

# THE CONSTRUCTION AND DECONSTRUCTION OF PAKISTAN: THE INSTITUTIONAL WRIT OF THE STATE

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## **1. Introduction**

It is indeed a huge stride forward for Pakistani democracy that, for the first time in its chequered political history, power was transferred from one elected government to another. While this uninterrupted political process is a turning point in Pakistani politics, there is still a long way to go for the struggling democracy to take root.

Governance remains a major problem area in Pakistan's quest for a sustainable democratic process. Worsening internal security, shrinking state authority and failing state institutions have undermined Pakistan's political stability. The failure of elected governments to deliver on governance and economic stability has been a serious blow to the credibility of the democratic system among the populace, in turn strengthening undemocratic forces. Rising militancy and religious extremism are manifest in the inability of the government to deal with the twin menace, which is currently the biggest threat to the country's security.

Non-state actors have gained space, filling the vacuum created by the failure of state institutions to deliver. There has been a marked increase in ungoverned space as administrative control – even in major towns – weakens. It is not only the semi-autonomous tribal regions where the state has nominal control: even parts of Karachi – the country's biggest city and economic jugular – have become lawless as the administrative authority has receded. The situation in the insurgency-hit western province of Balochistan is even worse. A large part of the province still does not have a formal administrative structure.

The failure of tax collection is another example of the weakening of state authority and it leaves the government with few resources to develop the economic infrastructure. It also makes the country even more dependent on foreign aid. Tax revenue as a percentage of GDP has stagnated at 10 percent over the last decade and has been declining since 2009.<sup>1</sup> The extent of tax evasion can also be assessed by the fact that just over one million entities (individuals and companies) filed their income tax returns in FY2011. In the same year, of 341 sitting members of the National

1. "What is pushing tax reform in Pakistan?" Safiya Aftab, NOREF 23 January 2014.

Assembly, only 90 were found to have filed tax returns. The Federal Board of Revenue has failed to institute legal proceedings in spite of this wealth of information.<sup>2</sup>

Pakistani politics has increasingly become region-based, with even the mainstream national political parties now focusing on their provincial strongholds following the 2013 parliamentary elections in which they formed governments in their respective provinces. At present, no party has a political base in all four provinces. This regionalization of politics is manifested in an era of coalition rule and different political parties forming the government at the centre and in the provinces.

A recent amendment to the country's Constitution has created greater decentralization of economic and political decision-making down to the provincial level<sup>3</sup>. The autonomy granted to the provinces has transformed Pakistan into a truly federal state and generated a new dynamic that has affected the course of politics in the country in a more positive way, minimising the sources of friction between the provinces and the federation as well as among the provinces.

This paper looks at the challenges that confront Pakistan, the political fault-lines, the problems of democratic transition, the regionalization of politics, the rising scourge of violent militancy, and shrinking state authority that have affected state institutions and the democratic process in the country.

## 2. The Fault Lines

Since its creation as an independent state carved out from the Indian Subcontinent in 1947, Pakistan has alternated between authoritarian military regimes and ineffective elected civilian rule. For most of its history, the country has been ruled by the powerful military with short spans of elected civilian democracy in between. No elected government had completed its full term in office until the previous administration led by the Pakistan's People's Party (PPP) achieved this milestone. This also explains why democratic institutions and values have not fully developed, rendering the political process weak.

There has been no fundamental change in Pakistan's political power structure. A small power elite has dominated the country's political scene under civilian as well as military rule. The extractive nature of the state's institutions has prevented the country from embarking on a path of economic and political progress. Despite the economic and social changes that have occurred over the past 65 years, the stranglehold of family-oriented politics has been perpetuated. Hailing mostly from rural landowning and tribal backgrounds, a limited number of influential families continue to control Pakistani legislatures.

A sense of dynastic entitlement dominates the country's political culture, impeding the development of institutional democracy. With few exceptions, almost all the political parties are an extension of powerful families with hereditary leadership. There is no concept of inner party democracy. Over the years, families from urban, religious, and military backgrounds have also emerged onto the political scene, but this has not changed Pakistan's personalized and dynastical political culture. Most of these dynastic political

2. Ibid

3. The 18<sup>th</sup> Amendment to the Constitution was unanimously passed by Parliament in April 2010. It removed changes made by previous military governments, restoring the Constitution to its original form of 1973. It also provided greater autonomy to the federating units.

groups have actively collaborated with successive military regimes to protect their vested interests and receive state patronage.

It is this culture of patronage and clientelism that drives Pakistani politics and persists under both civilian and military rule – the only change has been the shift in control over the distribution of patronage. The patronage-based politics practiced by democratic and military governments alike relies on influential landlords, tribal leaders, clans and kinship.<sup>4</sup> Hence, electoral politics largely revolves around gaining control of state patronage. It is also about managing and strengthening family and clannish interests. In many cases, members of the same family are distributed among different political parties to protect group interests.<sup>5</sup> The control of a narrow oligarchic elite and the patriarchal political system has impeded the critical structural reforms that are needed for sustainable economic development and for strengthening democratic and economic institutions. Resource control, particularly landholding, remains a significant predictor of political influence. The two land reforms carried out in the 1960s and 1970s were largely ineffective in breaking large landholdings; some parts of the country continued to live under oppressive feudal and tribal systems. Therefore, dynastic control still constrains wider political participation and has kept political parties from developing new leadership.

