels' were of little utility (that nuclear weapons fuelled the conflict is denied even today by nuclear hawks). With a tense situation threatening to spiral into all out war, western diplomacy went into an overdrive. The conflict eventually wound down after Pakistan ordered the withdrawal of its forces. Internationally, Pakistan was branded the aggressor.

But it did not take long to get back to the brink. On 13 December 2001, Islamic militants based in Pakistan struck at the Indian parliament in Delhi, sparking off a crisis that lasted for about seven months. While it is probably true that Musharraf's government did not order or was aware of the planned attack, there is little doubt that a free hand had been given to jihadists in Pakistan controlled Kashmir. Indian tempers soared again. Prime Minister Atal Bihari Vajpayee exhorted his troops in Kashmir to prepare for sacrifices and 'decisive victory'. This set off widespread alarm. It seemed plausible that India was preparing for a 'limited war' to flush out Islamic militant camps in Pakistan administered Kashmir. That

3 Editorial, *Washington Post*, 28 June 1999; editorial, *Economist*, 1 July 1999; editorial, *New York Times*, 5 July 1999.

nuclear weapons were put on enhanced alert by both sides is a strong possibility, although direct proof has not been made public.

Tensions kept mounting during the stand-off. Sensing a global climate, deeply hostile to Islamic militancy after the 11 September 2001 attack on the World Trade Centre, India's ruling BJP echoed the 'war on terror' slogan as a way to garner international support for their military campaign in Kashmir. Although, an embattled Musharraf had little to do with the attack on the Indian Parliament, India cut off communications with Pakistan. The Indian ambassador in Islamabad was recalled to Delhi, road and rail links were broken off, and flights by Pakistani airlines over Indian's territory were disallowed. Pakistan responded in kind.

Nuclear threats started flying in all directions. In May 2002, as fighter aircraft loudly circled Islamabad, in a public debate with me, General Mirza Aslam Beg, the former chief of Pakistan's army, declared "We can make a first strike, and a second strike, or even a third." The lethality of nuclear war left him unmoved. "You can die crossing the street," he observed, "or you could die in a nuclear war. You've got to die some day anyway". Pakistan's ambassador to the UN in Geneva, Munir Akram, sent a threatening message by reiterating Pakistan's refusal of a no-first-use policy.

Indian aggressiveness was also in full display. Defence Minister, George Fernandes told the International Herald Tribune "India can survive a nuclear attack, but Pakistan cannot" (Richardson, 2002). Indian Defence Secretary Yogendra Narain, took things a step further. In an interview with *Outlook Magazine*, he stated "A surgical strike is the answer" adding that if this failed to resolve things, "We must be prepared for total mutual destruction" (Narain, 2002). Indian security analyst, Brahma Chellaney, claimed "India can hit any nook and corner of Pakistan and is fully prepared to call Pakistan's nuclear bluff"⁴. Fortunately, good sense prevailed and international mediation helped wind tensions down after a tense, months-long standoff.

Then came the Mumbai massacre. Carried out by the Pakistan-based Lashkar-e-Tayyaba, it began on 26 November 2008 and lasted 3 days, killing over 200 and wounding at least 308 people. Indians describe it as their 9/11. Even in the first few days, it was fairly obvious that the Pakistani state, embattled as it was by other jihadist groups, could not have ordered the attacks. But Indian temperatures soared when Pakistan vociferously denied that its nationals were involved. The media in both countries poured fuel over the fire, with Indian television anchor persons repeatedly calling for military action against Pakistan.

A personal example from the Pakistani side: just days after the attack, General Hamid Nawaz (Retd.), who served as Federal Interior Minister and Defence Secretary of Pakistan, in a widely-watched television programme angrily attacked me for suggesting that one of the many Pakistan-based jihad groups could have been

4 'India Tests Nuclear-Capable Missile, Angers Pakistan', *Agence France Presse*, January 25, 2002.

involved. Instead he recommended readying Pakistan's nuclear arsenal, and said that a nuclear first-strike should be among Pakistan's preferred options⁵. Others on Pakistani television channels were also casual in suggesting the use of nuclear weapons. These could be indicating that deterrence is losing value.

There has, of course, been no actual use of nuclear weapons since Hiroshima and Nagasaki. Although, Pakistan and India have viciously clawed at each other, each time they have stepped back from the brink. Doesn't this constitute proof that deterrence 'works'? On the face of it, the answer is 'yes'. But there is an important caveat. What has worked a few times may or may not work the next time. And, there are strong indications that a kind of fear-fatigue has set in, reducing the value of deterrence. The efficacy of nuclear deterrence is predicated on the ability of these weapons to induce terror. It presupposes a rational calculus, as well as actors who, at the height of tension, will take decisions based on cold logic rather than emotion. Events in South Asia have put all these assumptions into question. Countries loitering close to the brink may begin to feel that they cannot fall into it.

An example: in early 2002, with a million troops mobilized and leaders in both India and Pakistan threatening nuclear war, world opinion responded fearfully, seeing a fierce and possibly suicidal struggle up ahead. Foreign nationals streamed out of both countries. But even at the peak of the crisis, few Indians or Pakistanis lost much sleep. Even though stock markets flickered, there was no run on the banks or panic buying. Schools and colleges, which generally close at the first hint of disturbances, functioned normally. The indifference to nuclear annihilation was simply amazing.

However, on second thought, perhaps it was not quite so amazing. India and Pakistan are still largely traditional, rural societies, albeit rapidly going through a great economic and social transformation. The fundamental belief structures of such societies (which may well be the last things to change), reflect the realities of agricultural economies dependent on rains and good weather – precisely the factors that brought the Rain God and other deities into being. These pre-scientific beliefs encourage surrender to larger, supernatural forces. Hence, conversations and discussions often end with remarks to the effect that fate shall triumph, after which people shrug their shoulders and move on. Risk-taking is natural once unseen forces can be brought to defense.

There are other reasons for this nonchalance as well. In India and Pakistan, most people lack basic information about nuclear dangers. In India, a November 1999 post-election national opinion poll survey found that just over half of the population had not even heard of the May 1998 nuclear tests (Yadav, Heath and Saha, 1999). In the middle of the spring 2002 crisis, the BBC reported the level of awareness of the nuclear risk among the Pakistani public was “abysmally low”

5 To see the Geo-TV video and the public response click on <http://pkpolitics.com/2008/12/04/capital-talk-4-Decemeber-2008/>

(Singh, 2002). In India, it found “for many, the terror of a nuclear conflict is hard to imagine” (Sen, 2002).

First hand evidence bears out these judgments. Even educated people seem unable to grasp basic nuclear realities. Some physics students (and faculty) in my department think, that a nuclear war would be the end of the world. Others see nuclear weapons as just bigger bombs. Many said it was not their concern, but the army’s. Almost none know about the possibility of a nuclear firestorm, about residual radioactivity, or damage to the gene pool.

With each new Pakistan-India crisis, there seems to be a lessening of political restraints and greater nuclear brinksmanship. A key factor is the absence of an informed and organized public opinion able to keep political and military leaders in check and restrain them from brandishing nuclear weapons. In spite of today’s vibrant public media, critical discussion of nuclear weapons and nuclear war is not aired in either country. Terror of nuclear weapons was fundamental in moving the Cold War adversaries towards nuclear treaties such as SALT, and the winding down of their aggressive military posturing. But this feeling of terror is not to be found in the Pakistan-India nuclear situation. Instead, oftentimes one finds a casual denial of reality and an almost blasé indifference to what nuclear weapons do. In the past, top Indian and Pakistani political leaders and analysts seem to have deliberately chosen the path of ignorance in nuclear matters.

A personal example: two months before the May 1998 nuclear tests by India and Pakistan, a Pugwash delegation met in Delhi with Prime Minister Inderjit Kumar Gujral. As a member of the delegation, I expressed worries about a nuclear catastrophe on the Subcontinent. Gujral repeatedly assured me – both in public and later in private – that Pakistan was not capable of making atomic bombs. The Prime Minister was not alone. Senior Indian defense analysts like P. R. Chari had also published articles before May 1998 arguing this point, as had the former head of the Indian Atomic Energy Agency, Dr. Raja Ramana.

Although Pakistan’s nuclear tests shattered this false notion, senior Indian military and political leaders continued to express doubts on the operational capability and usability of the Pakistani arsenal. Shortly after Pakistan’s incursion into Kargil, India began to seriously consider making cross-border strikes on militant camps on the Pakistani side of the Line of Control. Proponents of this strategy cast doubt on Pakistan’s willingness and ability to use nuclear weapons. This gained wide currency in Indian ruling circles, increasing risks of a misjudgment that could have led to serious miscalculations and an accidental nuclear war.

Many Indian commentators and analysts chose to believe – perhaps some still do – that Pakistan, as a client state of the US, had been forced to put its nuclear weapons under the control of the US. Their assumption was that, in case of extreme crisis, the US would either restrain their use by Pakistan or, if need be, destroy them. At a meeting in Dubai which I attended in January 2002, senior Indian analysts said they were “bored” with Pakistan’s nuclear threats and no

longer believed them. K. Subrahmanyam, an influential Indian hawk who has long advocated Indian nuclearization said that India can “sleep in peace”.

But, to fearlessly challenge a nuclear Pakistan in this manner requires an enormous leap of faith. The presumption that United States would have both the political will – and the capability – to destroy Pakistani nukes is simply wrong. The fact is that even tracking a handful of mobile nuclear-armed missiles is extremely difficult. During the Cuban missile crisis, the US Air Force had aerial photos of the Soviet missile locations and its planes were only minutes away, yet it would not assure that a surprise attack would be more than 90 percent effective. In the first Gulf War, US efforts to destroy Iraqi Scuds had limited success. And, as 2009 moves to a close, the US is extremely reluctant to move on Iran’s nuclear weapons – or allow Israel to go for them. No country has ever tried to take out another’s nuclear bombs. The consequences of a botched operation cause even the bold to shudder.

The quiet death of minimal deterrence

In the early days of Indian and Pakistani nuclear development, minimal deterrence or ‘just enough’ was the mantra of the times. In the 1980’s, the late ‘nuclear visionary’, General K. Sunderji, would emphasize that India needed only a handful of fission weapons to “take out” the major Pakistani cities – but should make no more. In my single encounter with him in 1993 at a Carnegie conference in Washington, he hugged me warmly after I introduced myself to him as a Pakistani nuclear physicist. He said Pakistan too should have a few nuclear weapons because that would make war impossible. I felt it unnecessary to respond that Pakistan was well on its way to having a few at that time, or that his (Sunderji’s) initiative, Operation Brasstacks, had nearly brought the two countries to blows in 1987.

However, the times kept changing. General Sunderji’s ideas died before he did. In August 1999, the Indian Nuclear Draft Doctrine came along. It omitted all mention of a minimum. Instead, after a preamble that nuclear weapons are “the gravest threat to humanity”, it went on to say that India needs “sufficient, survivable and operationally prepared nuclear forces” together with “the will to employ nuclear forces and weapons”. It spoke of a triad of aircraft, mobile land-based missiles and sea-based assets, and achieving survivability of the forces through a combination of multiple redundant systems, mobility, dispersion and deception. Now there was to be no fixed number of weapons, no restriction on delivery vehicles, and no limits to what flexible response might mean. Tactical nuclear war-fighting, once considered escalatory and way beyond minimal deterrence, is said to have been incorporated into current Indian military doctrine. In fact, the major Indian war game *Poorna Vijay* (Complete Victory) in May 2001, the biggest in over a decade, was reported to center on training the army and air

force to fight in a nuclear conflict⁶. Taken together, Indian military options and Pakistani planning would seem to ensure that any major India-Pakistan conflict would inexorably lead to the use of nuclear weapons.

The race for nuclear superiority

Once upon a time, South Asian nuclear proponents were wont to take personal insult upon mention of an arms race, which they debunked as fear mongering. At a 1992 conference in Chicago, the Indian defence strategist K.Subrahmanyam, vehemently asserted that “arms racing is a Cold War concept invented by the western powers and totally alien to sub-continental thinking”. His Pakistani counterparts happily agreed. In those days nuclear philosophies, like that of Mutually Assured Destruction (MAD), were often attributed to sick western minds which have invented the notion of destroying the world seven times over.

But the expected about-turn did not take long in coming. A full fledged, Cold-War style, nuclear race developed soon after the nuclear tests of 1998. Even a cursory glance at India’s subsequent nuclear and conventional spending shows this to be true. More recently, India raised its defense budget in February 2008 by 10 percent, to \$26.5 billion for the fiscal year 2008-2009, while its capital defense expenditure of \$11.4 billion in 2008 grew 12 percent, over the previous year (Misquitta, 2009). It plans to spend between \$50 billion and \$55 billion, during the period 2009-2014 on various big-ticket items – a \$10 billion contract for 126 fighter jets being pursued by Boeing Co., Lockheed Martin Corp., BAE Systems, PLC and European Aeronautic Defence & Space Co., – India was the world’s 10th-highest military spender in 2008, according to the research by the Stockholm International Peace Research Institute, and plans to head even further upwards. In July 2009, Indian Defence Minister, A.K. Antony announced that for 2009-2010, India plans to raise its military budget by 50 percent to a staggering \$40 billion, making military expenditure 3 percent of the annual Gross Domestic Product (GDP)⁷. Corporate India and foreign defence suppliers were thrilled.

Marking a quantum escalation, in July 2009, India began sea trials of its 7000-ton nuclear-powered submarine with underwater ballistic missile launch capability. The submarine is the first in a planned fleet of five, and is to be supplemented by a hunter-killer nuclear submarine soon. With an estimated annual budget of \$7.8 billion in 2008 – nearly four times lower than India’s – Pakistan obviously cannot match India weapon for weapon. Nevertheless, historically every Indian move somehow finds a counter move. Predictably, news of the Indian nuclear submarine was badly received in Pakistan. What should it do? A former diplomat who headed Pakistan’s delegation in talks with India on nuclear and conventional CBMs between 2004-2007 gave his answer: follow India into

6 ‘Bracing for a Nuclear Attack, India Plans Operation Desert Storm in May’, *Indian Express*, April 30, 2001.

7 <http://www.india-defence.com/reports/3869>

developing nuclear submarines; equip existing conventional submarines with nuclear-tipped cruise missiles; approach the Russians for leasing a nuclear submarine; and make more nuclear weapons by enhancing fissile material production (Hyder,2009).

In the following, I shall summarize the current Pakistani warhead, missile, and aircraft situation – to the extent that it is known – and then ask what stands in the way of a still larger increase.

Nuclear warhead development

The current size of Pakistan's nuclear arsenal is a secret. Various plausible estimates have placed it in the range of 60-100 warheads in the 5-20 kiloton range. Given that India has chosen not to announce limits upon the size of its nuclear arsenal, one can safely assume that Pakistan has also not set a fixed numerical target. The US-India nuclear deal has essentially removed all possibilities for a fissile material cutoff in the foreseeable future. Subject to material and technical constraints, one assumes Pakistan will seek to make as many warheads as possible, as well as make them more powerful and efficient.

So what could be the constraints for future expansion of the nuclear arsenal?

The maximum number of uranium-based warhead cores, that can be produced by Pakistan, depends on the quantity of highly enriched uranium produced in centrifuges at the Kahuta enrichment facility, and perhaps at undeclared facilities elsewhere in Pakistan. The initial HEU production was achieved using replicas of the aluminum P-1 centrifuge, brought from Europe by A.Q.Khan in the mid-1970's, which had a capacity of less than 1 'separative work unit' (SWU). This was the mainstay of the centrifuge programme initially, and was supplemented in the late 1980's by the P-2 model which had a throughput of 5 SWU's. Typically, centrifuges are cascaded together in groups of approximately 164.

More advanced centrifuges using faster rotor speeds, made possible by the indigenous development of stronger steels, or possibly by smuggled maraging steel, were subsequently made at the Kahuta Research Laboratory (KRL)⁸. The P-3 was the first of the two later centrifuges. It is a four-tube model with a throughput of just under 12 SWU/yr. According to the reference cited, the P-4, which is still more advanced, may have a throughput of slightly over 20 SWU/yr. Although, there is information about the types of these centrifuges in operation, their numbers are not known but are almost certainly in the few thousands by now. One therefore expects that the yearly production rate of HEU is currently several times larger than in the mid 1980's and that it will keep expanding.

The amount of natural uranium mined from presently known deposits, principally in the district of Dera Ghazi Khan, is another constraint. Pakistan has

8 Mark Hibbs, *Nuclear Fuel*, Volume 32, Number 3, January 29, 2007

declared to the IAEA that it mines 40 tons of uranium ore yearly. This is distributed between the fuel fabrication for the Karachi Nuclear Power Plant (KANUPP) and for fissile material production.

