

**Pakistan's Internal Divisions**

Husain Haqqani

**Local Government Reforms in Pakistan**

Bushra Asif

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## **Pakistan's Internal Divisions**

**Husain Haqqani**

*Husain Haqqani has held senior positions in the Pakistan government under Prime Ministers Nawaz Sharif and Benazir Bhutto, and served as Pakistan High Commissioner in Sri Lanka. He is currently a Visiting Scholar at the Carnegie Endowment for International Peace in Washington.*

### ***Executive Summary:***

Through most of its history as an independent state, Pakistan has had to reconcile conflicting visions of its nationhood. Deep divisions have centered round the role of Islam in public life and the contending aspirations of Pakistan's different ethnic groups. These divisions could have been reconciled through a federal, democratic political system, providing something for everyone and allowing the people to be the arbiters of ideological issues. But Pakistan has evolved as a centralized state run primarily by its military and bureaucracy. The state has attempted to define Pakistani nationhood from the top down, strengthening the calls for an Islamic state and clamping down on provincial and ethnic identities. The result has been chronic instability and periodic civil wars. The country underwent bifurcation in 1971, when its original eastern wing became an independent country, Bangladesh.

Although Pakistan was carved out of the Muslim majority regions of British India, its founders did not intend for it to be a theocracy. But their expectation that they would be able to forge a national identity based on common religion was not fulfilled as the regions and ethnic groups emphasized their different languages and culture. The domination of the military and the bureaucracy by two ethnic groups – Punjabis and Urdu-speaking migrants from India, called Mohajirs – since independence led to demands for an independent Bangladesh and has created a sense of deprivation among present-day Pakistan's smaller provinces. The sense of injustice is exacerbated under military-bureaucratic rule, which has been the norm rather than the exception in Pakistan.

Pakistan's possession of nuclear weapons and its long-standing conflict with India makes its ideological and ethnic-regional divisions important for South Asian and global security. The first of Pakistan's three major internal divisions relates to the ideological debate over the role of Islam in national life. Starting out as a pressure group outside parliament, Pakistan's religious parties have now become a well-armed and well-financed force that has benefited from the patronage of the military and civil bureaucracy. The second fissure results from ethnic and provincial disharmony, whereas the third relates to the military's insistence on being the final arbiter of the country's politics.

The influence of Pakistan's Islamists can best be contained through democracy, as even at the height of their power the Islamists do not command the support of a majority of Pakistan's populace. The ethnic and regional divisions, on the other hand, require fair distribution of national resources and sharing of political power.

Pakistan's smaller provinces resent political exclusion and are unhappy with the inadequate sharing of power and resources within the country. The 1973 constitution provided for provincial autonomy and painstakingly defined instruments for ensuring a more equitable system of distributing power and resources. The constitution was drafted with the consensus of elected representatives of all provinces. But for most of Pakistan's subsequent history, the constitution has been suspended or held in abeyance during direct military rule. Even civilian governments have failed to implement all provisions of the constitution, especially those relating to provincial autonomy. If Pakistan's cycle of civil and military regimes is to be broken, and the accompanying provincial and ethnic conflicts brought to an end, the country would have to strengthen observance of its constitution. Only a rule of law regime can deal with the widespread sense of deprivation and injustice that persists among various segments of Pakistani society.

Although each of Pakistan's four provinces is considered to represent a major ethnic group, the provinces do not conform to ethnic or linguistic boundaries. Pakistani leaders need to reconsider the present provincial boundaries, inherited from British colonial rule, and provide new entities conforming to ethno-linguistic ground realities. Any change in the make up of Pakistan's provinces would be useful only if the constitutional scheme of provincial autonomy is fully implemented. Changes would have to be made in the structure of Pakistan's civil service and the military to end the current feeling that a Punjabi dominated military-bureaucratic elite runs the central government and controls the lives of all citizens.

Pakistan faces severe scarcity of water, which adds to inter-provincial tensions. The smaller provinces blame Punjab for using up the bulk of the country's water. Schemes to build dams on the river Indus, in particular, have caused fears about flooding and soil erosion in the NWFP and of decreased water flows into Sindh accompanied by increased saline inflows from the sea.