### **3. The Democratic Transition 2008–2014**

Pakistan returned to civilian democracy in early 2008, ending more than eight years of military-led rule. The transition to complete civilian rule has not been easy, especially as the elections produced a divided mandate with no political party obtaining an absolute majority in the National Assembly. The elections were, however, a triumph for liberal and moderate political forces as they essentially represented a vote against military rule and for the restoration of democracy. The 2008 general elections brought the PPP back to power after a hiatus of more than 11 years. Having been in opposition for that long with its leader in exile, the PPP came to power without a clear program in place: the party had remained preoccupied with struggling against military rule for the past decade.

Despite having been in politics for four decades and in power three times, the party had failed to develop a strong organizational structure. The assassination of Benazir Bhutto, in 2007 deprived the party of its most charismatic and experienced leader. The former prime minister became the highest-profile victim of the terrorism engulfing the country. The mantle of the party's leadership fell on her widower, Asif Ali Zardari, who had spent more than 11 years in jail facing trial on a litany of corruption charges. In a country where dynastic politics is so deeply entrenched, Mr Zardari did not find it difficult to claim the leadership of the party as its rightful inheritor. It was, perhaps, the only way to maintain the PPP's unity in a very difficult time. He was elected the country's president, succeeding General Musharraf.

Mr Zardari proved to be a skilled politician, building a strong coalition of disparate political groups. He is also rightly credited for strengthening the democratic process and making changes to the Constitution by granting greater autonomy to the provinces. Although his own constitutional

4. *Beyond the Crisis State*, Maleeha Lodhi. Oxford University Press. 2011
5. *Ibid*

powers were clipped under the 18th Amendment, he remained the most powerful political leader in the country. Drawing his power as chairman of the ruling party, Mr Zardari virtually ran the government from the confines of the President House.

Despite tension with the powerful military and superior judiciary, the PPP managed to remain in power for its full five-year term – a rare feat for an elected government in Pakistan. Mr Zardari also had the distinction of presiding over an unprecedented transition to another elected government: a remarkable accomplishment indeed for one often described as an “accidental” leader.

These are not, however, the only reasons for which Mr Zardari will be long remembered. Ironically, these were also years of waste for the country’s economy and governance, pushing the country towards a financial meltdown. His arbitrary and personal style of governance caused further weakening of state institutions. Being Zardari had its own perils. Despite rising to power, he was unable to escape his past reputation and old corruption cases continued to haunt him. His standoff with the Supreme Court on the issue of reopening the Swiss money-laundering case claimed the scalp of one prime minister and kept the sword of Damocles hanging over Mr Zardari’s head.<sup>6</sup>

While his relations with the military may not have been smooth, Mr Zardari learnt to coexist with the generals, sometimes conceding ground or making compromises. His political dexterity was not, however, the only reason for his long stay in power. He benefited hugely from the military’s decision to take a backseat and from the new domestic political dynamics that had no appetite for any kind of extra-constitutional intervention. In turn, Zardari’s non-confrontationist ways also suited the generals.

His government was, however, constrained by the standoff with the judiciary. The period saw unprecedented judicial activism as the Supreme Court emerged as the most powerful organ of the state following the restoration of Iftikhar Muhammad Chaudhry<sup>7</sup> as Chief Justice in 2009. Along with other senior judges, he was sacked by General Musharraf in November 2007 under emergency rule. A large number of constitutional petitions and suo motto actions involving the misuse of public funds, loss to the national exchequer, extra-judicial killings, missing persons, illegal appointments, illegal promotions, written-off bank loans, and matters pertaining to the conservation of the environment were taken up.

This was the first time in Pakistan’s history that a sitting prime minister was deposed by the Supreme Court.<sup>8</sup> Cabinet ministers and senior government officials faced trial on corruption charges. Although this judicial activism may have helped destabilize the government, the judiciary’s assertiveness had more to do with the failure of the administration to enforce rule of law and the lack of governance. The judiciary filled the vacuum left by the inaction of the PPP government.

Poor governance and widespread allegations of corruption led to the party being routed out in the 2013 elections. Once the country’s most powerful political force, it was reduced to a regional party confined to its stronghold in the southern province of Sindh. It was the PPP’s worst

6. Mr Zardari faced a number of legal proceedings (including the charge of laundering money through Swiss banks) that were initiated in 1997. While never convicted, he spent eight years in prison on these charges. The case was withdrawn in 2008 but the Supreme Court ordered it to be reopened.
7. General Musharraf sacked Chief Justice on 9 March 2007 but the Supreme Court restored him in September. Musharraf sacked Justice Chaudhry again after he imposed a state of emergency on 3 November 2007. The chief justice was restored to his post in 2009.
8. Prime minister Yousaf Raza Gilani was removed from the post by the Supreme Court in 2012 and disqualified from holding any public office for five years for contempt of court.

election defeat since its inception some 40 years ago. The party was completely wiped out from Pakistan's biggest province, Punjab.