Pakistan almost certainly has a handful of plutonium-based warheads whose smaller weight makes them more suitable for delivery by missiles over longer ranges. Plutonium-rich spent reactor fuel is produced by the one non-secured 50 MW (thermal) reactor in Khushab, which has been functioning since 1998. It produces an estimated 10kg/year of plutonium, which is roughly 2 bombs worth. Recently disclosed satellite imagery shows that there are two similar units that are currently under construction, with the latest unit's construction having been activated in 2007 (Cochran, 2006; Albright and Brannan, 2006, 2007)⁹. Reprocessing of the spent fuel, done at the New Labs near Islamabad (and now possibly at the Chashma nuclear complex too), is necessary for chemically extracting the weapons-grade plutonium.

Satellite images obtained in 2009 suggest an increase in plutonium separation capacity (Albright, and Brannan, 2009; Albright, Brannan, and Kelley, 2009), based at the New Labs section of the Pakistan Institute of Science and Technology (PINSTECH) near Islamabad. Earlier, defence analysts in the US had pointed out that a series of commercial satellite images from February 2002 through September 2006, showed the construction of what appeared then to be a second plutonium separation plant adjacent to the original one, suggesting that Pakistan was planning on increasing its plutonium stock. An assessment of fissile stocks in South Asia has been attempted using publicly available information (Mian, Nayyar, Rajaraman & Ramana, 2006)¹⁰.

The actual number of fission warheads constructed of either type will, in addition to the plutonium available, also depend on the existence of adequate facilities for metallization, explosives, electronics, mechanical component construction, *inter alia*. A nuclear weapon has typically about 2000 parts and is a highly complex piece of equipment. Much of the metallization and weapon fabrication work is done in and around the Heavy Mechanical Complex in Taxila, and the adjoining military city of Wah. Many stages of fabrication are involved, the first of which involves conversion of the fissile material in gaseous form into pure metal, then machining it to precise dimensions to make the core. None of this is trivial. But, once a design has been standardized, it becomes easily possible to produce many copies. At the current production rate of a few fissile cores annually, warhead production would most likely follow the same rate and further expansion of warhead production facilities is unlikely to be a major constraint.

⁹ The second Khushab reactor was reported in July 2006, see e.g. Joby Warrick, 'Pakistan Expanding Nuclear Programme', *Washington Post*, 24 July 2006; and 'U.S. Disputes Report on New Pakistan Reactor', *New York Times*, 3 August 2006. Pictures of the third reactor were released in June 2007.

¹⁰ Also see Zia Mian, A. H. Nayyar and R. Rajaraman, 'Uranium Constraint on Pakistan's Fissile Material Production', *Science and Global Security*, Taylor and Francis, USA, (in press).

Although, the numbers of Pakistani warheads and delivery vehicles is a closely held secret, a former top official of the CIA is quoted in the September 2009 'Bulletin of the Atomic Scientists' as saying "It took them roughly 10 years to double the number of nuclear weapons from roughly 50 to 100" (Norris and Kristensen, 2009). Pakistan has successfully blocked efforts at the Conference on Disarmament in Geneva to limit fissile materials. It says India's nuclear weapons make this necessary.

Making more powerful nuclear weapons is the next logical step. Boosted nuclear weapons, which use the same fissile materials, are relatively easy to make¹¹. A few tens of grams of deuterium or tritium gas are inserted inside the bomb. The additional neutrons released result in more complete fission and can double or even triple the explosive power.

The Khushab reactor is also a source for tritium production. Earlier, the PAEC had attempted to produce it by irradiating lithium (Chaudhri, 2006). By 1987, the PAEC was able to acquire from West Germany parts for a tritium purification facility. Later, Pakistan attempted to procure from Germany 30 tons of aluminum tubing, used to 'clad lithium for irradiation in a reactor' (Chaudhri, 2006). In a congressional record of May 1989, Pakistan is said to have "acquired from West Germany United States-origin tritium – originally destined for H-bombs – as well as tritium recovery equipment. It also obtained a United States-origin high-power laser, the latter as part of a package of equipment for making nuclear fuel"¹².

Composite core weapons, the idea of which is over 60 years old, are another possibility. By combining two materials – a smaller plutonium sphere encased in a shell of highly enriched uranium – Pakistan could make more bombs than if the cores were made of plutonium and uranium separately. However, the fusion bomb requires a qualitatively different science. There is little doubt that Pakistan is seeking to make such a weapon, although one has little idea of the progress made so far. A plasma physics group in the Pakistan Atomic Energy Commission (PAEC), established over 20 years ago, is known to be looking into fusion weapon matters. India claims to have already developed a fusion weapon – one of the devices tested on May 11 1998 was announced to be of this type.

Missile capability

Missile development is now part of a burgeoning, increasingly export-oriented, Pakistani arms industry that turns out a large range of weapons from grenades to tanks, night vision devices to laser guided weapons, and small submarines to training aircraft. Dozens of industrial sized units in and around the cities of Taxila and Wah, with subsidiaries elsewhere in the Islamabad-Rawalpindi region, are

¹¹ In fact Pakistan had claimed the weapons tested in 1998 were of the boosted fission genre. See interview of Dr. Samar Mubarakmand's on Geo TV, May 3, 2004. <http://www.pakdef.info/forum/showthread.php?t=9214>.

¹² 'Nuclear and missile proliferation' (US Senate – May 16, 1989) <http://www.fas.org/spp/starwars/congress/1989/890516-cr.htm>

producing armaments worth hundreds of millions of dollars with export earnings of roughly 300 million dollars as reported in 2008¹³. Much of the production is under license from foreign countries, some from CKD kits, and most machinery for the arms factories is imported from the West or China.

The Pakistani missile series can be categorized into two distinct sets. The Ghauri missile series, based on the North Korean Nodong missile, was developed at the Kahuta Research Laboratories (KRL) while the Shaheen series, based on the Chinese M-9 and M-11 missiles, was developed at the National Defence Complex (NDC).

Missile type	Range(km)	Fuel	Payload (kg)	Number of tests	Date of last test
Hatf-I	50-90	Solid	450		
Hatf-II (Abdali)	70-200	Solid	450		
Hatf-III (Ghaznavi)	100-290	Solid	800		
Hatf-IV (Shaheen-I)	200-650	Solid	850		
Hatf-V (Ghauri)	300-1300	Liquid	680		
Hatf-VI (Shaheen-II)	700-2200	Solid	1100		21 Apr 2008
Hatf-VII (Babur)	500-750	Liquid	500	2	26 July 2007

The mainstays of the Pakistani missile force are listed in Table I above¹⁴. These include the short-ranged ballistic missiles, the Hatf-III (Ghaznavi, range 290 km); Hatf-IV (Shaheen-I, range 650km); the longer ranged Hatf-V (Ghauri, range 1300km); and the yet to be deployed Hatf-VI (Shaheen-II, range 2200km).

A 2007 report says that fewer than 50 four-axled Transporter-Erector-Launcher (TEL) vehicles, needed for deploying the solid-fuelled Ghaznavi (Hatf-III) have been sighted (Norris and Kristensen, 2007). Most are apparently stored at the Sargodha Weapons Storage Complex adjoining the PAF base. The same report refers to roughly 50 four-axled TELs existing for the Shaheen-I missile. About 15 six-axled TELs, suitable for the Shaheen-II, have been seen in satellite imagery.

Pakistan is also developing a 500km range, nuclear-capable, cruise missile named as Babur. A Pakistani government supported website¹⁵ states that its

13 'Official claims big rise in arms exports', *Dawn*, 18 July 2008.

14 Mahmud Ali Durrani, 'Pakistan's Strategic Thinking and the Role of Nuclear Weapons', *Cooperative Monitoring Center*, Occasional Paper 37, Sandia National Laboratory.

15 <http://www.pakistanidefence.com/>

design capabilities are comparable to the American BGM-109 Tomahawk cruise missile, and that a 1000km version is also being developed. The Babur is advertised as a “subsonic, low-level terrain-mapping, terrain-hugging missile that can avoid radar detection and strike with pinpoint accuracy”. Rather than being GPS guided – which depends crucially on the integrity of satellite systems being preserved in times of conflict – it is said to use inertial guidance (and possibly laser gyroscopes). Launched from a TEL, it was test-flown on March 21, 2006 with President General Pervez Musharraf in the audience. According to a spokesman of the Inter Services Public Relations (ISPR), “Pakistan is looking into modification that will enable the missile to be launched from its F-16s, Mirage and A-5 air platforms and naval platform such as Agosta 90B attack submarines and its Tariq Class frigates”. A test of the Babur on 26 July 2007 was declared successful with a range stated to have been enhanced to 700km¹⁶.

Pakistan has been surprisingly successful in creating a fairly large and diverse intermediate range missile force in a very short time. How is it possible for any developing country with a weak industrial and scientific infrastructure to do so? Making missiles that can fly over long distances is a highly complex technical task; even today ‘rocket science’ is sometimes used as a synonym for the most difficult, cutting edge, science.

Making missiles requires acquisition of a broad range of technologies. Some of the key ones are:

- Chemical technology for liquid or solid fuel propellant manufacture, handling, and testing.
- Mechanical technology for rocket motor design, construction, and testing.
- Aerodynamic and structural engineering for design of structures such as missile body, fins, and re-entry cones.
- Special materials manufacturing and molding capability for high-temperature applications, as well as, for plastics and polymers. Heat shields for re-entry are essential for protecting the warhead from being rendered useless.
- Computational capability and specialized software for various applications, including ballistics, navigation, flow rates, dynamic payload balancing, etc.
- Electronics for missile guidance and control, telemetry, and terminal guidance.

These are exacting requirements, but the design challenges are well understood and solutions may be found in specialized textbooks and monographs that are used as texts in graduate level university courses taught in many countries including the US and China. Component design is no longer essential – the availability of ballistic missile technology, complete subsystems, navigational gyroscopes and GPS equipment, and powerful computers has allowed many

¹⁶ <http://www.pakistanidefence.com/>

third world countries, including Pakistan and India, to leapfrog across major developmental issues.

The details of missile development remains well under the wraps but intense friction between the two main Pakistani organizations, the Kahuta Research Laboratory and the National Defence Complex, headed by Dr. A.Q. Khan and Dr. Samar Mubarikmand, respectively, had often led to each organization leaking information to the press in order to get a greater share of the glory. An Urdu newspaper gave a rare account in 1999 in a planted article entitled 'How the Shaheen was Developed', wherein the achievements of the NDC group are extolled and that of the KRL group minimized¹⁷.

What conclusions can we draw from this apparently phenomenal progress in missile making?

The sophistication of the Babur's propulsion system, a light-weight turbo-fan engine, as well as, the complex control systems, electronics, sensors, aerodynamics, etc. places it well outside of any comparable achievements by Pakistani industry or other parts of its technological sector. Much the same can be said of the ballistic missiles in the Hatf series. There can be no doubt that Pakistan received substantial help from China, along with components smuggled from Europe. North Korean help is an established fact for the Ghauri series, and may well be important for the Babur as well.

While Pakistan officially maintains that its missile fleet comes from indigenous development alone, this is not a tenable claim – or even one that is consistently held. A Pakistani author, evidently commissioned by the Pakistan Atomic Energy Commission to denigrate the achievements of A.Q. Khan and the rival KRL organization, wrote the following in a Pakistani defence journal:

*When the PAEC concluded an agreement with China to acquire the solid fueled M-11 ballistic missiles from China in 1989, A.Q. Khan soon after managed to get the liquid fueled Ghauri, from North Korea, and again hit the public imagination as the man who also gave Pakistan the delivery system for the bomb. The fact was that with the foundations of NDC having being laid in 1990, the PAEC was already on its way to start work on the solid fueled Shaheen ballistic missile, before the Ghauris or the Taepodongs and Nodongs became operational.*¹⁸

In this effort to bring credit to his parent institution, the PAEC, the author blows away the year after year denials by Pakistan of having obtained M-11 missiles from China, as well as of the Ghauri being indigenous and not of North Korean pedigree.

Nevertheless, to conclude that Pakistan's missiles are mere foreign imports would be wrong. Pakistan has moved on a two-track missile policy. The first track was acquisition of complete missile systems as CKD (completely knocked down)

¹⁷ *Rawalpindi Jang*, April, 1999, page 10.

¹⁸ In Chaudhri, M.A. (2006), *Pakistan's Nuclear History*.

kits. These were brought as commercial cargo, mostly by sea but also through the Khunjarab Pass and down the Silk Route from China. The second track was to understand the systems then reverse engineer the systems, component by component. Once a successful overall system design – say, that of the Tomahawk – is taken as the basic template, the associated subsystems must be built or acquired. For designers and manufacturers in both advanced and developing countries, the modular nature of modern technology allows for separate units to be transported and then joined together to form highly complex and effective systems. One only needs to know how the units should be assembled, not very much about the principles on which they work.

Consider, for example, that 30-40 years ago an electronics engineer working on a missile guidance system had to spend years learning how to design extremely intricate circuits using transistors, capacitors, and other components. But now one just needs to be able to follow the manufacturer's instructions for programming a tiny microprocessor chip, available from almost any commercial electronics supplier. Modular technology applies also to rocketry, including engine design and aerodynamic construction. Computer controlled NC machines have made reverse engineering of mechanical parts easy. In this way, countries with negligible other technological achievements, such as North Korea, have been able to create rather advanced missile programmes.

In a new development, Pakistan has announced that, in collaboration with Selex Galileo of Italy, it will soon start the manufacture of unmanned aerial vehicles (UAVs), commonly known as drones¹⁹. The march of technology, spread by the global commercial interests, appears unstoppable.

Aircraft capability

The expansion of the army-controlled mobile missile force is being accompanied by expansion of air force capability. Chief of Air Staff, Air Chief Marshal Tanvir Mehmood Ahmed, announced in March 2009 that \$9 billion would be spent on upgrading its 'nuclear status'²⁰. What this means is, however, unclear. Nor does it seem to be an efficient way of increasing nuclear offensive forces. Needless to say, fighter-bomber aircrafts were once Pakistan's preferred means of delivering nuclear weapons to India, but they have certain definite limitations. First, their ranges do not permit many parts of India to be covered. Moreover, they would have to run the gauntlet of an increasingly sophisticated Indian air-defense system. Nevertheless, they have the distinct advantage of being reliable, recallable, and reusable.

Pakistan had a deliverable nuclear weapon by 1987, and plans for aircraft delivery long preceded those for missile delivery. According to an officially inspired account:

¹⁹ 'Complex at Kamra to manufacture drones', *Dawn*, 21 August, 2009.

²⁰ *The News*, 18 March 2009.

During the 1983-1990 period, the Wah Group [of the PAEC] went on to design and develop an atomic bomb small enough to be carried on the wing of a small fighter such as the F-16. It worked alongside the PAF to evolve and perfect delivery techniques of the nuclear bomb including 'conventional free-fall', 'loft bombing', 'toss bombing' and 'low-level lay-down' attack techniques using combat aircraft. Today, the PAF has perfected all four techniques of nuclear weapons delivery using F-16 and Mirage-V combat aircraft indigenously configured to carry nuclear weapons (Chaudhri, 2006).

Pakistan started receiving the first of a batch of 36 F-16 C/D block 50/52 fighter aircraft in July 2007, the most modern version currently flown by the US Air Force²¹. It is also receiving assistance for modernizing all 34 of Pakistan's existing F-16 fleet to the same standard. F-16s are still said to be the mainstay for aerial delivery up to a range of about 1600 km, but two squadrons of A-5 Chinese built fighter-bombers are also suitable vehicles. There is, however, a caveat that has been added by the US: the F-16's sold under this deal will be specifically disallowed from carrying nuclear weapons. According to a US official, if Pakistan tried to do so then, "we have this extraordinary security plan with United States personnel, we have monitoring, we have leverage to convince them not to do this"²². The modernized F-16's, however, would presumably be unaffected by this restriction.

