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A Tortured History:

Federalism and Democracy in Pakistan

The Pakistan Army's ideological hegemony, especially in the country's Punjabi-speaking heartland, the continuing focus on the state's narrative of a religion-based unitary identity which is under a constant external threat, and the failures of the political parties to rein in the military and address ethno-nationalist sentiments impede the growth of democracy and federalism in this key South Asian nation-state.

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On 11 May 2013, Pakistan's people issued an electoral verdict in favour of the Pakistan Muslim League – Nawaz (PML-N), whose leader Nawaz Sharif was later installed as the country's Prime Minister for the third time, almost fourteen years after he was unceremoniously ousted in a military coup half-way through his second term in power. The election was historic for numerous reasons, not least for signifying the first successful transfer of power from one elected civilian regime to

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another. The Pakistan People's Party (PPP), which had constituted the previous government, swapped places with the PML-N as the major opposition party in the National Assembly.

It thus appeared that Pakistani democracy – and its fragile federalism – was on the up. The successful transfer of power followed notable steps in the democratisation process during the PPP's tenure between 2008 and 2013, particularly the passing of the Eighteenth Constitutional Amendment which formally undid the legacy of Pakistan's numerous military rulers by strengthening the parliament *vis a vis* the presidency, and also asserted the federal nature of the political system by revoking some powers of the central government and devolving them to the four provincial governments.

Now, notwithstanding the relatively smooth transition from one elected government to the next, Pakistan's democratic transition continues to be subject to numerous rollbacks. The PML-N had been in power for over a year when, after a major terrorist attack on an Army-run school in Peshawar, the Parliament acquiesced to the Twenty-first Constitutional Amendment, through which the Army was empowered to supersede established legal codes and prosecute 'terrorists' in specially set-up military tribunals.

The increasing alarmism within society *over* 'terrorism' – particularly amongst the urban, educated elite – meant that the empowerment of the military was not overtly resisted. Given the long history of militarisation of the state, this most recent turn of events has ominous portents. With the military at the forefront, the permanent state apparatus has, with the support of an assortment of social and political forces, dominated Pakistan since virtually its inception. Through the Twenty-first Amendment, the military's arbiter role in the polity has been consolidated, and the process of democratising the Pakistani state *and* society has arguably been set back, yet again.

If democracy has a tortured history in Pakistan, then it can be mapped almost seamlessly onto the also-tortured history of federalism. As I will discuss presently, the Pakistani state's insistence on foisting a unitary nationalism based on religious identity upon diverse ethno-linguistic groups has meant that what is formally a federal polity has been anything but federal. Indeed, Pakistan remains the only modern country within which an ethnic majority – the Bengalis – seceded from the state

due to the intransigence of a predominantly Punjabi- and Urdu-speaking permanent state apparatus. Just as it has been at the forefront of conspiracies against democracy, the military has also been the flagbearer of Pakistan's unitary nationalism, always ready and willing to wield the big stick against ethnic-national groups that dare to dispute the official narrative. It did so against the Bengalis in 1970, and continues to do against the Baloch and other under-represented ethnic-nations within Pakistan to this day.

In what follows, I will provide a succinct summary of the related histories of democracy and federalism, and detail selected developments since the end of Pakistan's third extended martial law regime, that of General Pervez Musharraf in 2008. While some analysts have expressed cautious optimism about the prospects for both democracy and federalism in this post-2008 period, there is also evidence that many Pakistanis – especially in the urban Punjabi heartland – are contemptuous of the mechanisms and outcomes of mass democracy, being still committed also to a unitary Pakistani nationalism. On the other hand, political sensibilities in the peripheral regions of the country are informed largely by ethno-linguistic identity (Sindhi, Siraiki, Baloch, Pashtun), and are generally suspicious of the monolithic Pakistani identity as championed by the state, whilst being not comfortable as well with a procedural democratic order that continually reinforces the dominance of the Punjabi demographic majority.

The fact that polarisations within the society and polity have sharpened during the tenures of elected governments confirms that the process of democratisation cannot be conceptualised in linear terms. While in theory, formally democratic institutions represent the best chance for diverse social and political forces to co-exist peacefully in complex societies, specific structural inheritances can produce highly variegated 'democratic' outcomes.