The 2013 elections saw the triumphant return to power of the Pakistan Muslim League (N) faction led by former Prime Minister Nawaz Sharif. This was a remarkable turn of fortune for a political leader who, some 13 years ago, was ousted from power in a military coup and convicted on treason charges before being sent into exile. Elected as the country's prime minister for a record third time, Mr Sharif, a 63-year-old business tycoon, is back at the helm. Following the elections, Pakistan had also undergone two other transitions with the retirement of the army chief and the chief justice of the Supreme Court.

Mr Sharif's previous stints in power – shortened by his removal each time half way through the term – were not quite so enviable. It is certainly not going to be smooth sailing for him this time either, with the country facing a security and economic meltdown. Pakistan's political landscape has changed extensively since Mr Sharif's previous term in office. The country is now engaged in a war with the same militant groups once patronized by the state. Thousands of civilians and military personnel have been killed in the war against terror, and there are no easy solutions to these complex problems.

With the support of its allies, Mr Sharif's PML-N now has a comfortable majority in the National Assembly, which will allow the government to make the tough decisions urgently needed to stabilize the economic downslide and prevent a complete security collapse. The change in army leadership and the new chief justice of the Supreme Court also present a favourable situation for Mr Sharif's third stint in power. Despite this, there seems to be little sign yet of the new government moving decisively on key security and economic reforms. While its landslide victory in Punjab catapulted the PML-N back to power in Islamabad, the party has failed to gain a strong foothold in Sindh and Khyber Pakhtunkhwa (KP). This makes the new government more Punjab-centric with some serious ramifications for the federation, alienating the smaller provinces.

Despite its emphatic victory in the elections, the PML-N has not been able to introduce any new blood and the same old faces continue to dominate the Cabinet. The party is still trapped in the past and seems unwilling to move forward in a changed situation. The challenges facing the country need a leadership with a fresh outlook and vision. The Cabinet, however, is packed with Mr Sharif's close family members and a small coterie of supporters from central Punjab. He has continued with a highly personalized style of governance. The other provinces are only nominally represented in the government, widening the gap between Punjab and the rest of the country.

While the military has seemingly taken a back seat, it has not lost its clout and remains a determinant of Pakistan's security and, to some extent, its foreign policy. The civil and military relationship under the Sharif government remains tense – this is partly a case of past baggage that refuses to go away, keeping alive each other's distrust. Mr Sharif has not forgotten that his previous government was ousted by the military although other key policy differences have also soured his relations with the generals.

One of his first steps was to put on trial the former military ruler, General Musharraf – the man who had ousted Mr Sharif’s government in a military coup and sent him into exile. The military perceives the trial of their former chief as an attack on the institution of the army. Moreover, the military leadership is not happy with the government’s attempts to engage in prolonged peace negotiations with the Taliban who are fighting their troops in the tribal areas.

Indeed, civil and military relations are not easy to manage in Pakistan, given its chequered political history. But democracy cannot work without the two being on the same page on critical national issues, for which the responsibility lies with both institutions. Only better governance and greater ability in terms of policy direction on the part of the elected government – rather than a confrontationalist approach – will help establish civilian supremacy.

The retirement of Chief Justice Iftikhar Chaudhry saw a transition in the leadership of the top judicial body in December 2013. The new Chief Justice has tried to restore balance to the Supreme Court’s actions, particularly to those that infringed on the powers of the executive. An independent judiciary is vital for strengthening the rule of law and institutional democracy, but the constant tug of war between the two state institutions has impeded the smooth functioning of democracy.

#### **4. The Regionalisation of Politics**

The 2013 elections have reinforced the regionalization of politics in Pakistan with each provincial government controlled by a different political party. While Punjab remains under the PML-N, Sindh is retained by the PPP. The country’s most troubled province, KP, has a brand new face in the form of Imran Khan’s Pakistan Tehreek-i-Insaf (PTI) leading the administration. In equally troubled Balochistan, the National Party – a Baloch nationalist group – and the Pakhtunkhwa Milli Awami Party, which achieved a stunning victory in the Pakhtun belt, have formed the provincial government. The very low turnout in some of the insurgency-affected Baloch constituencies aside, the return of the Baloch nationalist parties to the democratic process made the elections more credible, given that these groups had boycotted the previous elections.

These fragmented power centres at the provincial and federal levels have made all the major political parties stakeholders of the system. The situation has also, however, created problems in obtaining a consensus on certain key economic structural reforms – such as privatization – that need approval from all the provinces.