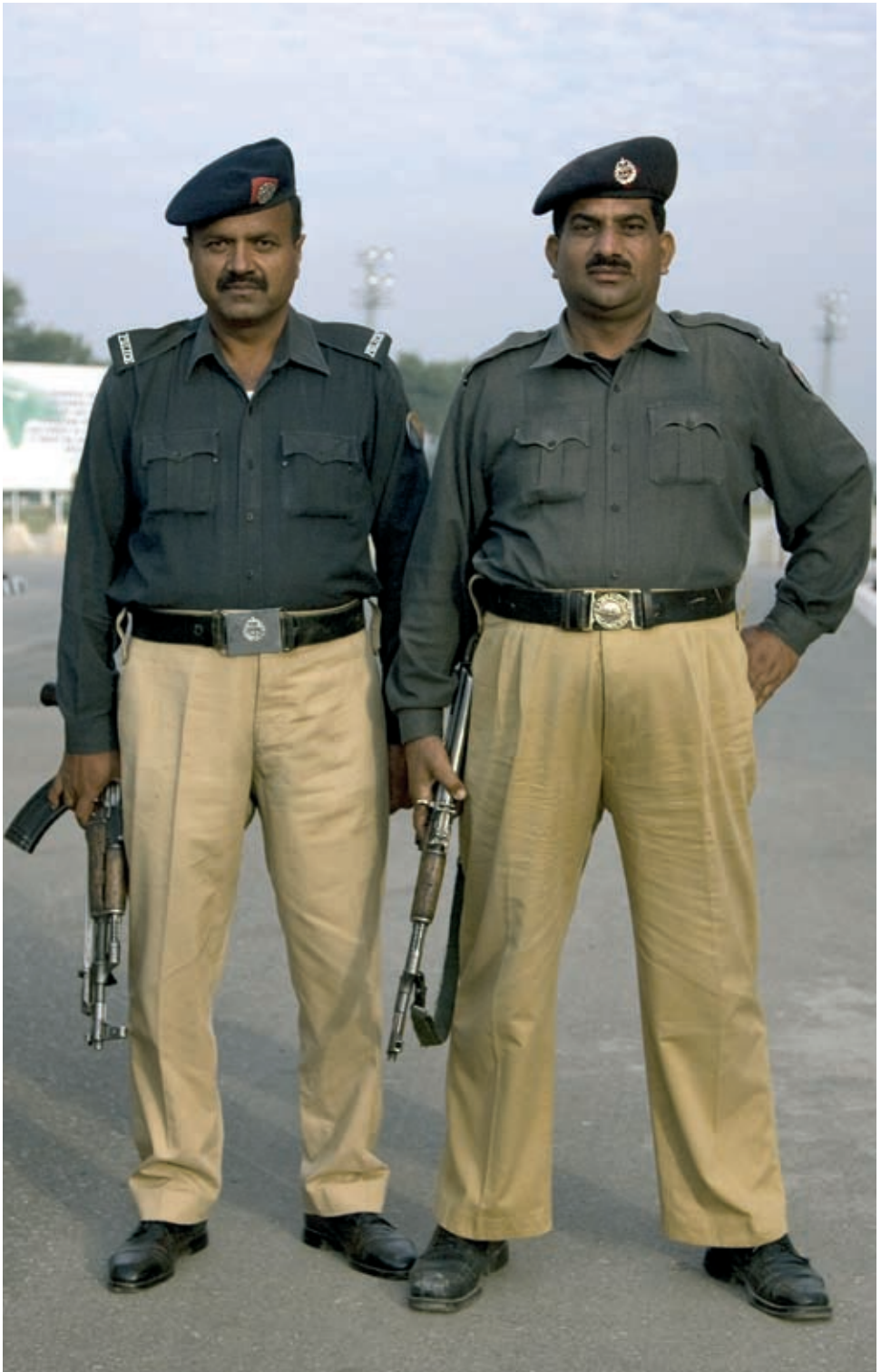
The Pakistan Air Force's technical capabilities are mostly limited to aircraft maintenance. The largest units are the Mirage and F-6 rebuilding factories, an avionics and radar maintenance factory at Kamra, and a factory for manufacturing small training aircraft. There is an Air Weapons Complex located near Wah that manufactures a variety of air-delivered weapons. The JF-17 Thunder, of which 150 will eventually be inducted and become the air force's mainstay, is formally a joint China-Pakistan venture but Pakistani technical input into its design is said to be small.

A recent statement by the PAF Air Chief revealed, that an Airborne Warning and Control System (AWACS) was being obtained from Sweden and China, and agreements had been reached with the US to provide electronic warfare system, smart bombs and long-range missile system. He said air-to-air refuellers were being modified. The PAF had almost 550 aircraft, including helicopters and transport aircrafts. The number of fighter planes was around 350, he added. At the moment, he said, there were 46 F-16 aircraft in the PAF, including 14 F-16 aircraft obtained from the US "almost free of cost"²³.

21 'US starts delivering F-16 aircraft', *Dawn*, 11 July 2007.

22 'Proposed sale of F-16 Aircraft and Weapons Systems to Pakistan, hearing before the Committee on International Relations', House of Representatives, July 20, 2006, Serial no. 109-220.

23 *The News*, 18 March 2009.



Military airport in Islamabad, October 2008

It would be too easy to ascribe Pakistan's success in bomb and missile-making to merely having allocated a large enough amount of money and resources. However, much wealthier Middle Eastern countries – Iraq and Iran in particular – have been less successful. The difference comes from a few hundred scientists and engineers working under the direction of effective and intelligent group leaders, an international buying network, as well as the strong will to do it all. Much of the work was reverse engineering, and there are no declared original applications, devices, or processes that have been declared. Nonetheless, Pakistani weaponeers understood developments in the literature and industry in sufficient detail and clarity. Trained almost entirely in the US, Canada, and Britain under a programme initiated in the early 1960's by the Pakistan Atomic Energy Commission, only a few were high-class research scientists, or studied at the best universities. By now, many have retired, or are close to retirement.

The burgeoning demand from the principal defense R&D organizations PAEC, NDC, and KRL has resulted in a skill deficit that is perhaps the most serious constraint in the further development of Pakistan's nuclear and missile programmes. Pakistan's public universities are in poor shape, and their graduates are ill-equipped to understand modern engineering and technical problems. Manpower is being drawn principally from:

- Engineering institutes run by the defence organizations. Examples include the Pakistan Institute of Engineering and Applied Sciences (PIEAS), as well as the Centre for Nuclear Studies (CNS). These institutes offer graduate studies in nuclear engineering, chemical and materials engineering, process engineering, systems engineering, electrical engineering, mechanical engineering, applied mathematics, information technology, and others. They are located on the premises of the Pakistan Institute of Nuclear Science and Technology (PINSTECH) near Islamabad. The NDC is also in the process of creating various institutes and centres on the Quaid-e-Azam University campus.
- A handful of engineering colleges of relatively better quality such as the army-run National University of Science and Technology (NUST), Ghulam Ishaq Institute of Technology (GIKI), University of Engineering Technology (UET).
- Training of Pakistani missile and weapon designers in Chinese universities and institutes where they undergo short, highly focused, courses on rocket dynamics, navigational techniques, telemetry, etc. These are offered only to employees of government organizations and not general members of the Pakistani public.
- Using the 12-fold increase in its budget over the past 5 years, the Higher Education Commission of the government of Pakistan has awarded many scholarships to Pakistanis for studying in Europe, Australia, and the United

States. Among the beneficiaries are the employees, or former employees, of various defence organizations.

- Academics and engineers in advanced countries can occasionally be interested into solving difficult technical problems for a fee. This follows the widespread global problem of outsourcing technical problems.

Pakistan's nuclear diplomacy

Although, a client state of the US and dependent upon it in many critical ways, Pakistan has resolutely rejected US efforts to move it away from nuclear weapons. It is currently under criticism for having blocked talks between 64 countries to limit fissile materials under the Conference on Disarmament (CD) in Geneva²⁴. The current posture reflects Pakistani anger at the US-India nuclear deal and the subsequent enhancement in India's capacity to generate fissile materials. It also assumes – perhaps correctly – that the Afghanistan situation makes Pakistan too essential to the US for it to take a hard stance. Nonetheless, Indian and Pakistani diplomacy has reflected the desire within their military-civil establishments to ward off criticism, particularly that which followed periods of high tension. It has been particularly important to project the image of a state that is fully aware and in control of itself.

In fact, nuclear respectability is implicitly and jointly sought by Indian and Pakistan elites, both military and civilian. Their goal is to show that their nukes are in responsible hands, that they can handle nuclear weapons just as well as anyone else, are sternly opposed to proliferation, and they are victims rather than supporters of terrorism. Officials and experts from both countries meet at arms control workshops and seminars, behave civilly (if not cordially) towards each other, and appear to be rational actors. CBMs, nuclear risk reduction measures, etc. have become their standard vocabulary items. The underlying mistrust and hostility is thereby effectively concealed.

Indian establishment intellectuals had grasped the value of creating the 'responsible actors' image much before their Pakistani counterparts. The clinching of the US-India nuclear deal in 2007 owes much to this. Indeed, the Indian strategic analyst C. Raja Mohan had observed years earlier that:

New Delhi and Islamabad should know that the willingness of the rest of the world to accept them as part of the official nuclear club depends on the ability of India and Pakistan to responsibly manage their own nuclear relationship.If India and Pakistan want to be taken seriously, they must show results from their nuclear talks (Mohan, 2004).

Musharaf's predecessor as chief of army staff, General Jehangir Karamat, while he was ambassador of Pakistan to the United States, was also keen to show that Pakistan and India are not trigger-happy:

24 'Pakistan under pressure at Geneva N-talks', *Dawn*, 21 August, 2009.

For those who observe South Asia from the outside it is considered a most dangerous place and a region in which a nuclear exchange could be a reality. It is thought that the India-Pakistan confrontations in 1987, 1990 and 2002, as well as the Kargil conflict in 1999, all had a nuclear dimension of some sort. This is not what most South Asians think (Karamat, 2005).

Nevertheless, General Karamat did admit – during the Kargil crisis, as well as in the crisis that followed the attack by Islamic militants upon the Indian Parliament in December 2001 – that “statements and signaling through missile tests could have had unintended consequences” (Karamat, 2005).

The success of diplomacy speaks for itself. Giving primacy to its geo-political interests, the US fundamentally changed its posture on India: sanctions imposed in 1998 were gradually withdrawn, criticism became inaudible, a grudging acceptance of nuclear status followed, and then – in a dramatic blow to the Nuclear Non-proliferation Treaty – the US ended up making a special deal that now makes it a supplier of nuclear equipment and materials to India. Pakistan, while faring not quite so well and not being privileged by a similar deal, was de-facto accepted as a nuclear power with the safety and security of its nuclear arsenal reduced to the level of a nagging, low-level worry.

Safety and security: Pakistan’s nuclear arsenal

Determined to retain and expand its nuclear capabilities but shaken by the reaction to A.Q. Khan’s global nuclear entrepreneurship, in 2004 Musharraf’s government had sharply reversed its earlier policy of keeping all nuclear matters under the wrap. It hoped thereby to assure the world that Pakistan’s nuclear weapons were in safe hands. A stream of highly placed official visitors made a beeline for Washington’s think-tanks and military colleges across the United States. A few years earlier this would have been unthinkable. Visits from top officials of the Strategic Plans Division (SPD), which is charged with the possession, maintenance, and safety of Pakistan’s nuclear weapons became routine, and still continue.

It is especially significant that the Director General of the SPD, Lt. Gen. Khalid Kidwai, is a visitor to the US. He was, for example, invited to a special guest lecture to the faculty, students, and guests of the Naval Postgraduate School in Monterey where he sought to debunk the notion that Pakistani weapons could fall into the hands of religious extremists, were on hair-trigger alert, or be used irresponsibly²⁵. Other Pakistani military officers associated with the nation’s nuclear programme, are paid by US funding sources for writing reports and papers for

²⁵ ‘Pakistan’s Evolution as a Nuclear Weapons State’, Lt. Gen. Khalid Kidwai, lecture delivered at the US Naval Postgraduate School, Monterey, California, 1 November, 2006.

US think-tanks and research institutes. Still others are in the process of writing books that will reveal the “true history of the Pakistani nuclear programme”²⁶.

To safeguard Pakistan’s ‘crown jewels’ is a relatively recent preoccupation that dates to the September 11, 2001 attack. Although, Pakistan’s military government insisted that there was no danger of any of its nuclear weapons being taken for a ride, it did not take chances. Several weapons were reportedly airlifted to various safer, isolated, locations within the country (Moore and Khan, 2001). This nervousness was not unjustified – two strongly Islamist generals of the Pakistan Army (the head of Pakistan’s ISI intelligence agency, Lt. General Mehmood Ahmed, and Deputy Chief of Army Staff, General Muzaffar Hussain Usmani), close associates of General Musharraf, had just been removed. The seriousness of betraying the progeny of Pakistan’s intelligence services was something that Musharraf feared – and for good reason.

Internationally, there are widespread fears that instability in Pakistan could make its nuclear weapons and stocks of nuclear explosive material dangerously vulnerable to theft. As could be expected, Pakistan’s position has been one of emphatic denial: the Foreign Ministry claims that “our [nuclear] assets are 100 percent secure, under multiple custody”. Soothing words, however, have not taken away a general sense of worry. Pakistan is now in the grip of a full-fledged insurgency by Islamic groups. Some of these view Pakistan’s nuclear weapons as belonging to the *Ummah*, rather than Pakistan alone²⁷. This has enhanced the feeling internationally that Pakistan’s nuclear weapons, fissile materials, and other nuclear components are unsafe.

The dangers to Pakistan’s nuclear weapons are potentially four-fold:

- From India and the US, separately or together. Israel is a distant possibility but not to be ruled out²⁸.
- From outside: Islamic militants attacking a nuclear storage site or facility with the purpose of capturing a nuclear weapon.
- From inside: Islamic elements in the army who have responsibility for protecting and operating nuclear sites or facilities.
- From a collaboration between insiders and outsiders.

26 *Daily Times*, Lahore, July 29, 2007 reports that the SPD has confirmed helping two researchers from an American think tank in California, Dr. Peter R. Lavoy and former Pakistan Army Brigadier Feroz Khan, to write a comprehensive account of the country’s nuclear programme. As of 2009 the book has not appeared.

27 Hoodbhoy, P and Mian, Z, *Pakistan and India under the Nuclear Shadow, 2001*, a video documentary produced for the Eqbal Ahmad Foundation, contains various interviews of militant leaders who advocate having the Bomb for Islam.

28 There is concern in Pakistan of the growing Israeli-Indian strategic alliance, underscored by the supply of four Phalcon AWAC-type systems. These have the capability of tracking Pakistani aircraft over the entire geographical area. India has already acquired two Israeli Green Pine radars, capable of tracking missiles at a distance of 400 km. These are normally used in conjunction with the Arrow II anti-missile system. These early-warning systems could be effectively used by Israel to launch a pre-emptive strike at Pakistan’s nuclear facilities with India’s direct assistance or by using India as a base.

Only an extreme crisis would result in India or the US, whether acting together or separately, to attack a nuclear armed state with all the obvious dangers this contains. Even a massive use of force is unlikely to net all of well-hidden and well-protected Pakistani nuclear weapons. Moreover, the job would be incomplete unless the major nuclear weapon facilities, reactors, and uranium enrichment plants were also destroyed completely. This would involve nothing short of a total war.

On the other hand, Islamic extremists may seek a weapon for ultimate use against a US or European city. But, because it would be much easier to arrange, they may seek the destruction of an Indian or Pakistani city, with the hope of provoking total war between Pakistan and India. This would be consistent with the suicide bombing strategy followed by Al-Qaida elsewhere. In the extremist mindset, it is best if infidels are killed. But if Sunni Muslims are killed, they will simply make it to heaven a bit earlier.

Defending against other nations as well as internal enemies poses a difficult security dilemma: Pakistan would like to keep the location and details of its nuclear weapons secret in order to increase their chances of a strike by India, the US, or Israel. On the other hand, army insiders are already, by definition, in the know. Perhaps, in collusion with an external Islamic group they could be plotting a move unknown to the Nuclear Command Authority (NCA), the SPD, or the Chief of Army Staff. How could such an attempt be foiled?

Only partial safety is possible no matter what the technical fix. One obvious mechanism is to reduce the readiness level. Pakistan is widely believed to store the fissile core and bomb mechanisms separately in safely guarded vaults. As early as December 1999, it had requested senior US officials visiting Islamabad for Permissive Action Links (PALs) that are directly integrated into the firing mechanism and electronics of a nuclear weapon, as well as Environment Sensitive Devices (ESDs), in order to enhance protection against unauthorized use or accidental nuclear detonations. At that time, the US had declined for obvious reasons: these devices make it possible for the weapons to be maintained at a higher state of alert for the same level of safety, thereby increasing the threat perceived by India. But subsequent to a reversal of Pakistan's relationship with the US after 9/11, it is possible that the US may have acceded to Pakistan's request without demanding that Pakistan reveal the location or details of its nuclear weapons.