The smaller provinces are also unhappy with the present arrangements for distribution of federally collected tax revenues, which are currently divided almost exclusively on the basis of population. This harms the interests of less populous provinces that either contribute more to the federal exchequer by way of taxes or deserve a greater share in appropriations on grounds of their geographic area. The smaller provinces would also like a greater share in royalties for oil and gas as well as for hydroelectric power generation. These issues of resource distribution can best be handled through institutional mechanisms provided for in the constitution and through political give and take.

U.S. policy towards Pakistan must take into account the fissures in that country and should aim at shoring up those fissures. The U.S. can use its economic assistance to

strengthen rule of law and adherence to the constitution. It can assist in bolstering the capacity of inter-provincial institutions such as the Council of Common Interests and the National Finance Commission. Pakistan needs to get back on the path of normal political and economic development, for which it must address its internal crises. The United States, too, cannot afford the current drift in a large Muslim country abutting the Persian Gulf, South Asia and Central Asia. The facts that Pakistan is armed with nuclear weapons, has a large standing army and a huge intelligence service with covert operations capability add to the urgency of dealing with the doubts about its future course.

## **Pakistan's Internal Divisions**

For most of its 56-year existence as an independent country, Pakistan has faced serious internal divisions over the role of Islam in political life, ethnic and inter-provincial relations, and the sharing of political power between and among state institutions. Each of these divisions has contributed in the past to instability, bad governance and violence. On two occasions (Bangladesh, 1971 and Balochistan, 1974-77) Pakistan underwent civil war. Ethnic dissatisfaction has led to civil disobedience accompanied by limited insurgency in other instances (Northwest Frontier Province throughout the 1950s, Sindh during the 1980s and Karachi during the 1990s). Religious or sectarian strife led to the imposition of Martial Law in the Punjab in 1953 and has resulted in targeted killings by terrorists in Pakistani cities for the last three decades.

The Pakistani state, led by the military and supported by the international community, has been able to overcome the immediate threat posed by internal division, lack of consensus and insurgency. But a stable future for Pakistan cannot be guaranteed without resolving, or at least laying the institutional foundations for the resolution of, some of these deep ideological and ethnic disagreements.

### **Historical Roots:**

The emergence of Pakistan as an independent state in 1947 was the culmination of decades of debate and divisions among Muslims in British India about their collective future. After the consolidation of British rule in the 19<sup>th</sup> century, Muslims found themselves deprived of the privileged status they enjoyed under Mughal rule. Some of their leaders embraced territorial nationalism and did not define their collective personality through religion. They opposed British rule and called for full participation in the Indian nationalist movement. Others felt that Muslims had a special identity that would be erased over time by ethnic and territorial nationalism. Both the Indian unionists and the Muslim separatists included people with varying degrees of religious observance and piety. The anti-colonial struggle subsumed differences over the extent of religion's role in politics, which would have reflected the present-day Islamist-secularist divide in an earlier form.

Pakistan, an independent state carved out of India and including most of its contiguous Muslim majority regions, was considered by its advocates as the answer to the Muslim fear of permanent minority status in an undivided, Hindu-majority India. But Pakistan's freedom struggle had been relatively short, beginning with the All India Muslim League's demand for a separate state in 1940 and ending with the announcement of the partition plan in June 1947. While the Muslim League claimed to speak for the majority of Indian Muslims, its strongest support and most of its national leadership came from regions where the Muslims were in a minority. Even after the Muslim League won over local notables in the provinces that were to constitute Pakistan, it did not have a consensus among its leaders over the future direction of the new country. Issues such as

the new nation's constitutional scheme, the status of various ethno-linguistic groups within Pakistan, and the role of religion and theologians in matters of state were still unresolved at independence.