These were the first elections to be held after the passage of the 18th Amendment, which has granted greater autonomy to the provinces. With most of the power already transferred to the provinces, the role of the central government has become limited. While this is mostly positive, it has created some difficulties for the federal government in formulating a coherent internal security policy and introducing economic structural reforms that require the consent of the provinces. The amendment has decentralised economic and political decision-making down to the provincial level. This provincial autonomy has transformed Pakistan into

a truly federal state and generated a new dynamic affecting the course of politics. The country's political parties are now more focused on their respective strongholds.

The 7<sup>th</sup> National Financial Commission Award, which followed the 18th Amendment, has also resulted in the transfer of more resources to the provinces. This has left the federal government to focus primarily on the macroeconomic framework and the conduct of fiscal, monetary, and trade policies. A critical question is how the Punjab-dominated government will coexist with the new decentralised federal structure.

The growing trend of region-based politics has some inherent problems. It has resulted in political parties giving priority to their own narrow regional interests. This is true not only for the sub-nationalist groups but also for the mainstream national political parties. While greater autonomy for the provinces may have strengthened the federal democratic system, it has also sharpened the political, economic, and ethno-linguistic differences within. The process of decentralization is likely to reinforce the regionalization of politics and give impetus to the demand for further division of provinces on ethnic, linguistic, and administrative lines. The clamour for the creation of new provinces and further devolution of power to the district and town level is likely to become a major issue in the coming years.

Over the years, the smaller regional parties appear to have become stronger, making coalition politics more deeply entrenched in Pakistan. The main political parties now depend on regional groups to form a stable government. Opinion is, however, divided on whether coalition politics will lead to a more inclusive democracy or result in more fragmented politics, making it difficult to reach any agreement on key national issues.

While coalition politics over the last six years has helped strengthen federalism and the democratic polity – giving the regional political parties a greater say in policymaking – it has some inherent problems that could obstruct long-term economic structural reforms. For example, differences among the coalition partners stalled critical tax and power sector reforms during the previous PPP-led government. Despite its problems, coalition politics also helps bring the government closer to the people. This trend has come to stay due to the strengthening of region-based politics and democracy in Pakistan.

## **5. The Economy in Crisis**

An economy in crisis and a highly fragmented political landscape has increased Pakistan's vulnerability. For the first time in its history, the economic growth rate has remained around 3 percent for five consecutive years – far lower than in the other South Asian countries. High population growth and rising inflation are pushing more and more Pakistanis below the poverty line. The absence of a tax culture, the inability of the state to mobilize domestic resources, and bad fiscal management have all contributed to Pakistan's perpetual financial crisis and increased its dependence on external financial assistance. A large sector of the economy is exempted from income tax, resulting in one of the lowest tax-to-GDP ratios, which now stands at less than 10 percent.

The total number of registered income tax payers is only 2.5 million out of a population of over 180 million people – this is slightly more than 1 percent of the population. The existing tax system is highly regressive and relies hugely on indirect taxation. This stems from the practices of an oligarchic system protecting its interests. There have also been no sustained efforts to document the vast informal sector, which is estimated to be twice the size of the formal economy.

Pakistan's tax collection rate is far lower than that of its neighbours and similar economies. The only countries to have performed worse are: Mexico (9.7), Haiti (9.4), Bangladesh (8.5), Cambodia (8.0), Algeria (7.7), the Central African Republic (7.7), Iran (7.3), Yemen (7.1), Afghanistan (6.4), Sudan (6.3), Nigeria (6.1), the Democratic Republic of the Congo (5.9), Angola 5.7, Saudi Arabia (5.3), Burma (4.9), Chad (4.2), Bahrain (2.4), Libya (2.7), Qatar (2.2), Oman (2.0), Equatorial Guinea (1.7), Kuwait (1.5), and the UAE (1.4).<sup>9</sup>

Pakistan's geostrategic importance and its alignment with the West have historically helped the flow of substantial external aid to the country. While the availability of foreign resources helped Pakistan achieve an impressive growth rate of 6–7 percent in the 1980s and from 2001 to 2007, it also resulted in the postponement of vital tax and other structural reforms, which were critical for strengthening institutional capacity and accountability. Described by analysts as “borrowed economic growth”, the trend has not been sustainable. Ever-increasing government expenditure and low revenue generation have reinforced the culture of living beyond one's means, piling up domestic and external debt.<sup>10</sup>

Notwithstanding the privatization of the banking and telecommunication sectors, state-owned enterprises remain huge and inefficient, accruing massive losses and adding to the government's financial burden. Successive governments have made no serious effort to disinvest these enterprises or even improve their operation. A major reason for maintaining state control is to be able to use such enterprises for the distribution of patronage.

The level of corruption and poor governance are major factors responsible for slowing down Pakistan's economic growth. Corruption is endemic in all state institutions and in the top government echelons, affecting policy implementation. A weak and corrupt judicial system is one of the major reasons for the lack of accountability. Political influence prevents any impartial investigation of corruption cases, while the corruption and accountability mechanisms that do exist are used for political manipulation and victimization of the opposition rather than as a means for corruption control. Lack of fiscal discipline and falling tax revenues have exacerbated Pakistan's economic woes and for the first time in its history, inflation has remained in double digits for five continuous years.