According to an ISIS report, US Secretary of State Colin Powell had offered nuclear protection assistance to Pakistan after 9/11²⁹. Pakistan found the offered technology to be quite rudimentary but nevertheless accepted it under the condition that the end point usage would remain opaque. Other aspects of the assistance included training courses for Pakistani nuclear weapons personnel in US labs where they were instructed on nuclear safety and security issues.

²⁹ *Nuclear Black Markets, Pakistan, A.Q.Khan and the rise of proliferation networks. A net assessment.* The International Institute for Strategic Studies, London, 2 May 2007.

David Albright, a US nuclear security analyst, prescribed the following forms of additional assistance to Pakistan in the aftermath of 9/11:

Generic physical protection and material accounting practices; theoretical exercises; unclassified military handbooks on nuclear weapons safety and security; more sophisticated vaults and access doors; portal control equipment; better surveillance equipment; advanced equipment for materials accounting; personnel reliability programmes; and programmes to reduce the likelihood of leaking sensitive information. In addition, aid could focus on methods that improve the security of nuclear weapons against unauthorized use through devices not intrinsic to the design of the nuclear weapon or through special operational or administrative restrictions. Excluded assistance would include nuclear weapons design information aimed at making more secure, reliable or safer nuclear weapons or devices, PALs, coded launch control devices, and environmental sensing devices (Albright, 2001).

While technical measures to reduce the chances of nuclear sabotage and accident must undoubtedly be implemented, there is a fundamental tension that cannot be avoided – a perfectly safe nuclear weapon is also one that cannot be used. Hence, by definition, it is useless. In times of crisis and war, when casualties and passions run high, there will be a strong urge to weaken the safety mechanisms in place.

Predicting Pakistan's nuclear direction

Looking at the next 5-10 years, one can make reasonable guesses for where Pakistani nuclear forces are likely to be, and the direction of its nuclear policy. Unless a global fissile material cutoff is somehow agreed upon and implemented, Pakistani production of fissile materials and bombs, as well as intermediate-range ballistic missiles, will continue at the maximum possible rate permitted by technological and resource limitations. A shift towards smaller plutonium weapons, or composite warheads, will accelerate as the Khushab military reactors come on line.

The increasing number of warheads will demand an increasing number of delivery vehicles. In spite of the substantial induction of JF-17 aircraft, along with, newly purchased F-16's, missiles will steadily replace aircraft as delivery vehicles for nuclear weapons. Flight tests and command post exercises will continue to be periodically conducted. Although, Pakistan will make efforts to match India's efforts in using outer space for reconnaissance and early-warning systems, it will not be able to do so. If India is successful in acquiring and installing an anti-ballistic missile system, MIRVing, or in deploying submarine launched nuclear-tipped missiles, Pakistan will counter by lowering the strike-threshold and wider dispersion of its mobile launchers, as well as employing decoys and moving towards SLBMs.

In the past, Pakistan had securely hitched its nuclear policy to India's. It had assumed that India's nuclearization would be allowed to justify its own. But the "de-hyphenation" of Pakistan from India – a word that gained particular currency after the visit to India and Pakistan by President George W. Bush in 2006 – has now forced its nuclear policy to be more than a mirror image of India's. New challenges, however, are now appearing because of the Obama administrations initiatives to reduce nuclear weapons held by the US and Russia. US ratification of CTBT, which was rejected by the Senate in the Bush years, will put pressure on India and Pakistan to sign. Would Pakistan go along? The answer is: probably yes. Unless India resumes nuclear testing, Pakistan will not test further. It is also certain that the US will go forward with talks on a "verifiable" Fissile Material Cut-off Treaty [the Bush administration had not supported verification]. Pakistan is already seen as being obstructive. Would Pakistan be ready to negotiate? Sign the FMCT? What about on-site inspections? The future does not look promising in the absence of a move that is widely accepted as genuinely proceeding towards global nuclear disarmament.

The case for De-Nuclearization³⁰

Eleven years ago a million Pakistanis danced in the streets after six nuclear weapons had been successfully tested. They had been told that making nuclear bombs was the biggest thing a country could do. But North Korea's recent nuclear test once again give rock-solid proof that this was a lie.

North Korea is a country that no one admires. It is unknown for scientific achievement, has little electricity or fuel, food and medicine are scarce, corruption is ubiquitous, and its people live in terribly humiliating conditions under a vicious, dynastic dictatorship. In a famine some years ago, North Korea lost nearly 800,000 people. And it has an enormous prison population of 200,000 that is subjected to systematic torture and abuse. Why does a miserable, starving country continue spending its last penny on the Bomb? On developing and testing a fleet of missiles whose range increases from time to time? The answer is clear: North Korea's nuclear weapons and missiles are instruments of blackmail rather than means of defence. Brandished threateningly, and manipulated from time to time, these bombs are designed to keep the flow of international aid going.

Surely the people of North Korea gained nothing from their country's nuclearization. But they cannot challenge their oppressors. But, Pakistanis – who are far freer – must ask: what have they gained from the Bomb? My friends in India who have opposed their Bomb ask precisely this question on their side of the border. Some Pakistanis had imagined that nuclear weapons would make their country an object of awe and respect internationally. They were told that

³⁰ This section is based on my article, 'Yet Another Nuclear Anniversary', *Dawn*, 28 May 2009, the 11th anniversary of Pakistan's nuclear tests.

Pakistan would acquire the mantle of leadership of the Islamic world. Indeed, in the aftermath of the 1998 tests, Pakistan's stock had shot up in some Muslim countries before it crashed. But today, with a large swathe of its territory lost to insurgents, one has to defend Pakistan against allegations of being a failed state. In terms of governance, economy, education or any reasonable quality of life indicators, Pakistan is not envied by any one.

Contrary to claims made in 1998, the bomb did not transform Pakistan into a technologically and scientifically advanced country. Again, the facts are stark. Apart from relatively minor exports of computer software and light armaments, science and technology remain irrelevant in the process of production. Pakistan's current exports are principally textiles, cotton, leather, footballs, fish and fruit. This is just as it was before Pakistan embarked on its quest for the bomb. The value-added component of Pakistani manufacturing somewhat exceeds that of Bangladesh and Sudan, but is far below that of India, Turkey and Indonesia. Nor is the quality of science taught in Pakistani educational institutions even remotely satisfactory. But then, given that making a bomb these days requires only narrow technical skills rather than scientific ones, this is scarcely surprising.

What became of the claim that the pride in the bomb would miraculously weld together the disparate peoples who constitute Pakistan? While many in the Punjab still want the bomb, angry Sindhis want water and jobs – and they blame Punjab for taking these away. Pakhtun refugees from Swat and Buner, hapless victims of a war between the Taliban and the Pakistani Army, were tragically turned away by ethnic groups from entering Sindh. This rejection strikes deeply against the concept of a single nation united in adversity. As for the Baloch, they deeply resent that the two nuclear test sites – now radioactive and out of bounds – are on their soil. Angry at being governed from Islamabad, many have taken up arms and demand that Punjab's army get off their backs. Many schools in Balochistan refuse to fly the Pakistani flag, the national anthem is not sung, and black flags celebrate Pakistan's independence day. The Balochistan University teems with the icons of Baloch separatism: posters of Akbar Bugti, Balaach Marri, Brahamdagh Bugti, and 'General Sheroff' are everywhere. The bomb was no glue.

Did the bomb help Pakistan liberate Kashmir from Indian rule? It is a sad fact that India's grip on Kashmir – against the will of Kashmiris – is tighter today than it has been for a long time. As the late Eqbal Ahmed often remarked, bad politics helped “snatch defeat from the jaws of victory”. Pakistan's strategy for confronting India – secret jihad by Islamic fighters protected by Pakistan's nuclear weapons – backfired terribly in the arena of international opinion. More importantly, it created the hydra-headed militancy now haunting Pakistan. Some Mujahideen, who felt betrayed by Pakistan's army and politicians, ultimately took revenge by turning their guns against their sponsors and trainers. The Bomb helped Pakistan lose Kashmir.

Some might ask, didn't the Bomb stop India from swallowing up Pakistan? First, an upward-mobile India has no reason to want an additional 170 million

Muslims. Second, even if India wanted to, territorial conquest is impossible. Conventional weapons, used by Pakistan in a defensive mode, are sufficient protection. If the mighty American python could not digest Iraq, there can never be a chance for a middling power like India to occupy Pakistan, a country four times larger than Iraq.

It is, of course true that Pakistan's nuclear weapons deterred India from launching punitive attacks at least thrice since the 1998 tests. Pakistan's secret incursion in Kargil during 1999, the Dec 13 attack on the Indian parliament the same year (initially claimed by Jaish-i-Muhammad), and the Mumbai attack in November 2008 by Lashkar-i-Taiba, did create sentiment in India, for ferreting out Pakistan-based militant groups. So should Pakistan keep the bomb to protect militant groups? Such means of conducting foreign policy are dangerous and suicidal.

It was a lie that the Bomb could protect Pakistan, its people or its armed forces. Rather, it has helped bring the country to this grievously troubled situation and offers no way out. The threat to Pakistan is internal. The Bomb cannot help Pakistan bring Waziristan back to Pakistan. More nuclear warheads, test-launching more missiles, or buying yet more American F-16s and French submarines, are of no use in thwarting suicide attacks on soldiers and civilians. Hence, Pakistan's security problems cannot be solved by better weapons. Instead, the way forward lies in building a sustainable and active democracy, an economy for peace rather than war, a federation in which provincial grievances can be effectively resolved, elimination of the feudal order and creating a tolerant society that respects the rule of law.

It is time for Pakistan to become part of the current global move against nuclear weapons rather than opposing it. India – which had thrust nuclearization upon an initially unwilling Pakistan – is morally obliged to lead. Both must announce that they will not produce more fissile material to make yet more bombs. Both must drop insane plans to expand their nuclear arsenals. While Europe and the United States, helping Pakistan in its internal struggles, must curb the enthusiasm of their defense industries in supplying military equipment to the two protagonists. India's military expansion deserves a harsher condemnation than Pakistan. This unnecessary militarization naturally creates tension, and diverts critical resources away from the actual needs of India's people. On the other hand, there is no need for Pakistan to fear an Indian invasion. Instead, it must focus upon destroying Islamic terrorist groups – some of its own making – that attack targets in India as well as inside Pakistan. Eleven years ago a few Pakistanis and Indians had argued that the bomb would bring no security, no peace. They were condemned as traitors and sellouts by their fellow citizens. But each passing year shows just how right we were.

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A Ray of Hope: The Case of Lawyers' Movement in Pakistan

This paper dwells on one of the historic movements, namely the Lawyers' Movement, that is the latest in the history of Pakistan. The paper is directed to understand and contextualize the reasons owing to which the movement took place, along with its implications, impact and repercussions, both socially and politically. For enhanced clarity and understanding, the discussion of it is divided into five parts. The first part tries to define and touch upon various social, political and non-violent movements around the World and Pakistan. Part two sheds light on Pakistan's judicial history without which we will not be able to comprehend clearly the mammoth task the Lawyers' Movement undertook. Part three highlights the major associated conflicts. Part four reflects upon state power and the resistance offered to it, while the concluding part focuses on the long term implications and hope for the future.

1. Understanding the role of Movements

A movement can be defined as a series of actions and events taking place over a period of time and working to foster a principal or policy or as an organized effort by supporters of a common goal. There are many definitions of political and social movements. A political movement, in contrast to a political party, is not organized to elect members of the movement to government office: instead a political movement aims to convince citizens and/or government officers to take action on the issue and concerns, which are the focus of that movement¹. Social movements, on the other hand, are defined as a type of group action. They are large informal groupings of individuals and/or organizations centered on specific political or social issues: in other words, resisting or undoing a social change². This definition of a social movement best suits the purpose of analyzing the Lawyers' Movement in Pakistan, which is the subject of this paper.

¹ <http://en.wikipedia.org/wiki/social>

² <http://en.wikipedia.org/wiki/social>

What happened in Pakistan from March 9, 2007 till March 16, 2009, was no small change. A country that has been a victim of extremism and violence in the name of religion, notably since the early years of independence which became more violent and organized by 1980s³, and fast becoming a hot spot destination of international terrorist organizations, undertook the task of undoing the wrongs of a military dictator, General Pervez Musharraf, without resorting to violent means through the Lawyers' Movement. This Movement or Pakistan's Black Revolution, as many call it in reference to the black uniform of the lawyers, has been termed by many as a new beginning for Pakistan since its independence in 1947. Sadly, and in contrast, the partition of India was filled with bloodshed and mayhem, although the struggle that led to the eventual divide of the sub-continent in 1947 was by and large peaceful.

Non-violent campaigns are not unknown to the world. They have been used effectively to challenge abuses by authorities and in waging unarmed struggle for eliminating discrimination, ensuring rights, freedom and even in overthrowing colonial regimes. The Non Violent movement by the name of Khudai Khidmatgars, also known as the 'Red Shirts' during 1930's and 1940's in United India, was marked as an important movement. It had a one point agenda, to finish all feuds, only by non violent means. At one point Abdul Ghaffar Khan, leader of the Khudai Khidmatgar movement had stated:

"I should like to make it clear that the non-violence I have believed in and preached to my brethren of the Khudai Khidmatgars is much wider. It affects all our life, and only this has permanent value. Unless we learn this lesson of non-violence fully we shall never do away with the deadly feuds which have been the curse of the people of the Frontier. Since we took to non-violence and the Khudai Khidmatgars pledged themselves to it, we have largely succeeded in ending these feuds. Non-violence has added greatly to the courage of the Pathans. Because they were previously addicted to violence far more than others, they have profited by non-violence much more. We shall never really and effectively defend ourselves except through non-violence. Khudai Khidmatgars must, therefore, be what our names imply pure servants of God and humanity by laying down our own lives and never taking any life"⁴.

The world is a witness to the success of the non-violent and unarmed struggles of the Orange Revolution in Ukraine in 2004. Massive protests, civil disobedience, general strikes and sit-ins resulted in holding a second round of elections that were free and fair leading to the victory of Yushchenko. Similarly,

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- 3 Religious violence started soon after 1947 with regards to Ahrar's anti-Ahmadi movement, followed by 1950s language riots in East Pakistan and unrest in Balochistan.
 - 4 <http://www.baachantrust.org/abdulghaffarkhan>

several peaceful movements that became associated with a particular colour or a symbol have occurred during the past decade in various parts of the world. Siberia adopted the Bulldozer Revolution; Kyrgyzstan the Tulip Revolution in 2005, Georgia adopted the Rose Revolution in 2003; Velvet Revolution of Czechoslovakia; the Seeder Revolution in Lebanon for the withdrawal of Syrian troops or the Blue Revolution in Kuwait in support of women suffrage, have all been peaceful and successful⁵.

These movements remained successful as they were able to ensure the support of a silent majority which was undecided, and once given the facts and information their strength grew leading towards success. This tool of sharing information and reaching out to those who were undecided played a vital role in the success of the American Revolution in the 1700s. People boycotted British imports and organized committees of correspondence, published pamphlets and newspapers; the Egyptian Revolution and Irish non-co-operation movement of the 1990s; the non-co-operation movement of Gandhi in the 1920s; Pakistan movement through constitutional means by Muhammad Ali Jinnah; the African-American Civil Rights Movements of 1950s and 1960s and the protests against the Vietnam War and, not to forget the South African struggle against Apartheid, which brought down a discriminatory regime⁶.

Reflection of some movements in Pakistan

Pakistan was created in 1947 and has witnessed various movements since then: some were ideological while others were purely religious with varying frameworks that included socialist, communist and Islamic ideologies. The movements backed by right or left wing elements or by progressive or conservative groups are not within the scope of this paper, and therefore, only a few social movements where certain sections of the society have struggled or participated will be analyzed here. Appropriate to mention here is also the fact that there have been a few new movements emerging during the 1960's and 1970's in the West, which have also been emulated by the civil society of Pakistan, such as Movements on Ecology, anti-nuclearization, Women rights and Peace.⁷ These are primarily a reaction to the demands and problems faced by a Global Village.

Women's movements have a long history that predate 1947, but after the partition of Indian Sub-Continent, the struggle continued and took on a new form and different women and Human rights groups, amongst them 'Women Action forum' came into being, and still continue to fight for the civil, social and political rights of women. It was created as a resistance to Zia-ul-Haq dictatorship in the late 1970s and continues its struggle to date. The 'peasant movement' is another example of struggle where women, landless peasants and *haris*

5 <http://teeth.com.pk/blog/2008/09/14/>

6 <http://teeth.com.pk/blog/2008/09/14/>

7 <http://www.answers.com/topic/new-social-movements>.

struggle even today for their rights. Cross border peace initiatives in the form of 'Pak-India forums' are also popular, where different segments of the society participate and promote all aspects related to peace. While the revival of trade unions and student unions in Pakistan is also an encouraging sign and have been extensively documented (Butt, 2009), however, not undermining the importance or the need for such movements, these struggles have specific and very focused agendas that benefit only a small section of society.