A Divided Society

A great deal has been written about the dominance of the military and the bureaucracy over political parties and institutions in Pakistan, as well as the ethnic imbalance in the composition of the state services (cf Waseem, 1994; Alavi 1990; Jalal 1995; Ahmed 1998; Khan 2005). Less has

been written about the fact that society also appears to be divided if one is to gauge political preferences in terms of the mandate of political parties (cf Syed 1991).² In short, no party in Pakistan garners electoral support from all four provinces, and, by extension, all ethno-linguistic communities. The 2013 general election confirmed this fact in the form of an ethnically divided mandate: the victor PML-N won decisively in Punjab, the Pakistan Tehreek-e-Insaf (PTI) in Khyber Pakhtunkhwa (KP), the PPP and Muttahida Quami Movement (MQM) in Sindh and a coalition of Baloch and Pashtun nationalists in Balochistan.³

In a related vein, no party represents the mass of the Pakistani population in class terms, although the cursory evidence suggests that, of the mainstream parties, it is the PPP that manages to garner a significantly larger proportion of the vote of the poor – particularly in rural areas – than any other party (cf Gallup 2008). Yet substantive social change has led, I believe, to the diminished importance of class in political decision-making, in Punjab in particular. My basic contention is that, with the PPP included, no single party possesses a representative mandate across Pakistan.

Despite these fairly obvious indicators of just how divided the society and polity are, a dominant narrative of a unified Pakistani nation continues to resonate across the length and breadth of the country. There is, to be sure, a long history of denial within ‘official’ circles of the complexity of, and conflict within, the Pakistani state and society; to-date the secession of the eastern wing of the country in 1971 and numerous armed confrontations between disaffected ethno-nationalist movements and the state – both before and after dismemberment of the country – are explained at best superficially, and at worst with a deliberate view to misrepresenting history (cf Aziz 1993). Meanwhile class-, gender- and other social-inequalities remain rife and manifest themselves on a daily basis in *the public domain*, workplaces and homes throughout the country. Yet the myth of unity and coherence continues to be propagated far and wide.

² This proposition itself is questionable given the fact that the political process has been held in check for half of the country’s existence. In a related vein, elections when held have been marred by all sorts of malpractices and manipulations, while the political parties, too, have been thoroughly penetrated by the military establishment. It is therefore a matter of conjecture just how representative these parties are, and here I do not even raise questions to do with the broader structural constraints such as the role of money in politics and the historical suppression of anti-establishment political parties on the left of the spectrum.

³ The PML-N secured close to an absolute majority because almost two-thirds of seats in the National Assembly are in Punjab.

Dissenting movements and their attendant narratives have never found space within the mainstream media, educational institutions and so on. In fact, for the most part, such dissent has been seamlessly equated with unpatriotic and even seditious intrigue. The dominant narrative has hence been perceived by a large number of ordinary people, particularly in Punjab, as a self-evident truth, while dissenters have been viewed with mistrust. In short, there has historically been a robust state-society consensus in Punjab.⁴ The siege mentality (both *vis a vis* the ‘foreign hand’ and ‘dangerous’ ethno-linguistic groups within Pakistan) that is associated with such a narrative has thus tended to become a self-fulfilling prophecy.

‘National Security’

It is in this milieu that Pakistan has been ruled directly by the military for approximately half of its existence. The law – in the form of constitutional amendments or the so-called ‘doctrine of necessity’ – has been invoked to provide a mandate for the suspension of the political process (Newberg, 1995). From the early years, Urdu-speaking and Punjabi elites, as well as the urban middle classes, have, with notable exceptions, been relatively supportive of military rulers. Relatedly, Urdu-speakers and Punjabis have historically dominated the state services, with the rank-and-file of the Army being drawn from the small peasantry of northern Punjab (cf Khan 2005; Pasha 1998).