Since 2008, Pakistan has confronted a major power and energy shortage that has further affected the economy. The power crisis is more of a management problem than merely the lack of generation capacity. A major issue is the gap between the cost of generation and recovery of charges. The biggest defaulters are the federal and provincial governments and other state institutions.<sup>11</sup> This has created an ongoing

9. <http://data.worldbank.org/indicator/GC.TAX.TOTL.GD.ZS>

10. *Beyond the Crisis State*, Maleeha Lodhi. Oxford University Press. 2011

11. <http://www.dawn.com/news/1103707>



problem of circular debt. The issue cannot be resolved without initiating institutional and structural reforms to deal with the serious energy and power crisis.

## 6. Militant Violence and Religious Extremism

Adding to Pakistan's economic woes are the problems of rising militancy and sectarian violence, which pose an existential threat to the nuclear-armed nation. Escalating militant violence has cost the country dearly both in terms of human life and economically. Rising Islamic radicalism threatens to tear apart the social fabric, with massive implications for the country's stability. It has earned the dubious distinction of being the largest incubator of jihadi extremism. The vacuum created by a weak state has, increasingly, been filled by Islamic extremists.

Rising religious extremism has further polarized Pakistani society and presents the biggest security challenge to the country. The failure of the state to enforce rule of law and formulate a comprehensive strategy to combat militancy has given space to religious extremists – and more than their public support implies. The threat of religious extremism is not likely to be extinguished soon, given the poor economic prospects of a large and unskilled youth population. Pakistan thus faces daunting challenges as it stands at a critical juncture of its history.

At present, the militants seem to be winning the battle of narratives as the Sharif government has put on hold its campaign against terrorism. A major reason for this inaction or policy of appeasement is the government's fear that it may lose the support of the strong religious lobby within the ruling PML-N. Many of its candidates in Punjab had formed alliances with extremist groups during the elections. The stalemate seems to have allowed the fragmented militant groups to regain their lost space.

Not only has the Pakistani state failed to protect the lives of its citizens, it has also conceded to the extremist ideology on many policy issues. The disturbing reality is that radical Islamic elements have as much – if not more – power over Pakistani society than the state. While the state has failed to develop a national narrative against militancy, an obscurantist ideology holds sway, filling the vacuum.

2013 saw an escalation in militant violence as the Tehrik-i-Taliban Pakistan (TTP) sought to push the liberal political parties out of the electoral process. Hundreds of people were killed – including candidates and senior members of the Awami National Party – in targeted attacks in KP and other parts of the country during the election campaign. Only those political parties advocating a conciliatory policy towards militancy were spared and, as a result, they made a clean sweep.

How the country's political ruling elite has surrendered to the militants is well illustrated by the declaration that emanated from the All-Parties Conference held in August 2013. The joint statement attributed the loss of thousands of innocent lives not to militant violence but to the "war, the illegal and immoral drone strikes and the blowback from the actions of NATO forces in Afghanistan."<sup>12</sup> The conference virtually legitimized

12. APC backs government push for peace talks - Pakistan - DAWN.COM  
[www.dawn.com/news/1041678](http://www.dawn.com/news/1041678)

terrorist action by declaring that the militant groups responsible for the deaths of thousands of men, women, children, and soldiers were stakeholders in the peace effort. Instead of coming up with a coherent strategy to counter terrorism, the political leadership has pursued a policy of pacification and started unconditional peace negotiations with the TTP. Resultantly, the extremists and their allies now dominate the public narrative despite their crimes against the people of Pakistan. This is an extremely dangerous situation for a country that faces the existential threat of spiralling violent extremism.

Although the peace talks with the militants were a non-starter, the government has still stuck to the mantra that talks are the only option. This dithering has already given a new lifeline to the TTP, which had begun to retreat from most of the tribal agencies and Malakand – areas they once controlled. Over the last few years, the TTP has lost many of its senior commanders and the network has fragmented into various factions. But the militants have now found a new stridency, taking advantage of the weakness of the state. With no will to fight, the government has already conceded too much ground to the Taliban with extremely dangerous consequences for national security. It may not be easy to salvage the situation.

Meanwhile, rising sectarian militancy is also a cause for serious concern. It presents a grave threat to the unity and stability of the country. Religious leaders, doctors, and other prominent public figures in particular have been targeted in this insane sectarian war, and even places of worship and religious gatherings have not been spared.

Sectarian violence is not new to Pakistan, but there has been a steep rise in such attacks in recent years with the onset of worsening governance and diminishing state authority. While the administration silently watches the situation drift into anarchy, armed murderers continue to carry out their deadly operations with impunity. That these militants can carry explosives and sophisticated firearms and move freely around indicates the complete collapse of the security agencies. The callous indifference to escalating sectarian violence has caused a complete loss of public faith in the government and security agencies. The state has failed to stop slaughter after slaughter and to provide even basic security to its hapless citizens, leaving them to the mercy of murderers.