The main difference between other movements in Pakistan and the Lawyers' Movement was that, for the first time in Pakistan, people working to secure rights on different forums came together to work under the banner of Pakistan Lawyers' Movement. It was owned by all: women, men, young or old, rich or poor. Religion, caste, creed, social or political affiliations did not matter. All stood side by side demanding the restoration of the deposed judiciary. The force binding them together was the demand for the Rule of Law and Free Judiciary.

Thus, in March 2007, and later in November 2007, when General Musharraf moved against the judiciary in Pakistan, he must have calculated the pros and cons of his action; he must have read the history of the judiciary, which had never opposed, even the unconstitutional actions of the powerful, and perhaps that gave him the confidence to remove the Chief Justice of the country. However, what he failed to realize was that in comparison to a knee-weak judiciary, people in general had become uncomfortable under a military ruler.

Analysts place Pakistan in the category of countries with low-density democracy, where parliaments do come into existence but election manipulation and military coups are also not uncommon. But this was the first time that a military ruler was faced by the people's power through a non-violent movement. It would not be wrong to maintain that the lawyers' leadership outwitted the military ruler and his collaborators by using tried and tested strategies, not uncommon in such movements. Thus, when we see the lawyers' leadership regularly appearing on news channels, addressing public gatherings, producing leaflets, filing petitions, writing for the newspapers, issuing press statements, forming human chains, holding sit-ins, boycotting the courts, observing black-days, circulating jokes about the rulers, writing letters of support or opposition, raising flags, writing poems, networking with political parties and civil society organizations, they were in fact applying tactics of making a non-violent movement successful. The lawyers' community also ensured that they kept the world aware of the developments in Pakistan and effectively used the internet, ensuring a sustained international pressure on General Musharraf.

Some term this movement as a road to stability; others a step in the right direction; some call it an example of the power of the people; while some mark it as the dawn of a new and independent judiciary, while many others consider it to be the rebirth of Pakistan – everyone appears to cull ones own definition of the success of the Pakistan Lawyers' Movement. However, the fact remains that for the first time in the short-history of Pakistan, a large number of the Pakistani people stood up to the executive and the military with a collective slogan 'enough is enough'.

2. Judiciary in Pakistan at a glance

From the day of independence of Pakistan in August 1947, the judiciary has endeavoured to match their constitutional ideas and legal language to the exigencies of current politics. Unfortunately, the judgments on various issues, especially the validity of martial laws and unconstitutional steps made Pakistan a laughing stock for the world. The frequent imposition of martial laws, abrogation and suspension of constitutions were acts of treason under the law⁸ but were frequently validated by our apex courts.

On March 21, 1955, Chief Justice Muhammad Munir of the Federal Court (the present Supreme Court of Pakistan) legalized the dissolution of the first Constituent Assembly. In *Maulvi Tamizuddin Khan versus the Federation of Pakistan*⁹, Justice Munir declared that the Assembly was not a sovereign body. He gave the ruling that the Constitutional Assembly had “lived in a fool’s paradise if it was ever seized with the notion that it was the sovereign body of the state”. Historians feel that Justice Munir destroyed Pakistan’s constitutional basis when he denied the existence of Assembly’s sovereignty, and further harmed it by not indicating where sovereignty resided.

In 1955, Governor General Ghulam Muhammad sought an advisory ruling from the Federal Court through a Special Reference regarding his powers. Justice Muhammad Munir, relying on Bracton’s maxim, “that which is otherwise not lawful is made lawful by necessity”, and on the Roman law maxim urged by Jennings, “the well-being of the people is the supreme law” declared that, “subject to the condition of absoluteness, extremeness, and imminence, an act which would otherwise be illegal becomes legal if it is done bona fide under stress of necessity, the necessity being referable to an intention to preserve the Constitution, the state, or the society, and to prevent it from dissolution, and affirms.....that necessity knows no law.....necessity makes lawful which otherwise is not lawful”¹⁰.

In October 1958, Chief Justice Muhammad Munir called President Iskander Mirza’s dissolution of the 2nd Constituent Assembly and abrogation of 1956’s Constitution, a ‘legalized illegality’ meaning thereby that a victorious revolution and a successful coup d’etat¹¹ is a recognized legal method of changing a constitutional government. The observation by Justice Munir in *Dosso versus*

8 Constitutions of Pakistan 1956, 1962, 1973

9 *Maulvi Tamizuddin Khan vs. Federation of Pakistan* PLD 1955, Sindh, p. 96

10 Ref: PLD 1955 FC 240

11 French for “stroke of state”, a sudden overthrow, often violent, of an existing government by a group of conspirators (in or previously in position of authority) – *Britannica Concise Encyclopedia*. Also defined as sudden unconstitutional deposition of a legitimate government usually by a small group of existing state establishment, typically the military, to replace the deposed government with another, either civil or military – *Wikipedia*



Pakistani police woman in front of the parliament prior to presidential election polls in Islamabad, 6 October 2007

the Federation of Pakistan¹², that a successful coup is a legal method of changing a constitution, sets the basis for the Commander-in-Chief of Pakistan Army, General Ayub Khan, to takeover the government from Iskandar Mirza. Ironically, the military takeover by General Ayub Khan on October 27, 1958, took place one day after the decision of the court was announced. Upon retirement, Justice Munir was to accept a government job in Tokyo and then a cabinet position under General Ayub Khan's government.

It is interesting to note that the military rulers failed to even follow the rules laid down in the constitutions which they architected themselves. For instance, General Ayub Khan himself violated his own constitution by handing over power to the Commander-in-Chief of Army, General Yahya Khan, instead of the National Assembly Speaker, as was provided for the transfer of power in the Constitution of 1962. General Yahya Khan introduced a 'Legal Framework Order' containing the rules relating to the holding of general elections and framing of the future constitution. However, his rule ended on the 20th of December 1971, with the fall of Dacca.

In September 1977, Chief Justice of Pakistan Muhammad Yaqub Ali Khan admitted a petition by Begum Nusrat Bhutto, challenging the detention of constitutionally elected Prime Minister Zulfikar Ali Bhutto. The Bhutto government was overthrown on July 5, 1977, by the then Chief of Army Staff General Muhammad Ziaul Haq Zia, who imposed martial law within days, forced Chief Justice Yaqub Ali Khan to retire and make room for his handpicked officer of administrative cadre, Sheikh Anwarul Haq.

It has been reported in the media that the new Chief Justice took his oath of office along with other Supreme Court judges, omitting the paragraph in the oath laid down in the 1973 Constitution whereby the Supreme Court judges swear to "preserve, protect and defend the constitution". By this contrived deliberate manner, the judges ceased to function as constitutional judges and were absolved from keeping faith with the oath they had sworn earlier¹³.

By November 10, 1977, a nine-member bench of the Supreme Court of Pakistan, headed by Chief Justice Sheikh Anwarul Haq, unanimously validated

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- 12 "It sometimes happens, however, that the Constitution and the national legal order under it, is disrupted by an abrupt political change not within the contemplation of the constitution. Any such change is called a revolution, and its legal effect is not only the destruction of the existing constitution but also the validity of the national legal order.....Thus, the essential condition to determine whether a constitution has been annulled is the efficacy of the change...Thus, a victorious revolution, or a successful coup d'etat is an internally recognized legal method of changing a constitution.....If what I have already stated is correct, then the revolution having been successful, it satisfies the test of efficacy and becomes a basic law-creating factor". (Ref: PLD 1958 SC 533).
- 13 'Judicial Murder of a Prime Minister' Tariq Aqil; December 7, 2004; www.Chowk.com

the imposition of martial law under the ‘doctrine of necessity’. The judgment¹⁴ provided cover to the unconstitutional act of General Ziaul Haq and even gave him authority to make changes¹⁵ in the constitution.

Judiciary’s struggle for independence?

One also finds that the judges of the superior courts asserted their independence only when they found room and no military dictator in sight to challenge. For instance, in the Asma Jilani versus the Government of Punjab¹⁶ case, the court did declare the imposition of martial law by General Yahya Khan as illegal. The

14 Excerpts from the judgment ‘...after massive rigging of elections followed by complete breakdown of law and order situation, bringing the country on the brink of disaster, the imposition of martial law had become inevitable the court would like to state in clear terms that it had found it possible to validate the extra constitutional action of the Chief Martial Law Administrator (CMLA) not only for the reason that he stepped in to save the country at a time of grave national crisis and constitutional breakdown, but also because of the solemn pledge given by him that the period of constitutional deviation shall be of as short a duration as possible’

‘It will be seen that the declared objectives of the imposition of Martial Law are to create conditions suitable for the holding of free and fair elections in terms of the 1973 constitution, which was not being abrogated, and only certain parts of which were being held in abeyance....’

‘It is true that owing to the necessity of completing the process of accountability of holders of public offices, the holding of elections had to be postponed for the time being but the declared intention of the Chief Martial Law Administrator still remains the same namely, that he has stepped in for a temporary period and for the limited purpose of arranging free and fair elections so as to enable the country to return to a democratic way of life.’

‘In the presence of these unambiguous declarations, it would be highly unfair and uncharitable to attribute any other intention to the Chief Martial Law Administrator, and to insinuate that he has not assumed power for the purposes stated by him, or that he does not intend to restore democratic situations in terms of the 1973 constitution’. Ref: PLD 1977 SC, pp. 673- 674.

15 “It may not be out of place to mention that CJ Anwarul Haq had sent his decision to Gen Zia ul Haq Chief Martial Law Administrator, for prior approval. On seeing the said draft, Gen Zia got angry and returned it with remarks that “why the Chief Justice had not given him the authority to make changes in the Constitution?” The said Chief Justice got his office of the Supreme Court opened in the same evening, made the desired changes and had sent to Gen Zia again for approval. That decision was read over next day and Mr ZA Bhutto was hanged on the basis of the same decision. (Column by Dr Safdar Mahmood: Daily Jang London dated 5th July 2007)

16 Asma Jilani Vs Government of the Punjab PLD 1972 SC, p. 139

court observed that the actions of General Yahya Khan were not justified by the revolutionary legality doctrine¹⁷.

Taking the issue further, Justice Yaqub Ali Khan concluded that judgment in Tamizuddin Khan¹⁸ case of 1955 and Dosso¹⁹ case of 1958 made “a perfectly good country...into a laughing stock, and converted the country into autocracy and eventually ...into military dictatorship”²⁰. He criticized the abrogation of 1956 Constitution and observed that Isikandar Mirza and Ayub Khan committed treason and destroyed the basis of representation between East and West Pakistan. Unfortunately, the decision²¹ came at a time when one military ruler was dead while the other had ceased to hold office.

A similar eventuality took place in the case of the Federation of Pakistan versus Haji Saifullah²², when the Supreme Court declared the dissolution of the National Assembly by General Ziaul Haq as invalid, but this also happened when the dictator was dead for over a year²³. It was also reported that Ejazul Haq, son of General Ziaul Haq, who also served as a federal minister under General Musharraf, was apparently angered by the court decision and publicly boasted²⁴ that had his father been alive, such a judgment could not have been delivered.

History was to repeat itself when Chief of Army Staff, General Pervez Musharraf, was to overthrow the government of Prime Minister, Mian Muhammad Nawaz Sharif on October 12, 1999. In the immediate aftermath of the coup, the judiciary was purged of judges who might have opposed the military’s unconstitutional assumption of power. The purge was accomplished by requiring judges to take an oath to General Musharraf’s Provisional Constitutional Order – an oath that required judges to violate oaths they all had previously taken to uphold the 1973 Constitution.

In January 2000, acting under the powers arrogated unto him as ‘Chief Executive’ vide the Proclamation of Emergency dated October 12, 1999, and the Provisional Constitution Order 1999, General Pervez Musharraf promulgated the Oath of Office (Judges) Order 2000 to weed-out judges of the superior courts²⁵. The

17 “With the utmost respect, therefore, I would agree with the criticism that the learned Chief Justice (Mohammad Munir CJ) not only misapplied the doctrine of Hans Kelsen, but also fell into error that it was a generally accepted doctrine of modern jurisprudence. Even the disciples of Kelsen have hesitated to go far as Kelsen had gone...I am unable to resist the conclusion that Mohammad Munir erred both in interpreting Kelsen’s theory and applying the same to the facts and circumstances of the case before him. The principle enunciated by him is wholly unsustainable.” (Ref: PLD 1972 SC, p. 139)

18 Federation of Pakistan Vs Maulvi Tamizuddin Khan, PLD 1955 FC 435

19 State Vs Dosso PLD 1958 SC, p.533

20 Judicial History of Pakistan; South East Asia Monitors; www.seamonitors.org

21 Asma Jilani Vs The Government of Punjab, PLD 1972 SC, p. 139

22 Federation of Pakistan Vs Haji Saifullah Khan, PLD 1989 SC ,p.166

23 General Ziaul Haq was killed in a plane crash near Bahawalpur in August 1988.

24 Pakistan Judiciary Hit by Cancer; South Asia Tribune; 7-13 September 2003, Issue 58.

25 Five judges of the Supreme Court including Chief Justice Saeeduz Zaman Siddiqui, Justice Nasir Aslam Zahid, Justice Khalilur Rehman Khan, Justice Mamoon Kazi and Justice Wajihuddin Ahmed chose to decline to take oath under the said order.

reconstituted court lost no time in reversing gears. Its judgment in the case of Zafar Ali Shah²⁶ validated the takeover of the government by General Musharraf. It is, indeed, an ironic comment on the times in which we live that the then Chief Justice of Pakistan, Irshad Hasan Khan, openly flaunted and distributed the copies of his infamous judgment at international judicial conferences to demonstrate his genius in jurisprudence (Malik, 2008).

After the judgment in Zafar Ali Shah's case, the superior courts pronounced a number of decisions validating the referendum that installed Pervez Musharraf as the President of Pakistan. Notwithstanding the fact that he continued to don the military uniform and the 17th Amendment, it is interesting to note how blatantly the judges and the dictators watched each others interest. For instance, in the Zafar Ali Shah case, the Supreme Court had granted three years to General Musharraf to hold elections and restore the Constitution and, in turn, General Musharraf gave three-year extension in service to the then incumbent judges.

Though Musharraf managed to secure legal cover for his unconstitutional acts, it was, at last, not without resistance as five judges of the Supreme Court, including the then Chief Justice Saeeduz Zaman Siddiqui, declined to take a fresh oath to office. It is, nonetheless, again ironic that the ultimate challenge that Musharraf faced, which eventually led to his resignation, came from none other than the Chief Justice, Iftikhar Muhammad Chaudhry, who as a judge of the Supreme Court between 2000 – 2005, sat on the four pivotal benches that actually validated military takeover by General Musharraf, his referendum, his Legal Framework Order and the 17th Constitutional Amendment: that gave General Musharraf additional powers as President, and allowed him to continue as the army chief. Justice Chaudhry voted with the majority on each bench.

There was nothing special in the rise of Iftikhar Muhammad Chaudhry to the rank of Chief Justice of Pakistan. Born to a working-class family in the Southern city of Quetta in 1948, he graduated from a local university before starting legal practice in 1974. He became qualified for legal practice at the Supreme Court in 1985, and in 1989 was appointed as Advocate General of Balochistan. Chaudhry served as a judge of the Balochistan High Court in 1990, and was elevated to the rank of Chief Justice in April 1999. He became a judge of the Supreme Court of Pakistan in February 2000 and on June 30, 2005, was appointed as the Chief Justice of Pakistan by no other but President Pervez Musharraf himself. For the next five years, Justice Chaudhry, remained a part of the judiciary that stamped legality on the military coup and many other acts of the military ruler.

It was in this backdrop that it came as a surprise when Chief Justice Iftikhar Muhammad Chaudhry refused to step down on the demand of the military ruler and decided to contest the charges. This was for the first time that a military ruler, who enjoyed the support of the international powers had been challenged by a Chief Justice and the 'No' to General Musharraf changed the status of Chief Justice Chaudhry, from the ranks of the ordinary to that of a hero.

26 Zafar Ali Shah Vs. Federation of Pakistan – PLD 2000 SC, p. 869

3. Conflict and the struggle

Bones of contention

Important is to briefly explain the factors that led to General Musharraf's dislike for the Chief Justice, and created an environment of mistrust for the judiciary within the military establishment: the differences led to the removal of a Chief Justice who had arisen from the shadow of General Musharraf himself, and had been part of the judiciary that provided legal cover to his military coup and strengthened his hands to run the country as he pleased.