Furthermore, Pakistan was born in an environment of insecurity and hostility, with many Indian leaders predicting the early demise of the new country. Its political leadership was inadequately prepared to takeover the running of an independent state. As former Pakistani Foreign Minister Abdul Sattar explains: "The partition plan of 3 June 1947 gave only seventy-two days for transition to independence. Within this brief period, three provinces had to be divided, referendums organized, civil and armed services bifurcated, and assets apportioned. The telescoped timetable created seemingly impossible problems for Pakistan, which, unlike India, inherited neither a capital nor government nor the financial resources to establish and equip the administrative, economic and military institutions of the new state. Even more daunting problems arose in the wake of the partition. Communal rioting led to the killing of hundreds of thousands of innocent people. A tidal wave of millions of refugees entered Pakistan, confronting the new state with an awesome burden of rehabilitation".<sup>1</sup>

### **The Politics of Division:**

These circumstances led to Pakistan's early difficulties in constitution writing and political consensus building. India, which became independent along with Pakistan in 1947, agreed on a constitution in 1949 and held its first general election in 1951. Pakistan's first constitution was not promulgated until 1956, and was then abrogated through a military coup within two years. The country did not go through a general election, with indirect elections through provincial assemblies substituting for an appeal to the electorate. Provincial elections, held in Punjab and the Northwest Frontier province in 1951, were tainted by allegations of administrative interference whereas the center was often at loggerheads with the elected leadership in Sindh.<sup>2</sup>

Pakistan's early leaders sought to patch over domestic differences and tried to forge national identity on the basis of religious symbolism and centralization of authority. Pakistani rulers were consistently unsure that the will or consent of the people would be sufficient to unify the ethnically disparate people thrown together in the new country. Although Pakistan had been created on the assumption that the majority of Muslims in undivided India supported the demand for Pakistan, support for its creation had not been overwhelming in some of the regions that were included in it and the leadership of the movement for partition came overwhelmingly from areas that did not form Pakistan.

Bengali-speaking Muslims in the new country's eastern wing had supported the idea of Pakistan, hoping that they would have at least an equal say in running its affairs. But while the Bengalis were more numerous, West Pakistani soldiers, politicians and civil servants dominated Pakistan's government. Ignoring Bengali sensitivities, they added the Urdu language and defense against a hostile India to Islamic identity as defining characteristics of Pakistan. Within a year of independence, Bengalis in East Pakistan were rioting in the streets, demanding recognition of their language, Bengali, as

a national language. In the western wing of the country, ethnic Sindhis, Pashtuns and Balochis also complained about the domination of the civil services and the military's officers' corps by Punjabis and Urdu-speaking migrants from northern India soon thereafter.

The West Pakistan-centered leadership of Pakistan also sought security for the new states through alliance with the United States, which was actively seeking newly independent countries as partners in its cold war crusade against communism. Appeal to Islamic sentiment against godless communism fit in well with Pakistan's alliance with the U.S., as Pakistan offered itself as a bulwark against Soviet inroads in the Muslim world, concluding a joint defense treaty with the U.S. in 1954. In their effort to control domestic dissent as well as to become America's leading anti-Communist partners in the region, Pakistani leaders had by then started asserting Pakistan's status as an Islamic ideological state instead of running it as a secular homeland for Muslims.

In doing so, the mainly secular elite of the country had assumed that they would continue to lead the country while rallying the people on the basis of Islamic ideology. But Muslim theologians and activists, organized in religious parties such as the Jamaat-e-Islami, saw each 'concession' to Pakistan's Islamic identity as a victory against the secular elite. Although small in numbers, and stigmatized by their pre-independence opposition to the idea of Pakistan, the Islamist leaders started articulating the vision of Pakistan as a state organized on Islamic principles. The Islamists demanded that the new nation should assume its role as the leader of the Muslim world and run its affairs according to the theologians' interpretation of God's word.

### **Islam as Unifier:**

The oligarchy comprising feudal politicians, civil servants and military officers that ran Pakistan in its early years saw the Islamists as a barrier against the potential tide of ethnic nationalism, which they saw as a threat to Pakistan's integrity. India was seen as backing the ethnic-based political movements in an effort to undo Pakistan. The Islamists, with their anti-Hindu bias, were also seen as useful in forestalling Indian influence within Pakistan.

In 1949, the Islamists sought the introduction of a preamble in the country's constitution – the Objectives Resolution --declaring Pakistan an Islamic state. The secular elite conceded this demand, thinking that adopting Islam as the national unifier would settle issues of national identity for the new country. The Pakistani government also convened a World Muslim Conference in Karachi the same year, to promote Pan-Islamism<sup>3</sup>. Prominent individuals within the government also mooted proposals for adopting Arabic as the national language, and of changing the script of Bengali from its Sanskrit base to an Arabic-Persian one<sup>4</sup>. It was erroneously assumed that the notion of an Islamic State would appeal to the masses but would not undermine the elite's position. Since Pakistan's formative years, the religious parties have sought a gradual Islamization of all laws and their own advancement as the cadres capable of enforcing these laws. Pakistan has remained divided between Islamists seeking a greater role for religion in

political life and secularists that do not embrace the notion of a theocratic or theologically guided state.