While Balochistan, particularly its capital Quetta, has become the main centre of gravity for Sunni sectarian militancy in recent years, it is certainly not an isolated provincial phenomenon. The problem is much more deeply rooted and has links with the terrorist networks operating in Punjab and other parts of the country. Although the rise of Sunni sectarian militancy is relatively new to Balochistan, the province has witnessed some of the most gruesome carnage in recent years. The ghastly massacre of Hazara Shias is shocking even by Pakistan's bloody standards, and is a sinister attempt to systematically annihilate an entire community because of its faith. Though technically outlawed, sectarian outfits operate freely and openly promote their toxic worldview through hate literature.

The massive escalation in sectarian terrorist actions in recent years highlights the growing nexus between Sunni extremist groups such

as Lashkar-e-Jhangvi and the TTP. The tendency of political parties and security agencies to draw a (misplaced) distinction between the two is disastrous. One reason for this selective approach is the continued sympathy for some of these groups.

The issue of sectarian militancy in Pakistan does not have piecemeal solutions. A comprehensive national counterterrorism and counter-radicalization policy is needed to deal with this growing menace. There is also a need to further strengthen anti-terrorism laws: under the existing laws, it is impossible to convict any terrorist. Foreign funding for radical madressahs and sectarian outfits has also contributed greatly to fuelling religious extremism in the country. The security agencies, too, have propped up extremist groups in the past with disastrous consequences, and a massive effort is now required to dismantle these networks.

Pakistan has long been the centre of a proxy war that has fuelled sectarian violence. Radical Islamic groups under the patronage of certain Arab countries have recruited jihadis to fight alongside the Syrian rebels – a highly dangerous situation that undermines the country's security. These are all symptoms of a state that is losing control. What is most worrying is the failure of the political and military leadership to devise a coherent and overarching strategy to deal with this twin menace. This has given the militants more space in which to operate.

Pakistan's battle against militancy is also linked to the war in Afghanistan. With the US-led war in Afghanistan spilling over into Pakistan's lawless border regions, the latter has now become a battleground for Taliban- and Al Qaeda-backed militants. The ensuing militant violence that has left thousands dead has had an enormous impact on Pakistan's economy and politics. The country's greatest nightmare is the prospect of an escalating civil war in Afghanistan after the withdrawal of foreign troops. Control of the Taliban even in parts of Afghanistan would give a huge boost to the Pakistani Taliban fighting Pakistani forces in the tribal regions. This would be a disastrous situation for Pakistan.

## **7. The Shrinking Authority of the State**

### **7. 1. The Tribal Cauldron**

The security challenges of the tribal areas lie at the heart of a wider threat to regional and global stability. Pakistan's battle for control over this lawless region has assumed much greater importance with the approach of the Afghan endgame. These semi-autonomous regions have long remained major centres of cross-border tension as they share a 600-kilometre frontier with Afghanistan.

Often described as the most dangerous place on earth, the region serves as a haven for Al Qaeda operatives, Pakistani militants, and jihadists from across the Islamic world, as well as for Muslim radicals from the US and Europe who come for ideological instruction and to plot terrorist attacks in their home countries. Once mainly a springboard for cross-border attacks into Afghanistan, the region now harbours militants who have taken the battle deep inside Pakistan itself.

The ungovernable borderland separates Pakistan and Afghanistan with ethnic Pashtuns on either side who have long despised and ignored the dividing Durand Line. With a population of more than four million, comprising mostly Pashtun tribes, the area straddling the Durand Line has become a major battleground for Al Qaeda and its affiliated groups after the US invasion of Afghanistan. Known as the Federally Administered Tribal Areas (FATA), the region is divided into seven agencies or administrative units with a total area of 2,700 km: Bajaur, Mohmand, Khyber, Orakzai, Kurram, and North and South Waziristan.

The perpetuation of the old colonial administrative arrangement is largely to blame for the continuing lawlessness, neglect, and social and economic backwardness of the region. Its tribes people are deprived of even basic civil and political rights. Normal Pakistani laws do not apply here and all power rests with a centrally appointed Political Agent. The Taliban insurgency and ensuing military operation have resulted in the collapse of even the old order, creating a huge vacuum.

A major challenge for the Pakistani government and the military is to enforce control over the lawless territories. Military action alone, however, does not offer a long-term solution to what is a complex problem. Pakistan also needs to take urgent measures to end the alienation and backwardness of the tribal region. Despite having committed more than 100,000 troops, the military's efforts have yielded only questionable gains. The Taliban and Al Qaeda have shown themselves capable of regrouping and striking back after a defeat, and they have resumed attacks in areas that were thought to be secure.

Although American drone attacks have killed a number of senior Al Qaeda leaders, this has had little apparent effect on the group's operations. North Waziristan, the biggest of the seven tribal agencies, is now the eye of the storm, having become the main sanctuary of the TTP and other Pakistani militant groups driven from South Waziristan and other tribal regions. Pakistani military officials admit they cannot contain militant violence in the country without clearing North Waziristan of TTP sanctuaries.<sup>13</sup> The ongoing military operation that started in 2009 provides an opportunity to push for the long-delayed integration of the region with the rest of the country, thus ending its ambiguous semi-autonomous status. So far, however, there seems to be no clear policy for integrating the region into the mainstream.