This direct link between the permanent apparatus of the state and the Urdu-speaking and Punjabi middle classes was operationalised through a statist discourse in which ‘national security’ was to be defended at all costs. The role of religion was crucial in this regard: ‘Muslim’ Pakistan was anathema to ‘Hindu’ India, with the latter hell-bent on reincorporating the former back into its fold. It was therefore imperative to relegate to secondary importance everything other than defence of both the physical and ideological frontiers of the state, and the military (with the civil bureaucracy in tow) was quickly to emerge as the institution designated to take on this ‘guardian of the state’ role (cf Jalal, 1990).

⁴ As historians of colonial India have shown, this state-society consensus has roots in the unique social contract established in Punjab under the British. See Tan (2005).

Ethno-nationalist movements of the Bengali, Pashtun and Baloch variety rejected the ‘national security’ discourse. For them, as well as the dissidents within the Punjabi and Urdu-speaking heartlands, ‘national security’ was simply an excuse for an ethnically-imbalanced state apparatus to centralise power in alliance with pro-establishment political forces (such as the Pakistan Muslim League and religious right). The ethno-nationalist movements found common cause with the small but organised left within Pakistan, and therefore enjoyed, not necessarily continuously, the patronage of the Soviet Union. It was hardly surprising then that the ‘guardians of the state’ consistently decried ethno-nationalists as agents of international communism operating at the behest of the Soviet Union and its ‘client’ in the region, India (Toor, 2011).

The Musharraf Years

With the end of the Cold War, the leftist challenge to state- and class-power waned, but the threat of ethno-nationalism was still considered significant enough for the security establishment to continually impede democracy and federalism, always under the pretext of defending Pakistan from the conspiracies of its enemies. After an eleven-year period in which four elected governments were dismissed before completing their terms in office, General Pervez Musharraf initiated Pakistan’s third extended experiment with military rule, to typical fanfare from the Punjabi and Urdu-speaking heartlands, as well as the dominant classes in the peripheral regions. Like all other military regimes, this one too relied on the combination of carrot and stick – the latter wielded more often than not upon ‘restive’ peoples outside of the Punjabi heartland.

While the global gaze remained directed at the Musharraf regime’s policy towards the Islamist insurgents in the so-called ‘war on terror’ being waged in the Pashtun-majority northwest of the country, it was during the martial law years that another insurgency took root in the southern-most, and biggest, province of country – Balochistan. Quite accurately described by an investigative journalist as ‘Pakistan’s secret dirty war’ (Walsh, 2011), this was the fifth time on record that the Pakistani military was attempting to crush an uprising by Baloch nationalists. They sought ‘national liberation’ from Pakistan on the grounds that the latter was a colonial entity hell-bent on stripping the Baloch of their resources and identity.

Recalling the last such insurgency in the 1970s, and the fact that the world had changed since then, Musharraf infamously pronounced that the rebellious Baloch ‘would not know what hit them’ (Gazdar, 2006). Notwithstanding the government’s bravado, the long history and popular basis of the Baloch nationalist movement meant that a simple ‘defeat’ at the hands of the Pakistani military was never likely. Indeed, the militants could be considered one strand of a political movement with many faces, enjoying significant support amongst a wide cross-section of Baloch society.

It is beyond the scope of this paper to undertake a detailed exposition of the Baloch nationalist movement, both past and present.⁵ My specific focus is on the manner in which the Musharraf dictatorship exacerbated a long-standing conflict, which would then colour the democratic transition in the subsequent period. Most notably, the military regime initiated a gruesome policy of causing the disappearance of Baloch youth, whose mutilated bodies would often turn up in random public place, sometimes years after the initial kidnappings.

This systematic policy intensified following the capturing and killings of Nawab Akbar Bugti in 2006 and Nawabzada Balach Marri in 2007, the figureheads of the Bugti and Marri tribes that have been at the forefront of the past two incarnations of the Baloch separatist movement. It almost appeared as if the military felt empowered to intensify state repression following the death of the two tribal chieftains, taking seriously its own perception that the resistance was broken. While the killing and dumping policy succeeded in pushing more and more Baloch nationalists underground, in the final analysis, it served only to brutalise the Baloch society, making violence ever-present and dramatically reducing the prospects of political reconciliation within a democratic framework.