### **Fears, and reality, of Break-Up:**

Pakistan's first general election, held in 1970 on the basis of universal adult franchise, reinforced the worst fears of Pakistan's ruling classes about ethnic feelings dividing the country and Indian intervention breaking it up. A military regime had held the election for a Constituent Assembly/parliament on the presumption that no single political party or faction would be able to secure a majority, giving the military an opportunity to introduce its own constitution. But the people of East Pakistan voted so overwhelmingly for one political party – the Bengali nationalist Awami League – that it secured an absolute majority in the new national legislature. In West Pakistan, Zulfikar Ali Bhutto's left-oriented Pakistan Peoples Party (PPP) had an overall majority, but Balochistan and the Northwest Frontier Province (NWFP) had given a plurality to a different ethnic-based nationalist group, the National Awami Party (NAP). The religious parties and Pakistan's founding party, the Muslim League, which sought votes on the basis of the Islamic ideology and demands for a strong central government, fared very poorly. The idea of Pakistan as a centrally administered state, uniting different ethnic and linguistic groups on the basis of a shared religion, did not seem as effective 23 years later as it did at the time of the partition of British India.

The prospect of a new order that gave more power to the provinces and the likelihood of a Bengali-led government appealed neither to major West Pakistani politicians nor to the military and civil service leaders who had virtually run the country until then. The Awami League flexed its muscles in the streets of East Pakistan. The Pakistani military, with full support from conservative West Pakistani politicians, decided to crush the uprising. The result was a civil war. India used military atrocities against Bengali Muslims by Pakistani soldiers as justification for intervention on behalf of the Bengalis, leading to the creation of an independent Bangladesh.<sup>5</sup> West Pakistan continued business as Pakistan, led now by Mr. Bhutto who was handed power by the military as the region's elected leader.

### **Missed Opportunity for a New Pakistan:**

The 'New' Pakistan espoused by the charismatic Mr. Bhutto blended the Islamic identity with the notion of the will of the people, at least initially. Pakistan drew closer to the Arab Middle East, engaged in Pan-Islamic rhetoric in international affairs, and created a Ministry for Religious Affairs for the first time since independence. It also adopted a constitution in 1973 that represented the consensus of all major ethnic and political groups. Provincial autonomy was promised to each one of Pakistan's provinces and Mr. Bhutto's PPP conceded the right of regional parties to form the governments in Balochistan and the NWFP. But the consensus over the constitution and the agreement over sharing power were not to last. Fundamental rights promised by the constitution remained suspended under a state of emergency. The local parties ruling Balochistan

were accused of conspiring against the central authority, leading to the dismissal of their provincial government. The NWFP government resigned before it could be dismissed.

Despite having a consensus constitution that accommodated conflicting views of Islam's role in defining Pakistani nationhood and also managed to strike a delicate balance between the aspirations of different ethnic groups, Pakistan had become authoritarian in practice. Ethnic and provincial disputes were back at center stage, this time within Pakistan's former western wing. The Baloch and Pashtun leaders removed from office soon found themselves in prison. An insurgency by Baloch tribesmen against the central authorities led to another civil war, for which Pakistan blamed India and Afghanistan. In Sindh, the Urdu-speaking migrants from Northern India resented efforts to replace Urdu with Sindhi as the province's official language. Language riots in the urban centers of the province highlighted the de-facto division of Sindh between predominantly Urdu-speaking cities and Sindhi-speaking rural areas.

Mr. Bhutto's civilian government had, by 1977, embraced the notion of a highly centralized bureaucratic state that the PPP had politically opposed in its quest for popular support seven years earlier. In an effort to appease Islamists, the constitution was amended to declare adherents of the minority Ahmadi sect as heretics and non-Muslims. When a general election was called that year, all opposition parties – ranging from the Islamists to the ethnic-based ones – united under a common platform, the Pakistan National Alliance (PNA). The secular parties in the PNA accepted to run under a common platform demanding an “Islamic system of government.” The elections were not sufficiently transparent, making it possible for the opposition to refuse accepting its results. Mass agitation followed, which provided the basis for Pakistan's return to martial law under General Ziaul Haq.