On assuming charge as the Chief Justice of Pakistan, Iftekhhar Muhammad Chaudhry became the youngest ever to reach the prestigious office. The Chief Justice started taking keen interest in issues of public interest and began with the process of hearing public interest cases through suo moto actions, primarily on reports appearing in the media. He also set up an independent Human Rights Cell at the Supreme Court to hear cases of such nature. The other judges followed the Chief and soon the judges were hearing cases in which the complainant had not even approached the court for help. One of the doings that he reportedly took pride in was reducing the backlog of 26,000 cases that were pending, when he assumed the office, to 10,000. The Supreme Court lawyer Muneer A. Malik writes in his book "I must confess that I came away with the feeling that he was obsessed with speedily reducing the backlog of cases and that it would be very difficult to reconcile his obsessions with the demands of the bar that the lawyers must be given ample opportunity and time to present their case before the court of last resort" (Malik, 2008).

In a majority of the suo moto actions, the guilty turned out to be the government and its functionaries. For instance, the Chief Justice annulled the privatization of Pakistan Steel Mills terming it detrimental to the interest of Pakistan. The deal had been finalized by the then Prime Minister Shaukat Aziz at a price, which was later reported in the media, to be even less than the value of the land on which the infrastructure was built. Similarly, the Chief Justice also ordered to halt development activities in the New Murree tourist resort area that had been initiated without conducting the necessary environmental impact assessment. The issue had been raised by non-governmental organizations, environmentalists and the media that the environmental cost of the project would be extremely high, and Pakistan would lose the last surviving pine forests reserves that recharge the underground water reservoirs. The decision by Chief Justice Iftekhhar Muhammad Chaudhry effectively put an end to the project.

As the Supreme Court continued to assert its independence, a conflict arose following the election of the Supreme Court Bar Association (SCBA). The pro-government candidate Malik Muhammad Qayyum, who was forced to resign as the Judge of the Lahore High Court, on misconduct charges several years ago, announced his success while the results were in favour of advocate Muneer A. Malik. A petition was filed before the Chief Justice and the court decided in favour

of Muneer A. Malik, despite being pressurized by the pro-government lawyers to favour Malik Qayyum. This was to become the most important decision since it was Muneer A. Malik serving as President of SCBA when General Musharraf removed the Chief Justice, and despite all the reservations, he convinced the Bar to support the Chief Justice.

This is the Chief Justice who hailed from Balochistan where the military had launched an operation against nationalist organizations; where hundreds of people had been taken into custody without legal justification; and where, in a large number of cases, the detentions were not even on record. Similarly, in pursuance of the so called 'war on terror' the law enforcement agencies had picked up suspects from across the country, not admitting they were being held in custody. Henceforth, the Chief Justice took note of the illegal detentions and the case became popular as the 'missing persons case'. Ensuring that the administrative and policing system deliver according to the law in such cases, it often necessitated harsh handling of officials in the court. As a result, Chief Justice Chaudhry grew increasingly unpopular within the official circles, but at the same time became a favourite of human rights groups that kept on approaching the court whenever wronged by the state. The actions of the Chief Justice sent a clear message to the government that the judiciary was beginning to carve out its independence, even if that meant taking actions that were contrary to the interest of the rulers.

Nonetheless, public confidence in the sincerity of the court actions remained rather shaky. Senior lawyer Muneer A. Malik writes in his book:

"... that there existed a level of mistrust among the lawyers' community regarding Chief Justice Iftekhar Muhammad Chaudhry, since despite his judicial activism the CJ had arisen from Musharraf's shadow. He had taken oath under Musarraf's first Provincial Constitution Order and some of the judgments of the Supreme Court (Pakistan Lawyers Forum PLD 2002 Supreme Court (SC) 853 and Qazi Hussain Ahmad case PLD 2005 SC 719 pertaining to General Musharraf's Referendum) were not encouraging for the Bar. There was a widespread feeling at the time that the on-going judicial activism of the Supreme Court was a conscious effort to raise the morale and credibility of the court in the eyes of the public, so that it could later uphold General Musharraf's attempt to get elected as President in uniform by the existing assembly without attracting too much public condemnation" (Malik, 2008).

However, things changed and the lawyers' bodies decided to support the Chief Justice when, unlike the three previous chief justices, Justice Chaudhry

stood firm and preferred to face the charges against all the odds²⁷, instead of accepting the easy way out and quit as demanded by the military ruler on March 9, 2007.

The conflict begins

On February 27, 2007, advocate Naeem Bokhari of the Supreme Court, and a celebrated television host, posted an 'open letter' on the internet leveling serious allegations against the Chief Justice of Pakistan. The close association between Bokhari and President Musharraf was a fact known to all. In the letter, he accused the Chief Justice of insisting on protocol to which he was not entitled; using his influence and office to advance the career of his son; signing judgments that were not in consonance with short orders dictated in open court, and favouring

27 In Constitutional Original Petition (COP) 21 of 2007, Chief Justice of Pakistan Vs The President of Pakistan and others, the Chief Justice filed a sworn affidavit stating that Pervez Musharraf insisted that he resign but the Chief Justice resolutely said, "I wouldn't resign and would face any Reference since I am innocent, I have not violated any code of conducted or any law, rule or regulation; I believe that I am myself the guardian of law. I strongly believe in God who will help me. This ignited the Respondent who stood up angrily and left the room along with his Military Secretary, Chief of Staff and the Prime Minister, saying that others would show him the evidence. The Director General Military Intelligence, the Director General of Inter Services Intelligence and the Director General Intelligence Bureau did not show him a single piece of paper and all except the DGIB insisted that he resign. The Chief Justice was kept there against his will till past 5pm.

some counsels over others. It also accused the Chief Justice of humiliating high-ranking civil servants and police officers when they appeared before him²⁸.

Referring to Naeem Bokhari's 'open letter' to the Chief Justice, Muneer A Malik writes:

“Later, it became clear that this letter was inspired and motivated by those who felt that the Chief Justice had become ‘too big for his boots’ and could not be expected to deliver ‘positive results’ in a number of far-reaching constitutional issues that were to come up before the apex court in 2007, particularly the cases relating to the holding of two offices by Pervez Musharraf (the office of the President and that of the Chief of Army Staff), the fixation of prices by pharmaceuticals and oil and gas companies, the holding of dual nationality by holders of public offices and the equivalence of degrees awarded by Deeni Madaris. It was an attempt to test the waters and lay the ground for the Reference to follow. The establishment – which considered itself as sacrosanct and above all accountability – considered that the Chief Justice was encroaching on their executive power” (Malik, 2008).

Given such wrangling, it did not come as a surprise to many when on March 9, 2007, the Chief Justice of Pakistan was called to the official residence of General Pervez Musharraf, where the military ruler charged him with misconduct and misuse of authority and asked the Chief Justice to resign from the office. Also present in the meeting were, besides Prime Minister Shaukat Aziz, the Director

28 Excerpts of the letter; “I am not perturbed by your insistence on protocol (despite my belief that the Chief Justice would rise in the eyes of everybody if he walked from his residence to the court and hooters, police escort, flags is just fluff not the substance of an office).”

“I am mildly amused at your desire to be presented a guard of honour in Peshawar. I am titillated by the appropriation of Mercedes Benz car or is it cars....”

“I am not perturbed that Dr. Arsalaan (your son) secured 16/100 in the English paper for the Civil Services Examination, that there is some case against him in some court in Baluchistan, that from the Health Department in Baluchistan he has shifted to FIA, that he has obtained training in the Police Academy, that he reportedly drives a BMW 7-Series car, that there is a complaint against him with the National Accountability Bureau.”

“I am appalled that you announce decisions in Court, while in the written judgment an opposite conclusion is recorded.”

“My grievances also concern the manner in which the last and highest court of appeal is dispensing justice, under your leadership”.

“The way in which My Lord, conducts proceedings is not conducive to the process of justice. In fact, it obstructs due process and constitutes contempt of the Supreme Court itself.”

“I am pained at the wide publicity to cases taken up by My Lord in the Supreme Court under the banner of Fundamental Rights”.

“My Lord, this communication may anger you and you are in any case prone to get angry in a flash, but do reflect upon it. Perhaps you are not cognizant of what your brother judges feel and say about you”.

“I hope you have the wisdom and courage to make these amends and restore serenity, calm, compassion, patience and justice tempered with mercy to my Supreme Court.”

General of Intelligence Bureau, Director General of Military Intelligence, Director General of Inter-Services Intelligence, and General Musharraf's Military Secretary and Chief of Staff. However, Chief Justice declined to resign which enraged General Musharraf who left the room saying that DGs of MI, IB and ISI would show him the evidence, which none of them was able to do. Still, they detained the Chief Justice at the Army House for nearly five hours and DG IB, Brigadier (retired) Ejaz Shah, a close friend of General Musharraf, continuously insisted that the Chief Justice should tender his resignation.

By the time the Chief Justice was allowed to leave the Army House, his protocol had been withdrawn and later he was barred, along with his family members from leaving the house or receiving guests. This was not the first time that a Chief Justice had been removed from the office by a military dictator. The same had occurred on three earlier occasions: Chief Justice of Pakistan Muhammad Yaqub Ali Khan²⁹ was removed in 1977 by General Ziaul Haq; Chief Justice Sheikh Anwarul Haq³⁰ was removed from the office in 1981; while in the year 2000, Chief Justice Saeeduz Zaman Siddiqui³¹ was removed from office by General Pervez Musharraf.

However, the case of Chief Justice Chaudhry presented a different situation as the lawyers announced a three-day-protest and a complete strike of courts to condemn the attack on the judiciary. Protest rallies were staged across the country and lawyers boycotted the courts. On March 12, 2007, a clash took place between the lawyers and the police in Lahore, which left several people injured and set the tone for highly charged protest rallies that were to follow.

Consequently, on March 13, 2007, a large crowd turned up at the Constitutional Avenue in support of the Chief Justice, as he was brought to the Supreme Court, to be produced before the Supreme Judicial Council for the first time after his suspension. The police tried to stop the Chief Justice from moving towards the Supreme Court and blocked his way, manhandling him, pulling him by his hair and forcing him in a car. The images were broadcast live on the television channels, and the next day every newspaper carried the picture of an official of Islamabad police pulling the Chief Justice by his hair, on the front page. The live coverage of events drew the annoyance of the government, and the backlash

29 Chief Justice Muhammad Yaqub Ali Khan assumed the office of Chief Justice of Pakistan on November 1, 1975. He ceased to hold office following certain legal amendments introduced by military dictator General Zia ul-Haq on September 22, 1977. Justice Yaqub Ali had held a previous martial law by General Yahya Khan ultra-vires to the constitution of Pakistan.

30 Chief Justice Sheikh Anwarul Haq was an officer of the administrative and was handpicked by General Ziaul Haq for the job and replaced Chief Justice Muhammad Yaqub Ali Khan. However, he refused to take oath under Provisional Constitution Order, 1981, issued by General Ziaul Haq, the then Chief Martial Law Administrator, and ceased to hold office.

31 Justice Saeeduz Zaman Siddiqui was Chief Justice of Pakistan during the 1999 military coup by General Pervez Musharraf. He defied the demand to take a fresh oath under the Oath of Office (Judges) Order 2000 promulgated by General Pervez Musharraf. As a consequence he ceased to be the Chief Justice of Pakistan.

came within days: the police entered the office of a television channel in Islamabad on March 16, 2007, causing huge losses to the infrastructure and injuries to the staff, effectively disrupting the live coverage of the police action on a protest rally.

Meanwhile, General Musharraf appointed Justice Javed Iqbal as the acting-Chief Justice of Pakistan, without requesting or waiting for Justice Rana Bhagwandas, the then senior most judge of the Supreme Court, who was on a personal visit to India. The fact became part of the heated debates in the print and electronic media, and the government was forced to appoint Justice Bhagwandas as acting-chief justice on March 22, 2007, soon after his return to Pakistan. Many felt that the restoration of the Chief Justice was only a matter of technicality, once the office was in the hands of Justice Bhagwandas, known for his courage and unbiased commitment to the rule of law.

While this situation was on, a team of lawyers that was representing the Chief Justice had filed a petition in the Supreme Court of Pakistan, challenging the decision of General Pervez Musharraf. Concurrently, the lawyers' leadership also decided to take the matter to the public and hold seminars and rallies across the country. This action of the lawyers' community, and acceptance of invitations by the Chief Justice to address various bar councils, drew harsh criticism from the government, accusing the lawyers of politicizing a legal issue.

It was highly encouraging to note that the majority of the serving judges of high courts attended the seminars or events where Chief Justice Iftikhar Muhammad Chaudhry was invited as chief guest. At these fora, the Chief Justice spoke on topics ranging from supremacy of the rule of law to independence of judiciary, while the Lawyers' Movement leaders discussed the entire rule of law, attempts to muzzle the judiciary, relationship between the civil and military bureaucracy, importance of democracy and independence of judiciary, amongst other issues in highly political tones, striking a cord with the public at large.

Notwithstanding that the electronic media played an important role in the success of the visits by providing extensive live coverage. For instance, the media started coverage of the Chief Justice as he left his residence in Islamabad for Lahore, at around 9 a.m. on May 5, 2007, to address a seminar at the invitation of Lahore Bar Council. The Chief Justice was accorded a huge reception at every town on the highway leading to Lahore, and 16 sitting judges of the Lahore High Court remained present at the venue throughout the night as the Chief Justice's cavalcade arrived at the venue on the morning of May 6, 2007. It took the Chief Justice nearly 24 hours to get from Islamabad to Lahore, which would have otherwise taken around 5 hours.

A similar level of coverage was witnessed on May 21, 2007, when the Chief Justice was to address a seminar at the Karachi Bar Association, but was sent back from the Karachi airport after waiting for several hours. As usual, the news channels started the live coverage of Chief Justice, leaving his Islamabad residence, reaching the airport and getting on board a plane to Karachi. However, things were to take a sad twist as clashes erupted across Karachi between the

workers of various political parties who supported the Chief Justice and the pro-Musharraf Muttahida Quami Movement (MQM), which had categorically announced that it would not allow the Chief Justice to visit Karachi.

The scenes of armed gunmen freely moving around and committing acts of violence with policemen in view, was sufficient to establish that it all carried the tacit approval, if not the all-out support of the government. The office of a news channel, which was broadcasting the activities of armed men attacking private property, came under heavy fire for several hours and the horrifying scenes were witnessed around the country. By the end of the day, more than 51 people had lost their lives with over one hundred and fifty injured, along with a huge loss to public and private property. The strikes called by the lawyers and political parties in the days to come, to protest the carnage were to paralyze the country, sending a clear signal to the military ruler that he was fast losing control.

Leading the lawyers

It would be unfair if we fail to mention the important role the lawyers' leadership played in the success of the movement, and eventually the restoration of all the members of the judiciary that were deposed by General Pervez Musharraf. While it is not possible to identify all the people who provided leadership to the lawyers across Pakistan, and consequently suffered financial and emotional losses, but those who played a role deserve deeply-felt acknowledgment. The list of such people includes the names of SCBA President 2006-07 Muneer A. Malik, SCBA President 2007-08 Chaudhry Atizaz Ahsan and SCBA President 2008-2009 Ali Ahmad Kurd, Justice (retired) Tariq Mahmood, Baz Muhammad Kakar, Ather Minallah, Hamid Khan, Hadi Shakeel Ahmad, Rasheed Rizvi and many others. The lawyers' leaders engineered a highly successful movement and achieved the difficult task of bringing different sections of the society on a single agenda – restoration and independence of the judiciary – which they achieved without firing a single shot or resorting to violent means.

International recognition

Similarly, the Lawyers' Movement also received support of the lawyers and human rights organizations from across the globe. Many bar associations and leading lawyers demanded the restoration of the deposed Chief Justice that increased pressure on the military government. At the same time, Justice Chaudhry became the third man in history to have been conferred with the prestigious 'Medal of Freedom' at the Harvard Law School, in recognition of his individual efforts to uphold the legal system's fundamental commitment to freedom, justice and equality. The past recipients of the award included the legendary anti-apartheid leader Nelson Mandela, and the team of litigants that contested Brown versus the Board of Education, that brought an end to racial segregation at educational institutions in the United States of America. The New York City Bar Associa-

tion granted the Justice Chaudhry, an honorary membership as a symbol of the movement for judicial and lawyer independence in Pakistan. The Chief Justice also received the 'Lawyer of the Year' award from the New York-based periodical *The National Law Journal* for the year 2007. This all happened while the struggle for the restoration of the deposed judiciary was in process.