Picking up the Pieces

The Musharraf regime reached its logical end in 2008 following a prolonged anti-dictatorship mobilisation which culminated in a general election won by the PPP. The General continued to occupy the presidency for some months after the PPP victory, but eventually agreed to a staged

⁵ For a detailed discussion of the various component forces of the Baloch nationalist movement, including an account of differences within it, see Amirali (2015).

exit, paving the way for PPP chief Asif Zardari to take over the coveted office. The new president dressed himself up as the guarantor of both Pakistani democracy and the tainted dream of genuine federalism, repeatedly making overtures to Baloch nationalists in the early months following the PPP's assumption of power.

The PPP government's most trumpeted political achievement was the passing of the Eighteenth Constitutional Amendment, through which the original essence of the parliamentary order was re-established through the revocation of the president's prerogative to dissolve elected assemblies and exercise other executive powers. Meanwhile the so-called Concurrent List was finally abolished, more than forty years after the Constitution was drafted. In the original accord signed between parliamentary parties prior to the passing of the Constitution in 1973, it had been agreed that subjects such as health, education and others – up to forty subjects were on the 'Concurrent List' – would be considered the purview of both federal and provincial governments for ten years, and that after this period the federal government would relinquish all powers to the provinces.

Yet this promise never materialised; by 1983 the Zia military junta had already been running the country for six years and constitutional rule itself had become an elusive dream. Hence the post-Musharraf parliament's decision to finally mandate the long-awaited empowerment of the provinces represented a significant development in the tortured histories of democracy and federalism.

Following on the heels of the Eighteenth Amendment, the PPP regime attempted to reach out further to the most disaffected federating unit, Balochistan, through the 'Aghaz-e-Huqooq-e-Balochistan' initiative, which was effectively an attempt to operationalise a large-scale affirmative action programme for Baloch Pakistanis. Government jobs, quotas in educational institutions and other material incentives were put on the proverbial table in the hope of addressing some of the grievances of a long-suffering ethnic-nation.

In truth, the various initiatives of the elected government were always likely to be considered an eyewash by the majority of Baloch people, not to mention nationalist elements, because of the bitter experience of the Musharraf years. Still, there might have been some progress if the PPP

government's constitutional and political efforts represented the dominant face of state power in Balochistan. Unfortunately, this was not the case. For all intents and purposes, the Musharraf regime's militaristic posture remained in place, and, in fact, intensified.

In short, the PPP government did not actually enjoy genuine executive authority in Balochistan – or for that matter in a number of other 'strategic' regions of the country. This was acknowledged even by the Chief Minister of the province, Aslam Raisani, in corroborating popular claims that the state's security agencies were directly involved in the kidnappings and murder of Baloch youth (Raza & Sohail, 2010).

It was not only the political executive that appeared helpless in the face of the military's actions in Balochistan; the superior judiciary too was not able to penetrate the wall of military impunity. Despite taking up the so-called 'missing persons' case, hearing testimony from the relatives of abductees, and even indicting the Director General of the Frontier Constabulary (FC), the main paramilitary force deployed in the province, the Chief Justice of the Supreme Court ultimately was neither able to hold the military to account nor force the latter to return any of the Baloch missing persons (cf Zulfikar, 2013).

Thus the irony is that the country's largest province, and arguably the most important test-case for Pakistan's fledgling federalist democracy, could not be brought back into the political mainstream despite the PPP government becoming the first elected regime in Pakistan's history to complete its term in office. Indeed, by the time of the May 2013 general election, the low-intensity insurgency that had been ongoing for almost a decade had engulfed virtually all Baloch areas, its centre having spread towards the southern part of the province, where an emergent middle-class leadership was superseding the Marri, Bugti and Mengal tribal chieftains who had been at the forefront of previous insurgencies (Ahmad, 2014).

It was in these southern regions that the voter turnout in the May 2013 general election was astoundingly low, with one National Assembly seat won by a candidate that received a little over 600 votes (Sahi, 2013). While the outcome of the election was the accession to power of the Baloch nationalist National Party (NP), it was clear that the new Chief Minister Abdul Maalek would

struggle to ward off the challenge of militant nationalists who had clearly managed to establish themselves as one of the major representative voices of the Baloch public.