The five years of civilian rule under Mr. Bhutto and the PPP represented a lost opportunity for creating Pakistani unity through recognition of its diversity. The 1970 election had shown that the idea of Pakistan as an Islamic state had little popular support, and the Islamist groups were merely well organized pressure groups. Governance by popular consent, with deference to constitutionally defined institutions of state, could have absorbed the Islamist and centrifugal tendencies. But instead of practicing the constitution, the Bhutto government constantly sought ways around it. The small parliamentary opposition resulting from the general election was pressured into joining the ranks of the government.

The lack of opposition to the PPP in the Punjab provincial assembly shifted the focus of opposition politics in the province outside the legislature, mainly to the mosques and religious educational institutions. In Balochistan and NWFP, where the PPP had won an insignificant number of seats at the polls, forced and manipulated switching of party loyalties resulted in PPP governments within two years. There was, thus, a disconnect between the people (who had voted for the ethnic parties in the two provinces) and the contrived legislatures that purportedly represented them. In Sindh, Mr. Bhutto played up his own Sindhi ethnicity to draw popular support. In doing so, he created a backlash among the non-Sindhi, mainly Urdu-speaking urban population.

### **The Zia Years:**

General Zia executed Mr. Bhutto in 1979 and ruled Pakistan for eleven years, mostly with an iron hand. He allied himself with the Islamic parties, initially appointing members of the anti-Bhutto coalition Pakistan National Alliance (PNA) as cabinet members. In his first address to the nation, announcing the imposition of Martial Law on July 5, 1977 General Zia acknowledged the Islamic fervor of anti-Bhutto demonstrators. By 1978, a foreign observer observed, “a general Islamic tone” pervaded “everything, obviously much influenced by the President.”<sup>6</sup> On December 2, 1978 coinciding with the beginning of the new Islamic *Hijri* year, the first steps towards Islamization of laws were announced. Islamic laws on theft, drinking of alcohol, adultery and the protection of the freedom of belief were enforced from February 1979. The government created Islamic courts (provincial *Shariat* benches at the High Court level and an Appellate *Shariat* bench at the Supreme Court level) to decide “whether any law is partly or wholly un-Islamic and the government will be obliged to change the law”.<sup>7</sup>

Over time, General Zia moved away from describing his military regime as a temporary phenomenon and declared his objective to be the Islamization of the Pakistani State<sup>8</sup>. Over the next decade, several steps were taken to increase the visible role of Islam in matters of state. In addition to the progressive adoption of Quranic penal laws (*Shariat* or *Shariah*) and the creation of religious courts, interest-free Islamic banking was introduced and the collection by the State of the Islamic welfare tax *Zakat* (or *Zakah*) was initiated. Laws were made to enforce the sanctity of the Muslim Holy month of Ramadan. Women appearing on television were required to cover their heads. Religious education was made compulsory for all students and seminaries known as *madrasas* were promoted, sometimes at the expense of contemporary schooling.

Pakistan also became a center for Islamic militants during the war against the Soviet occupation of Afghanistan that began in 1979. During the anti-Soviet Afghan resistance, militants from all over the Muslim world passed through Pakistan to participate in the Afghan Jihad. They were, at the time, supported by the intelligence services of the west as well as Islamic nations other than Pakistan. Some of them created covert networks within Pakistan, taking advantage of poor law enforcement and the state's sympathetic attitude towards pan-Islamic militancy. General Zia's regime encouraged Sunni militant groups, in particular, to take on Pakistan's Shia minority, which was seen as being sympathetic to Ayatollah Khomeini's revolutionary regime in Iran.