Restoration of the Chief Justice

The increasing public support for the Chief Justice and the growing crowds at the hearings, coupled with charges against the Chief Justice that carried no weight, turned the tables on General Musharraf, and on July 16, 2007, the government lawyers dropped the charges of misconduct against the Chief Justice. Four days later, on July 20, 2007, a 13-member bench of the Supreme Court of Pakistan restored the Chief Justice to his position. It was the first time ever in Pakistan's judicial history that a judge removed by a military dictator was back in office, and that too at a time when the dictator who threw him out of office was still in 'command'. The restoration of the Chief Justice was celebrated jubilantly throughout the country and what pleased people the most was the manner in which the Supreme Court had asserted its independence.

4. Power and resistance

On restoration, Iftexhar Muhammad Chaudhry resumed work as the Chief Justice of Pakistan on July 21, 2007. Following the restoration of the Chief Justice, preserving and enhancing the independence of judiciary became the primary objective of the Lawyers' Movement. The lawyers' community vigilantly monitored the limits of the judicial independence of the superior judiciary through public interest litigation.

Some observers criticize the Lawyers' Movement for attempting to create circumstances where the judiciary was seen as a major threat to the military establishment, and having had created a constitutional crisis by challenging General Musharraf's presidential election in the Supreme Court. However, it cannot be denied that it was the admittance of such cases for hearing, for the court to establish that the judiciary was finally independent, and secondly, had the courts declined to hear petitions against General Musharraf, it would have eroded the public confidence it had gained over the months.

During the period between July 21, 2007 and November 3, 2007, the Supreme Court dealt with several cases that had far-reaching impact, some of which are briefly explained here.

Electoral rolls case

On July 26, 2007, a Supreme Court bench 1, took up a petition filed by Benazir Bhutto against the Election Commission of Pakistan, accusing the government

of committing institutionalized fraud by omitting the names of 22 million voters from the electoral rolls. It was contended that the voters' list in 2002 general elections carried the names of 74 million voters, while the current list contained the names of only 52 million voters. The court gave guidelines to the Election Commission to ensure inclusion of names of the 22 million excluded but eligible voters, and to ensure that women in the FATA are not omitted from the list of voters.

Suo Moto jurisdiction and fundamental rights cases

Chief Justice Iftexhar Muhammad Chaudhry had, on several occasions, spoken on the benefits of exercising the suo moto jurisdiction to empower the people and provide relief against systematic abuse of their fundamental rights. As reported in the media, the Chief Justice said that the civil society played an important role in the struggle for the independence of the judiciary, and the onus was now on the judiciary to protect the rights of the common man, and that the judiciary should redouble its efforts³².

In one case, the court took up the complaint of a person who contended that one of his kidneys had been removed, without his consent, by the doctors working on behalf of an organized gang involved in the sale of human organs. The court took the government to task and ordered it to take action against those involved in the trade, and directed that legislation to check this evil be taken up as a top priority in the next cabinet meeting.

In another complaint, the Capital Development Authority had leased out urban lands in Islamabad and its vicinity to influential person under the guise of leases for agricultural purposes. The court ordered the CDA to conduct a survey to determine the facts and take appropriate action in case of violation.³³ Besides, the Supreme Court also took suo moto notice of several cases of women rights violations, taking some of the most influential people in Pakistan to task for human rights abuses.

Missing persons case

During the hearing of a petition filed by Human Rights Commission of Pakistan and other complainants on August 20, 2007, a Supreme Court bench directed the government to file a clear statement on missing persons still to be recovered, and warned the Director General Federal Investigating Agency to produce a missing person, Hafiz Abdul Basit, or be prepared to go to jail. Several people, including Hafiz Abdul Basit, were recovered before the next hearing of the case.

³² Dawn Newspaper, August 31, 2007

³³ Dawn Newspaper, October 12, 2007. Those allotted land included General Pervez Musharraf, Prime Minister Shaukat Aziz, PML-Q Chief Chaudhry Shujaat Hussain and Chairman Senate Mian Muhammad Soomro.

It was surprising to note that on each hearing, the authorities were mysteriously able to trace more missing people. The court was informed by the Additional Advocate General that of the 416 missing persons, as many as 181 had been traced³⁴, of which 90 belonged to Balochistan. The bench hearing the missing persons' case expressed its dissatisfaction on the efforts made to recover the missing persons, and warned that it would summon the heads of ISI and MI if the government representative was unable to inform the court about the whereabouts of the missing persons. However, the court's efforts came to a halt following the imposition of Emergency.

The return of the Sharif brothers

Two petitions were filed in the Supreme Court on August 2, 2007, on behalf of the former Prime Minister, Mian Nawaz Sharif and his younger brother, former Chief Minister of Punjab Mian Shahbaz Sharif, challenging their forced exile from the country. On August 23, 2007, a seven-member bench declared that the Sharifs had the inalienable right to return to their country and directed the government not to obstruct their return. However, when Nawaz Sharif landed in Islamabad on September 10, 2007, he was served with an arrest warrant and instead of producing him before a court of law, he was transported to Saudi Arabia against his will.

The Sharif brothers moved a contempt of court petition against Prime Minister Shaukat Aziz and others, and the court took serious notice of the events. It directed the Chairman PIA and CAA to submit details of the events that occurred on the day Mian Nawaz Sharif landed at the airport, and provide the directive under which he was transported to Saudi Arabia. The court also warned that, if necessary, the Prime Minister would be summoned to explain the reasons for non-compliance of the court orders. The contempt proceedings were pending before the court when General Musharraf imposed Emergency.

Holding of dual offices by General Musharraf

A number of petitions had been filed with the Supreme Court, challenging the holding of dual office of the President and Chief of Army Staff by General Musharraf. It was being demanded that the court should bar General Musharraf from holding two offices simultaneously as it was in clear violation of the constitution. An 11-member bench of the Supreme Court conducted several hearing in the petitions, amid increasing rumours, that a martial law might be imposed by General Musharraf to consolidate authority. However, even at a hearing conducted on November 2, 2007, the attorney general representing the government denied reports of the imposition of martial law.

34 Dawn Newspaper, October 11, 2007



Independence day anniversary in Hyderabad, 14 August 2009

Declaration of emergency by General Musharraf

However, a state of Emergency was indeed declared on November 3, 2007, by General Musharraf perhaps fearing an unfavourable verdict on the holding of the dual office, thus sending the entire judiciary home. There is no known precedent in the past to show such an action of a military dictator being challenged by the court or the public. Perhaps, it was different this time, as it was suspended by a seven-member-bench of the Supreme Court of Pakistan, which the army troops had to remove from the court and place under house arrest.

The dissent by the judiciary also showed a marked increase as compared to previous impositions of martial law. For instance in 1977, only one judge was removed from the office under the martial law, compared to sixteen judges that were removed under the Provisional Constitution Order 1981. In the year 2000, the military government removed thirteen judges under the PCO 2000, and when a state of Emergency was imposed on November 3, 2007, and judges were required to take a fresh oath under the PCO 2007, as many as 43 judges of the High Courts and Supreme Court declined.

As aptly noted by an analyst, the Lawyers' Movement had succeeded in infecting the majority of the superior judiciary with the constitutional disease of independence, and the general public had also realized that an independent judiciary was necessary for a democratic set up in the country. The political parties and the general public response to the imposition of Emergency also remained highly encouraging, and unlike the 1958, 1969, 1977 and 1999 silence, the imposition of martial law was, for the first time, faced with public resistance.

With Chief Justice Chaudhry and several other senior members of the judiciary taken into custody and later put in detention at their homes, General Musharraf appointed Justice Abdul Hameed Dogar as the new Chief Justice of Pakistan under the PCO 2007. For that matter, almost the entire leadership of the Lawyers' Movement was put in detention, other than several hundred active lawyers who were imprisoned without any resource to justice. Several leading human rights activists and members of the civil society were also among those sent to prison. Former Prime Minister Benazir Bhutto expressed her opposition to the Emergency and in defiance to the threats of an arrest, the former Prime Minister Mian Nawaz Sharif and Mian Shahbaz Sharif, landed at the Lahore airport on November 25, 2007, to a thunderous reception. Hundreds turned up at the airport to receive the exiled leaders and they moved through the city in a form of a procession for several hours, displaying the support they enjoyed among the masses.

In an attempt to strengthen grip over power, the military government also targeted the media, and soon after the imposition of Emergency, put all the news and current affairs channels off air. However, the tide of opposition to Musharraf rule continued to rise and amid intense local and international pressure, General Musharraf stepped down as the army chief on November 28, 2007, making room for the former DG ISI, General Pervez Ashfaq Kayani, as the new Chief of Army

Staff. However, under continued and sustained pressure, General Musharraf lifted the state of Emergency on December 15, 2007, reaffirming his commitment to hold the general elections as scheduled on January 8, 2008. There is no doubt that the rule of President Musharraf suffered a huge setback when Former Prime Minister Benazir Bhutto was assassinated in Rawalpindi on December 27, 2007, shortly after addressing an election rally. The government blamed the Tehrik-e-Taliban Pakistan for the assassination, while the public held Musharraf for the negligence, which led to the assassination.

Impact on General Elections 2008

For many, the ninth general election in Pakistan held on February 18, 2008, were perhaps the first ever in the country's history that were issue based, with a clear agenda about what the public wanted. Before the people of Pakistan went to the polls, there was a general impression that it would be a split mandate with Pakistan People's Party (PPP) benefiting from the sympathy vote following the assassination of Benazir Bhutto. While the pro-Musharraf Pakistan Muslim League – Quaid-e-Azam (PML-Q) was believed to be in a better position as compared to the Pakistan Muslim League – Nawaz (PML-N), of the former Prime Minister Mian Nawaz Sharif. More than 20 smaller parties and the Lawyers' Movement boycotted the elections. The PPP and PML-N had voiced their support for the independence of judiciary, and Iftekhar Muhammad Chaudhry and many others believed, as stated, that this factor contributed towards their performance in the election. The PML-N had, in fact, made restoration of the Chief Justice part of their election manifesto³⁵.

By the end of the polling, it was clear that the electorate had en-mass rejected the pro-Musharraf PML-Q. The PPP secured the highest number of National Assembly seats followed by the PML-N, while the PML-Q traded far behind in the third position³⁶. It is important to note that as many as 22 former federal ministers lost their seats, while the President of the PML-Q and the Speaker of the National Assembly³⁷ were among those whose security was forfeited.

Analysts have identified five major factors that contributed towards changing the political landscape of the country, and stripping off the pro-Musharraf PML-Q of power. The following comprise these factors:

- Military operations in Balochistan and tribal regions.
- Removal of Chief Justice of Pakistan.
- Increased political awareness, especially due to the revolution in electronic media.
- The role of civil society organizations, contributing towards public awareness.

35 <http://www.pmln.org.pk/manifesto.php>

36 www.ecp.gov.pk.com

37 Daily Jang, February 19, 2008

- Price hike in electricity, natural gas and petroleum products, coupled with the shortage of food items.
- Assassination of former Prime Minister Benazir Bhutto on December 27, 2007.

On March 24, 2008, the former speaker of the National Assembly, Yousuf Raza Gillani, was elected as the Prime Minister and in his maiden speech to the parliament he ordered an immediate release of all the judges, including the Chief Justice of Pakistan Iftexhar Muhammad Chaudhry. There was a general feeling that the struggle for an independent judiciary had finally achieved its objectives. But the days to follow proved the analysts wrong, and it was to require one more year of struggle to finally reach the destination. Needless to say that the Lawyers' Movement had been at the forefront of the resistance against the martial law, and with the political government installed, they were hoping to get the Chief Justice restored by a simple parliamentary resolution. However, time proved that it was not only the military but also the political governments that were not comfortable with the idea of a judiciary independent of the executive control. And hence, the struggle for a true democratic set up was far from over.

The delay by the political government in the restoration of the deposed members of the judiciary made the Lawyers' Movement realize the mistake they had made by boycotting the general elections³⁸. They realized that the transfer of power through elections to a favourable democratic government could have resulted in the restoration of the deposed judges. And that, the call to boycott the elections would not have resulted in the breakdown of the relationship between the PPP and the Awami National Party (ANP), one leading in the National Assembly and the other in North West Frontier Province (NWFP). Still, the fight was far from over as the issue of the deposed judges had successfully been placed at the center of the national politics and several political parties, including the PML-N, had vowed to fight for the cause, even if that meant leaving the coalition government.

Resistance by political parties

History tells us that in Pakistan, not only the military rulers manipulated the judiciary for its interests, but various civilian governments also acted no different. The leaders of the major political parties, including the PML-N and PPP, were, as stated above, part of the struggle for the restoration of the Chief Justice. The leaders of both the parties' had publicly demanded the restoration of the deposed members of the judiciary and had even signed a Charter of Democracy that contained provisions in this regard. These commitments were equally upheld in the Murree-Bhurban declaration and the Islamabad declaration. The issue, however, remained unresolved and rested with a major scoring point, for

³⁸ Interviews with leaders of Lawyers' Movement conducted in 2009.

both the parties in their election campaigns. However, things apparently came to a halt, following the initial euphoria that followed the orders of release of the deposed members of the judiciary by the new PPP elected Prime Minister on March 24, 2008. The halt apparently came from Asif Ali Zardari, the Co-Chairman of PPP. But the manner in which he manipulated and delayed the restoration of the deposed judiciary to his advantage would remain a sad chapter in the history of PPP, if not Pakistan.

While the delaying tactics were at play, the Lawyers' Movement continued struggle for the restoration of the deposed judiciary and removal of General Pervez Musharraf. However, in addition to protest rallies and token hunger strikes, the struggle, this time on, took a new turn when the lawyers' leadership announced to hold a long-march on June 14, 2008, from Lahore to Islamabad. As expected, the PPP workers and leaders were not among the huge crowd that reached Islamabad on that day. The PPP leadership continued making statements that it was only a matter of time before the judges would be restored, indicating that perhaps Musharraf was still the one in command and it would not happen as long as he was in office.

Some analysts are of the opinion that the delay in the restoration of the judges by the PPP was the result of its political insecurities: in the past it had witnessed a conflict between an emerging independent judiciary and a political party, still in the process of consolidating its executive and legislature powers as had happened between Prime Minister Benazir Bhutto and Chief Justice Sajjad Ali Shah. Thus, in order to avoid such a conflict, the PPP apparently developed a strategy to enhance the dependent judiciary by continuing with PCO Chief Justice of Pakistan and by increasing the number of judges of the Supreme Court and all the High Courts with pro-PPP judges.

With mounted pressure, Present Musharraf resigned from the office on August 18, 2008, fearing impeachment through the parliament, making way for Asif Ali Zardari to be elected President of Pakistan on September 6, 2008. Once elected, President Zardari, it seemed even stopped making efforts to hide his lack of interest in restoring the deposed judges, especially the Chief Justice. Instead, he started the blame game and held the courts responsible for his years' of imprisonment, mentioning the same, rather unflatteringly, when Chief Justice Chaudhry visited him in Islamabad in March 2008, to condole the assassination of Benazir Bhutto (Malik, 2008). However, to keep the situation toned down, the PPP employed a 'pleasing' tactic by restoring, in small numbers, the deposed judges, following the imposition of State of Emergency on November 3, 2007. This process of restoration continued for months but without any hint that it would culminate to the restoration of the Chief Justice.

While on the political front, the conflict between the PPP and PML-N grew deeper, and to the surprise of all the Supreme Court, with Justice Abdul Hameed Dogar as the Chief Justice, disqualified Mian Nawaz Sharif and Mian Shahbaz Sharif, from holding or contesting public office. The reaction from the public was perhaps unexpected for the government as protestors came out on the streets

across the country. The PML-N, which had restricted itself from public criticism of the government, joined hands with the Lawyers' Movement, but all credit must go to the lawyers' leadership that prevented the movement from being hijacked by a political party.

Another long-march was announced and the lawyers' leadership announced they would leave Islamabad only after the restoration of the Chief Justice. The long march was planned to start from Quetta on March 11, 2009, and would pass through all the major cities before reaching Islamabad. The last leg of the march was to start on March 15, 2009 from Lahore, with the intent that all participants would stay in Islamabad till the restoration of the Chief Justice. To everyone's surprise, the government lost its cool and made all out attempts to prevent the lawyers from holding the long-march. As a result, a large number of political workers and lawyers were taken into custody. A ban was imposed on holding rallies and protests in two of the four provinces of Pakistan. As a consequence, the lawyers march from Quetta on March 11, 2009, under the leadership of SCBA's President, Ali Ahmad Kurd, was stopped at the Sindh border³⁹. Likewise, on March 12, 2009, the march that was to start from the Karachi super Highway to Lahore was baton charged by the police, leaving a large number of people wounded and injured⁴⁰. Concurrently, the government placed a large number of containers on the roads to Islamabad, blocking the way and cordoning off the Parliament House and the Constitutional Avenue. Life in Islamabad was brought to an uncomfortable silencing halt⁴¹.