For its part, the NP vowed to turn the promise of democracy and federalism into a reality by resolving the ‘missing persons’ issue and the larger question of militarisation of the province. Soon after taking over the reins of government, the NP faced its first major test in this regard following a massive earthquake in Awaran, one of the major sites of the insurgency. It quickly became clear that the *status quo* prevailed in Balochistan, as the military completely sealed off the area, regulated relief work, and reduced the elected government to a mere spectator. The charade of democratic control was confirmed when the chief minister – ostensibly the most powerful man in Balochistan – held a press conference pleading for foreign relief organisations to be allowed into Awaran to aid the earthquake victims (Shah, 2013). While he did not – in fact, could not – name the agency to which he was appealing, reading between the lines, it was obvious that Dr Maalek was acknowledging the veto power of the military top brass.

An Uncertain Future

Viewed through the lens of the long-suffering Baloch ethnic group, it is clear that the legacies of unitary nationalism and military authoritarianism remain intact in contemporary Pakistan, notwithstanding the otherwise reassuring fact of the first peaceful transition between elected governments in 2013. The Baloch are not the only historically under-represented ethnic-nation in Pakistan that questions the legitimacy of formal democratic institutions; most notably, the Pashtun national question is also a festering sore that confirms the functionalist posture of the Pakistani state (cf Akhtar, 2014). A potential game-changer is the emergent Siraiki nationalist movement in southern and western parts of Punjab which, if it reaches fruition in the form of a separate Siraiki province, would permanently alter the calculus of a power game that has consistently reproduced Punjabi domination.⁶

⁶ For a discussion on the Siraiki nationalist movement, including its cultural underpinnings, see Langah (2012).

Yet it is not only within the formal institutions of state that the battle over democracy and federalism will be decided. Ethnic-national aspirations continue to be viewed suspiciously within much of the Punjabi heartland; at the other end of the spectrum, some ethnic-nationalists are becoming increasingly parochial in their outlook, and engaging in spectacular violence against non-combatants to demonstrate their commitment to ‘national liberation’.⁷ In short, ethnic – not to mention sectarian – polarisations within Pakistani society, even if they can be attributed to the machinations of an authoritarian state, now represent a challenge in themselves.

To a large extent this challenge has to be taken up by democratic political forces. However, as is consistent with trends in most of the world, narrow electoral and other imperatives condition the practice of everyday politics in Pakistan. To take but one example, the country’s financial centre, Karachi, has become a cauldron of ethnic conflict, which the mainstream parties are unwilling or unable to confront. In fact, the structure of political competition that has developed since the 1980s is one in which the mainstream parties actually reinforce a parochial and opportunistic politics in which violence predominates and the state reneges on all of its formal functions (cf Gayer, 2014).

It is in this context of increasing political fragmentation that the future of democracy and federalism in Pakistan will play out. That the military continues to function as arbiter, and enjoys ideological hegemony within the Punjabi heartland in this regard, only adds to the already-daunting odds. Even if global trends militate against the military deposing an elected government and directly taking over the reins of power, Pakistan’s mainstream political parties have as yet not been able to establish autonomy from the Army’s General Headquarters (GHQ), and this is ultimately the primary impediment to a continuous process of democratisation.

There are other forces – the media most especially – that can also contribute to the consolidation of democracy and federalism. Both the state-run and private media peddle the ‘official’ nationalist narrative, and refrain from disseminating information about peripheral regions and cultures, not to mention state repression of political forces in these regions. In effect, the media, like other elements

⁷ In Balochistan, for example, some militant nationalists have undertaken target killings of non-Baloch civilians/workers residing in the province on the grounds that these ‘settlers’ represent the occupying Punjabi nation. For the most recent such episode, see Shahid (2015).

of civil society through which hegemonic ideology is transmitted, is unwilling to establish autonomy *vis a vis* the permanent state apparatus. It is only when both political forces and civil society take on a vanguard role in the establishment of democracy and federalism that Pakistan's tortured history can be re-written.

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