General Zia's military regime faced a serious domestic political threat from the PPP, now led by the late Mr. Bhutto's daughter Benazir Bhutto and from ethnic nationalist parties in the provinces adjoining Afghanistan. The Pashtun and Baloch nationalists were now represented by several groups including the Awami National Party (ANP), the Pakhtoonkhwa Milli Awami Party (PMAP), and the Baloch National Party

(BNP). These parties subscribed to left wing ideologies and saw the Peoples Democratic Party of Afghanistan (PDPA) now 'ruling' Kabul as an ideological ally. They also opposed the Afghan Jihad because it threatened their power base. The influx of Afghan refugees that sustained the Jihad changed the demographic balance of their home provinces. General Zia's Islamization drive, and the large-scale funding and arming of Islamists in Balochistan and NWFP, meant that the Islamists could displace the secular nationalists as the leading political force in the two provinces – a fear that has since been proven right.

General Zia dealt with threats to his government by a combination of repression and Machiavellian manipulation. He created a countervailing force for every idea or political group that challenged his control. The PPP's power base in Punjab was offset by officially sponsored rejuvenation of the Muslim League and the religious parties. These groups emphasized the Islamic ideology of Pakistan and thwarted the PPP's calls for restoration of democracy as efforts by a secular, socialist group to undermine the country's Islamic identity. In Sindh, opposition to the PPP was organized by encouraging harder-line Sindhi nationalists, on the one hand, and encouraging the Urdu-speaking 'Mohajirs' to demand their rights, on the other. General Zia personally met with the founder of the Sindhu Desh movement, ostensibly to reach out to a secessionist leader. The real intent, however, was to ensure that Sindhi nationalists do not make common cause with the PPP and that the threat of ethnic nationalism could be offered as the reason for not allowing open, multi-party democratic politics. Islamist parties gained strength in Balochistan and NWFP due to their supportive role in the Afghan war. The ethnic based groups were also kept in check through division along tribal lines, with different groups being alternately favored to keep them from becoming a unified political force.

### **Punjabi Domination:**

The Zia regime's narrow support base comprised the military and the traditionally powerful classes of the Punjab, namely the feudal land-owners, civil servants and urban traders. East Bengalis and citizens of Pakistan's smaller provinces had complained of Punjabi domination since the country's inception. The origins of the problem lay in the ethnic make up of Pakistan's civil service and military officers' corps at the time of independence. Most Muslim members of the civil service in British India belonged to the regions not included in Pakistan, which meant that Pakistan's civil service was manned in its early years by a disproportionate number of 'Mohajirs'--Urdu-speakers from regions outside Pakistan -- and some Punjabis<sup>9</sup>.

Pakistan's official records speak only of regional representation in the services and there are no official figures for their ethnic composition. But it is not difficult to estimate the extent and nature of the imbalance in ethnic representation within the civil service. The lack of Bengali representation in the higher bureaucracy, for example, was stark since independence. Only one East Bengali was among the 157 officers forming the core of the Pakistan civil service in 1947. Ten years later, thanks to a system of provincial quotas in recruitment, the proportion of East Pakistani officers in the civil service improved to 24.3 percent. By 1967, East Pakistanis accounted for 34.1 percent of all

senior bureaucrats.<sup>10</sup> But East Pakistan's share in the civil service was still far less than its population, which stood at more than half of the original Pakistan. Moreover, the attempts to alter the share of various regions in the civil service through provincial quotas did not sufficiently change the bureaucracy's ethnic composition. In some cases, Punjabis and Mohajirs applied for civil service jobs from different provinces to qualify under the quota regime.

More recently, Punjab was estimated in 1984 to account for 55.8 percent of the higher ranks of Pakistan's federal bureaucracy.<sup>11</sup> The province's share in the bureaucracy is only marginally greater than its share of the population. But Punjab's population includes Seraiki speakers, and once they are accounted for separately, ethnic Punjabis have a disproportionately large share of jobs in the bureaucracy. More significantly, only 5.1 percent of civil servants come from rural Sindh and 3.1 percent from Balochistan. The NWFP's share in the federal bureaucracy stands at 11.6 percent. Mohajirs, now concentrated in Sindh's urban areas, account for 20.2 percent of senior civil service positions in the federal government.<sup>12</sup> Mohajirs are estimated to be only 7 percent of Pakistan's population.<sup>13</sup>

In the case of the military, the British had recruited soldiers from what they considered to be the "martial races". The Pakistan army, therefore, consisted mainly of Punjabis from the northwest of the province, who along with the Pashtuns qualified as a martial race in British eyes. Given the sensitivity of the subject, Pakistani authorities have consistently refused to release statistics on provincial or ethnic representation in the armed forces. But it is estimated that 65 percent of officers and 70 percent of other ranks in the Pakistan army are Punjabis. This compares with Punjab's 55 percent share in the country's population. Pashtuns from the NWFP, with 16 percent of the population, constitute an estimated 22 percent of officers and 25 percent of other ranks. Sindhis and the Baloch have very little representation in the military, while the Mohajirs are represented in the Officers corps but not in the rank and file<sup>14</sup>.