## 7. 2. Balochistan: Pakistan's Other War

Pakistan's other war is being fought in the western province of Balochistan. The escalating Baloch separatist insurgency presents an equally serious threat to the country's stability and to the writ of the state. Rising incidents of violence and alleged extrajudicial killings by security forces in the province have drawn the concern of human rights organizations and the international community.

Since Balochistan became part of Pakistan in 1947, Baloch nationalists have led four insurgencies – in 1948, 1958/59, 1962/63 and 1973–77 – which were brutally suppressed by the state. Now a fifth is underway. An

13. Interview with senior army officers during a visit to N. Waziristan in 2013.

overwhelming majority of Baloch nationalists had rejected secession and struggled for autonomy within the framework of the Pakistani federation. State repression, however, blurred this division. The military seems to have contained the insurgency but has failed to win the trust of the alienated population or to effectively establish the writ of the state in a large part of the province. Although the operation was halted a few years ago, tribal 'death squads' allegedly propped up by the intelligence agencies remain active.<sup>14</sup>

Some hope of finding a political solution to the Balochistan problem emerged last year when the major nationalist parties ended their boycott and participated in the 2013 parliamentary elections. The situation is still far from stable, however, and the low-intensity insurgency has affected a large part of the province. The writ of the state and the criminal justice system in Balochistan has broken down. The jurisdiction of the police force is confined to 5 percent within town areas while vast swathes around the cities and towns have been left to the administration of ragtag Levies<sup>15</sup> whose loyalty is to the tribal chiefs rather than the state.

The tribal chiefs undermine the writ of the state and the rule of law in the name of community policing. The poor capacity of the Levies in 95 percent of the province has resulted in the Frontier Corps filling the void and extending its mandate from a border security force to a military police force maintaining order and patrolling the vast network of highways in the province.

### 7. 3. Karachi

Diminishing state authority and lawlessness are not confined to the remote tribal areas or insurgency-hit Balochistan, but also extend to Pakistan's biggest city – Karachi. With a population of 18 million, the city may have witnessed worse spates of violence in the past, but the present crumbling of state authority is unprecedented. The mayhem in the country's financial capital has, in many respects, come to resemble the lawlessness of the tribal areas. Violence in Karachi threatens to destabilize Pakistan both in terms of gross domestic product and disruptions to urban economic activity, both of which necessarily affect the national economy. Moreover, the ethnically diverse city is a battleground for major political parties and thus key to domestic political stability.

More than 7,000 people are estimated to have been killed in incidents of violence since 2008 as political parties, sectarian outfits, and crime mafias battle for domination.<sup>16</sup> Even this high casualty figure does not fully reflect the magnitude of the disorder gripping the metropolis. Patronized by political parties and sectarian groups, scores of criminal gangs vie for control over land and the city's other resources. Mafias have moved in, filling the vacuum left by a failing state. What is most frightening is the prospect of the city becoming the new battleground for the Taliban and other militant groups. The breakdown of law and order and the bloody strife among the allegedly armed wings of political parties have given immense space to militants fleeing army operations in Waziristan and other tribal territories.

14. According to the Human Rights Watch, around 300 corpses of disappeared persons were discovered in 2011.

15. A paramilitary force that operates as a law enforcement agency tasked with maintaining law and order in the province.

16. Conflict Dynamics in Karachi. Huma Yousuf . USIP. October 2012.

With the presence of thousands of fugitives, the city has become perhaps the biggest sanctuary for militants. They find little difficulty in blending into large immigrant populations from the northwest. Hundreds of radical madressahs across the city not only provide them with shelter and logistical support but also with a constant supply of recruits for militant activities. The militants have also benefited hugely from the criminalization of politics and ethnic tension, and recent high-profile terrorist attacks on military and other security installations demonstrate their growing strength.

Some recent statements from the TTP threatening to target political leaders and enforce Shari'a in the city are indicative of the Taliban's growing stridency. Talibanization has been noticed in certain Karachi suburbs. Not surprisingly, some security officials compare Karachi's situation with that of North Waziristan, the tribal agency that is described as the centre of gravity for militants and terrorism.<sup>17</sup>

Today, the situation in Karachi is arguably far more complex and volatile than in the 1980s and 1990s, when thousands perished in ethnic and political violence. Never before has the city witnessed such a breakdown of government and law enforcement.

Some of its problems are rooted in the city's fast-changing demographic profile. According to some estimates, close to a million people are added to its population each year, making Karachi the fastest-growing city in the world. The massive influx of immigrants from the northwest in recent years has changed the city's ethnic balance significantly, reinforcing parochial politics. The tug of war among the political parties is a manifestation of the city's new demographic reality and ensuing political dynamics: it is a battle for control of Pakistan's biggest city.