By the morning of March 15, 2009, all possible road links between Lahore and Islamabad were blocked, with the purpose to prevent the long-march to reach Islamabad⁴². The government also placed Mian Nawaz Sharif, Atizaz Ahsan and many other leaders under house arrest, deploying heavy contingents of police outside their residences. Meanwhile, the political activists and lawyers, who reached the Lahore High Court, were baton charged and tear gased till the time the police ran out of tear gas shells. Unable to quell the determination of the protestors, the police were forced to withdraw to a safe distance⁴³. While this was on, Mian Nawaz Sharif defied the house arrest orders, forced his way through the police barriers to reach the Ferozepur Road. By the time he reached Lower Mall, those accompanying him had grown to thousands.

The scenes of huge crowds, including women and children, participating in the rally, chanting anti-government slogans and demanding the restoration of the Chief Justice were broadcast on news channels continuously. The lawyers' leadership announced that it would stage a sit-in wherever the authorities stopped them, till the time the participants were allowed to move on to Islamabad⁴⁴. Addressing

39 The News International, Dawn, Daily Times, Jang, March 12, 2009

40 The News International, Dawn, Daily Times, Jang, March 13, 2009

41 The News International, Dawn, Daily Times, Jang, March 15, 2009

42 The News International, Dawn, Daily Times, Jang, March 15 & 16, 2009

43 The News International, Dawn, Daily Times, Jang, March 15, 2009

44 Geo, Aaj TV interviews of lawyers leaders, March 15, 2009

the participants, Mian Nawaz Sharif expressed his resolve that the sit-in would continue till the restoration of the Chief Justice, and called on the people watching the rally, on television channels, to come out and join it⁴⁵.

Even the long march organizers did not expect such a huge supporting crowd. And to everyone's surprise, the march had hardly covered a distance of less than a hundred kilometers when Mian Nawaz Sharif and Chaudhry Atizaz Ahsan were informed that the government was ready to issue orders of restoration of the Chief Justice.

It was one of those historic nights in Pakistan when very few people would have gone to sleep without witnessing the climax which came shortly after dawn: Prime Minister Yousuf Raza Gillani announced the restoration of Iftekhar Muhammad Chaudhry to the office of Chief Justice of Pakistan. In the end, the PPP leadership perhaps realized that despite being out of power for over a decade, the party vote bank was intact, and that opposition to the restoration of the Chief Justice was costing it dearly: maybe the damage was already done?

Role of media

There have been instances in the past where the people of Pakistan would have risen against acts of military dictators and challenged them, but the flow of information was not as swift as it was this time around. General Musharraf, under his slogan of 'Enlightened Moderation', harping on pseudo democratic norms, often boasted of the 'freedom' he had granted to the mass media⁴⁶. However, the unbiased reporting on the Balochistan crises; the military operation in the tribal region; the victimization of political opponents; the high-handed manner to quell dissent; the growing judicial crises; the disappearance (illegal detention) of hundreds of people suspected of having links with militant Islamic groups; the public anger on price hike of daily commodities and petroleum products, resulted in making the military dictator highly 'uncomfortable' with the media. And the final nail in the coffin came with the event of March 9, 2007: the scenes of Chief Justice of Pakistan being humiliated by a military dictator and later manhandled by a policeman increased public anger for General Musharraf, and strengthened the case of the Chief Justice in the court of the public.

The pressure to provide positive coverage to government activities and cut down on news regarding operations in Balochistan and FATA, already existed on private news channels, but it reached unmatched proportions following the emergence of the judicial crises in the country. The government through the Pakistan Electronic Media Regulatory Authority (PEMRA) introduced legislation aimed at muzzling the media. The process of direct and indirect harassment and intimidation continued throughout this period. Against all odds, the media

⁴⁵ Nawaz Sharif address to the participants of rally, March 15, 2009

⁴⁶ As if allowing news channels to operate in the country was a favour and that allowing media freedom was the sole prerogative of the military government.

continued to provide extensive live coverage of the visits of the Chief Justice to various cities. This presented the media as being a party to the uprising, with the government considering it to be their opponent, followed by a clamp down on the so-called 'freedom' granted to them by the military dictator, especially following the imposition of Emergency: Pakistan's entire electronic media went off air; even channels that broadcast cooking shows or music were not allowed to broadcast; several of the mainstream news channels remained off air for months; only those channels that submitted to the government pressure and signed a 'code of conduct' were allowed to resume transmission.

Overall, there is a general feeling that the private media had to bear the burnt for asserting its independence, objective coverage and criticism of the government policies and actions. The media, which bravely resisted the Musharraf regime was once again faced with a similar situation when it highlighted the unfulfilled promises of the civilian government under President Asif Ali Zardari. At one time President Zardari wanted to 'punish' the news channels for their 'biased' attitude towards the PPP leadership in general, and President in particular, by pulling them off-air. However, it was reported that the then information minister resigned from the cabinet refusing to obey the command of muzzling the press.

Role of civil society: Women and student unions

One of the most promising aspects of the Lawyers' Movement was the support it enjoyed in all sections of the society. It was for the first time that workers of religious parties, religio-political parties, non-governmental organizations, civil society organizations, labour unions, minority rights organizations, human rights organizations and student unions united and worked together for this one single cause. A brief look at the ideology and working of each individual group would reveal that many had worked on agendas that were in total contradiction to each other, but they worked together for the restoration of the judiciary keeping aside their differences.

Women, in particular, played a very important and significant role in the Lawyers' Movement. As Bushra Khaliq in her book states:

"These women include not only lady lawyers, members of civil society and political activists but also working class women. These women have been struggling shoulder to shoulder with their male comrades. They are equal partners in braving the brunt of the Musharraf regime's oppression, since March 2007. Along with men many of these women activists were baton-charged, tear gassed and even put behind bars as a result of imposition of Emergency Rule on Nov 3, 2007". (Khaliq, 2009)

It was also extremely encouraging to see that despite the ban imposed on political activities on campuses, a large number of students ensured their participation at every occasion. Some students from the universities, catering to the

affluent class who normally are not interested in ‘change’, participated in the protest rallies and talked to the media insisting that they should not be photographed or filmed as their parents would be annoyed. One rally participant was quoted as saying, “we want revolution but please don’t tell our parents”. The government also made efforts to harass students and many were booked along with their teachers for holding protest demonstrations.

Similarly, the government applied highhanded tactics to prevent other members of the civil society from supporting the Lawyers’ Movement, but nothing worked. Following the imposition of Emergency, several leading human rights activists were kept in detention, which only strengthened their resolve. The Human Rights Commission of Pakistan was quick to respond and denounced the removal of the Chief Justice by General Musharraf in a statement issued within hours of the dismissal of the Chief Justice on March 9, 2007. The international networks of human rights organizations also expressed concern over the action and wrote letters to General Musharraf demanding independence of judiciary. In a letter to General Musharraf, the Secretary General of International Commission of Jurists described the removal of the Chief Justice as unprecedented and unconstitutional that threatened the independence of judiciary and rule of law in Pakistan. In fact, support came from across the globe and many bar associations and bar councils from various countries expressed full solidarity with the movement and demanded the immediate restoration of the Chief Justice. Some of those who supported the cause included the Australian Bar Association, lawyers’ organizations in the United Kingdom, American Bar Association and lawyers’ associations in Canada, France and several other countries.

5. Conclusion – A way forward

Since the independence of Pakistan in 1947, the judicial and legislative branches of Pakistan have been used by at least three Governor-Generals, seven Presidents, 26 Prime Ministers and four Chiefs of Army Staff as mere extensions of the executive branch⁴⁷. The civil and military rulers of Pakistan treated and considered the judiciary and legislature as subservient to the Executive for 60 years. This, however, changed when this norm was challenged by Chief Justice Chaudhry, who declined to step aside on the orders of a serving military chief. Some analysts feel that the struggle that ensued with the ‘No’ the Chief Justice said to General Musharraf, culminated on the morning of March 16, 2009, when the Chief Justice was eventually restored to his office. There are others, who still maintain that the struggle for the independence of judiciary is far from over.

The judiciary in Pakistan has been kept under absolute control by the presidents, prime ministers and army chiefs by controlling their appointments, promotions and removal from service. The three aforementioned offices have often manipulated the political processes in their favour, by coercing or at times

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coaxing the judiciary, and reducing it to the status of an organ of the state meant to serve the powerful. Unfortunately, on most of the occasions, the inaction of the members of the superior judiciary, for vested interests, not only brought a bad name to the judiciary but also impeded reforms in the subordinate judiciary.

Nonetheless, the people of Pakistan now appear to have high hopes and expectations from the judiciary after the success of the Lawyers' Movement. Not to mention, that the jubilant mood of the public can easily turn to anger, if the superior judiciary fails to live up to the common person's expectations and notions of an independent and unbiased judiciary, capable of dispensing justice without delay. But can the courts meet these simple, yet challenging expectations of the people, given the existing scenario where the judiciary has yet to be politically insulated from the executive and the legislature; where they are still struggling for institutional and financial independence to decide cases according to law and without fear of repercussion in the form of loss of employment and service benefits; and to top it all, a prevailing culture of corruption at courts?

Although, it has a tough task ahead, the Supreme Court of Pakistan has already started taking steps that might produce long term benefits. For instance, the National Judicial Policy Making Committee (NJPMC) on May 16, 2009, directed all judicial officers, working in different administrative departments of the government, to immediately report to their respective high courts for further posting⁴⁸. The move would contribute towards the timely disposal of cases and could be a first step towards separating the judiciary from performing the duties of the executive. Similarly, on August 1, 2009, a 14-member full bench of the Supreme Court removed 34 judges of the Lahore High Court, for either having taken oath under the Provisional Constitution Order or being appointed on the advice of Justice Abdul Hameed Dogar, appointed as Chief Justice by General Musharraf following the state of Emergency on November 3, 2007⁴⁹.

The successful Pakistan Lawyers' Movement has immensely contributed in bringing the judiciary to the position where it stands today. Perhaps history has given the judiciary in Pakistan an opportunity to make up for the past mistakes and grow as an independent, unbiased, honest institution that upholds the rule of law and supremacy of the constitution.

For the people of Pakistan, the Movement has taught them the power of mass protests. There is now a new gained strength for the common person, and people are resorting to peaceful demonstrations to force the government to take action: this was well demonstrated by peaceful rallies that took place, demanding action against the perpetrators of lashing of a girl in Swat. The manner in which the restoration of the Chief Justice was celebrated across the country strengthened the belief among the public that through peaceful protests they can force the government to submit to their demands. However, the 'show of power' has yet to be institutionalized, and movements are still generally unorganized in Pakistan.

⁴⁸ The Daily Times, May 16, 2009

⁴⁹ The Daily Times, August 1, 2009

Once the people realize and internalize this strength, it will be the beginning of a new era for a democratic Pakistan.

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ABBREVIATIONS

AEC	Atomic Energy Agency
ANP	Awami National Party
AWACS	Airborne Warning And Control System
BJP	Bharatiya Janata Party
BBC	British Broadcasting Cooperation
CANDU	Canadian Natural Deuterium Uranium
CBM	Confidence Building Measures
CENTO	Central Treaty Organization
CD	Conference on Disarmament
CDA	Capital Development Authority
CIA	Central Intelligence Agency
CJ	Chief Justice
CJP	Chief Justice of Pakistan
CKD	Completely Knocked Down
COAS	Chief of Army Staff
CNS	Centre for Nuclear Studies
CrPC	Pakistan Criminal Procedure Code
CTBT	Comprehensive Nuclear Test Ban Treaty
DG	Director General
ESDs	Environmentally Sensitive Devices
FATA	Federally Administered Tribal Area
FCR	Frontier Crimes Regulation
FMCT	Fissile Material Cutoff treaty
GDP	Gross Domestic Product
GIKI	Ghulam Ishaq Institute of Technology
GNP	Gross National Product
HEU	Highly Enriched Uranium
IAEA	International Atomic Energy Agency
IB	Intelligence Bureau
IDPs	Internally Displaced Persons
IJI	Islami Jamhoori Ittehad
IJT	Islami Jamiat-e-Tulaba
ISI	Inter-Services Intelligence
ISIS	Institute for Science and International Security
ISPR	Inter Services Public Relations
JI	Jamaat-i-Islami
JUI	Jamiat-ul-Ulema-e-Islam

JUI (F)	Jamiat-ul-Ulema-e-Islam (Fazl-ru-Rehaman)
JUP	Jamiat-i-Ulema-i-Pakistan
KANUPP	Karachi Nuclear Power Plant
KESC	Karachi Electric Supply Company
KRL	Kahuta Research Laboratory
LFO	Legal Framework Order
MAD	Mutually Assured Destruction
MI	Military Intelligence
MIRV	Multiply Independent Reentry Vehicle
ML	Muslim League
MMA	Muttahida Majlis-e-Amal
MQM	Muttahida Qaumi Movement
MRD	Movement for the Restoration of Democracy
NAP	National Awami Party
NAR	Nizam-e-Adl Regulation
NATO	North Atlantic Treaty Organization
NC	Numerically Controlled
NCA	Nuclear Command Authority
NDC	National Defence Complex
NDP	National Democratic Party
NJPMC	National Judicial Policy Making Committee
NUST	National University of Science and Technology
NWFP	North West Frontier Province
PAEC	Pakistan Atomic Energy Commission
PAF	Pakistan Air Force
PALS	Permissive Action Links
PBUH	Peace Be Upon Him
PCO	Provisional Constitution Order
PIAC	Pakistan International Airlines Corporation
PIEAS	Pakistan Institute of Engineering and Applied Sciences
PINSTECH	Pakistan Institute of Science and Technology
PLD	Pakistan Law Digest
PML	Pakistan Muslim League
PML (C)	Pakistan Muslim League Convention (Pro-Ayub)
PML (N)	Pakistan Muslim League (Nawaz Group)
PML (Q)	Pakistan Muslim League (Quaid-e-Azam Group)
PNA	Pakistan National Alliance
PPC	Pakistan Penal Code
PPP	Pakistan People's Party
PTCL	Pakistan Telecommunications Corporation Limited
R & D	Research & Development
SALT	Strategic Arms Limitation Treaty
SC	Supreme Court
SCBA	Supreme Court Bar Association

SEATO	Southeast Asia Treaty Organization
SLBMs	Submarine Launched Ballistic Missiles
SPD	Strategic Plans Division
SWU	Separative Work Unit
TEL	Transporter Erector Launcher
TNSM	Tehreek-e-Nafaz-e-Shariat-e-Mohammadi
TTP	Tehreek-i-Taliban Pakistan
UAE	United Arab Emirates
UAVs	Unmanned Aerial Vehicles
UET	University of Engineering Technology
UK	United Kingdom
US	United States
USA	United States of America
WTC	World Trade Center

Non-English terms

Hydel	Hydel power is generated from dams on rivers
Hundi	informal mechanism for transfer of money from one country to another
Kerb market	open market for foreign exchange
Rupees and paisas	Pakistani currency units
Chawal	Urdu for rice
Chamra	Urdu for leather
Chadar	Urdu for bed-sheets, implying textiles.
Ashraafia	Elite
Awam	People
Madrassah	Religious seminary

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Pakistan's reputation in the western public could not be worse: it is seen as "the world's most dangerous country" – a sanctuary for Islamist terrorist groups such as al-Qaida. With its powerful military establishment and nuclear weapons, it is considered to be dangerously unpredictable. This view overlooks the many in Pakistan who work tirelessly for the causes of democracy, human rights and gender equality, frequently under very dangerous conditions. Despite numerous setbacks, Pakistan's civil society has time and again managed to exert its influence on the country's political development. The movement of judges and lawyers who took to the streets to protest the suspen-

sion of Chief Justice Iftikhar Chaudry and had him successfully reinstated is but one example.

This publication is designed to provide a differentiated view of Pakistan's complex political processes and social challenges to a broad international audience. Authors from a variety of disciplines present their analyses of Pakistan's deficits and shortcomings, as well as their ideas and visions for a more democratic and peaceful future. They also intend to give policymakers the means for a better understanding and cooperation with this difficult, yet fascinating country.

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