This power struggle has taken a violent turn owing to parties' alleged patronage of criminal elements involved in land grabbing, arms smuggling, and extortion. According to some studies, more than 200 well-armed criminal gangs with political patronage currently operate in Karachi, earning it the dubious reputation of being one of the most violent cities in the world.<sup>18</sup> What makes the situation more dangerous is the inability of the government to crack down on perpetrators, many of whom are said to come from within the ranks of the ruling parties.

It is unprecedented for the ruling parties themselves to be seen as perpetrators of this bloodbath. The turf battle has left thousands of people dead over the past four years. The politicization of law enforcement agencies has compromised their professionalism, rendering them pliant and ineffective. At least 40 percent of the Karachi police force has reportedly been recruited on political grounds rather than on merit.<sup>19</sup> Many members are said to have a criminal record. The fear of repercussions contributes heavily to professional police officers' failure to proactively crack down on politically connected criminals.

17. Ibid

18. Conflict Dynamics in Karachi. Huma Yousof . USIP. October 2012.

19. <http://www.asiasentinel.com/society/karachi-burning-and-dying/>

## 8. Conclusion

The crisis of the Pakistani state is rooted deep in the political fault lines perpetuated by an oligarchic elite. The extractive nature of the state

institutions has stunted the growth of an inclusive democratic process. Long periods of military rule alternated by ineffective elected civilian rule have thwarted the development of institutional democracy. In 2008, Pakistan returned to civilian democracy at the end of a nine-year-long military regime. Despite the problems of transitioning from military to civilian rule, the democratically elected government completed its full five-year term. In 2013, democracy made another stride forward when, for the first time in Pakistan's history, power was transferred from one elected government to another – it was a sign of democracy finally taking root in the country.

Strengthening its democratic institutions is key to Pakistan's struggle for political and economic stability. Enormous challenges confront the fragile democratic process: the absence of good governance, weakening state institutions, shrinking state authority, and growing violent militancy and religious extremism.

The military's diminishing political power post-2007 presents an ideal situation for the elected government to assert its authority in various policy realms. Though the military continues to dominate national security policy and influence foreign affairs, its political role has certainly receded. This provides significant political space for the elected civilian government to focus on critical issues of governance and on strengthening democratic institutions. An assertive superior judiciary has also transformed the power matrix, further shrinking the room available for any extra-constitutional intervention.

Undoubtedly, military versus civilian supremacy remains a major issue that has to be resolved for democracy to be sustainable. But it is the increasing militancy and religious extremism that are the principal impediments. The country cannot move forward without combating these retrogressive forces. It is more important at this point to unite the forces fighting militancy, terrorism, and violent extremism. Unfortunately, political forces are divided on this critical issue, threatening the pluralistic democratic system. The situation has become much more serious particularly with the ambivalence of the Sharif government, which has lost its monopoly on the legitimate use of physical force by embracing militant outfits, challenging the very existence of the state.

Despite its structural weaknesses and the problems of state power and governance, a representative democracy offers the only way forward for Pakistan. The democratic government needs to undertake structural reforms to regain the writ of the state and economic stability. The Sharif government has rightly assigned top priority to the revival of the economy, but this cannot be possible without addressing the problem of militancy and violent extremism. What is most troubling is Mr Sharif's ambiguous position on these critical issues.

The future of democracy also depends on how civil-military relations evolve under Mr Sharif's stewardship. This was the biggest problem during his previous two terms. For the military leadership too, it is time for retrospection and bridge building. There is a need for complete control by the elected civilian government to take charge and define a clear foreign and security policy direction. This is an evolutionary process and civilian supremacy cannot be established through confrontations

## Afterword

The political power structure in Pakistan has once again tilted towards military. It seems extremely difficult for the civilian government to regain lost ground, amidst governance failure and the breaking down of consensus among the major political parties to defend the democratic political process. The perception of the civil-military leadership being on the same page is a pure fiction.

The clout of the military has grown further in the aftermath of the Peshawar school massacre in December 2014, since the role of the military in internal security has further increased, and it has become more assertive.

Pakistan's battle for North Waziristan entered a critical stage. Many of the areas are now believed to have been cleared of insurgents. Yet, there is a long way to go before the territory can be fully secured. The terrorist network that threatened national as well as regional security has definitely been disrupted, but not fully destroyed. There are still strong pockets of resistance and the militants are holding on to some of their bases, with many are taking refuge along and across the Afghan border.

The military operation in the tribal areas has none the less brought down the level of militant violence in the country. Though sectarian and religious violence has continued unabated, the capacity of the militant groups to launch major terrorist attacks has certainly been curtailed. A major challenge for the civil and military leadership is the rehabilitation of more than one million people displaced by the conflict .

Pakistan needs to take urgent measures to end the alienation and backwardness of the tribal population and the ongoing military operation provides an opportunity to push for the long-delayed integration of the region into Pakistan and end its semi-autonomous status. An alienated population gives space to insurgents, further shrinking the control of the state.

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2016