In Pakistan's initial years, political participation in the process of governance somewhat compensated for the smaller provinces' virtual exclusion from the bureaucracy and the military officers' corps. Bengali and Sindhi politicians, for example, played a crucial role in the parliamentary power play between 1947-1958. They held out promises of a better future to their constituents and served as intermediaries between the state apparatus and the people. But the citizen's daily contact with government is with policemen and state functionaries rather than with ministers. It did not take long for average folk to start feeling that their lives were governed by outsiders rather than people like themselves. The problem was aggravated under military rule. In the absence of political intermediaries, power was seen as being completely in the hands of a predominantly Punjabi military and Punjabi-Mohajir bureaucracy. Other Punjabi elite groups, such as agricultural landowners and traders, could relate to a military-bureaucratic government because of shared ethnicity. Intermarriages among the Punjab elite created family bonds between feudal politicians and generals or bureaucrats. The military has always co-opted Punjabi politicians as junior partners in power sharing, making Punjabis feel part of a military regime. Sindhis and Balochis, and to some extent

the Pashtuns, have been less comfortable with centralized military rule because their ethnic groups feel excluded from effective political power.

During the Zia years, the complaint about Punjabi domination got louder. General Zia tried to broaden the base of his regime through a non-party election and power sharing with a Sindhi civilian Prime Minister (1985-88). But the military, and more especially Zia, did not like the Prime Minister's growing assertiveness, and General Zia removed the Prime Minister, ending this experiment in controlled democracy. When General Zia died in a plane crash in 1988, his successors at the head of the Pakistani military decided to end direct military rule and opt for exerting influence behind the scenes. An alliance of disparate political parties was cobbled together by the Inter-Services Intelligence (ISI), with explicit backing from the new army chief, General Aslam Beg. The idea was to ensure that there was a "political balance of power," meaning that no single party (especially Benazir Bhutto's PPP) could wield power on its own. It was a different way of continuing General Zia's policy of working with countervailing forces for each potential challenge to the military-led centralized state.

The national political parties in Pakistan usually have a provincial or regional home base, and the people see the party's leadership as representing the interests of that region. To attain national electoral success, the parties must reach beyond this home province. But strong support in the home base is the key to the political strength of the two major parties. The PPP's source of strength is Sindh and the Seraiki speaking southern districts of Punjab. The Pakistan Muslim League (PML) has traditionally been strong in central Punjab. In 1970, the PPP's ability to add support in central Punjab to its traditional base had been the key to its sweeping electoral victory. The base of the Awami National Party or ANP (formerly National Awami Party or NAP) is in NWFP, while several Baloch parties (namely the Jamhoori Watan Party, the Baloch National Movement, and the Baloch National Party) are based in Balochistan. More recently, the alliance of Islamic parties, Muttahida Majlis Amal (MMA) has demonstrated special strength in NWFP and the Pashtun areas of Balochistan.

The results of the 1988 election reflected a fractured polity that had changed considerably since 1970. The PPP secured an overall majority but its success depended primarily on its strength in Sindh and in southern Punjab. An alliance of the PML and minor parties, backed by the military and led by Nawaz Sharif, made a strong showing in central Punjab and maintained control of the provincial government. Sharif articulated the vision of an Islamic centralized state, with special emphasis on an anti-India nationalism. He succeeded in energizing the Punjabi middle class and was seen as representing the political manifestation of the old military-bureaucratic combine. Apart from Sharif's emergence as the new political power broker on behalf of Punjab, the election also produced a new force representing the Urdu-speaking migrants concentrated in urban Sindh, the Mohajir Qaumi Movement (MQM) led by Altaf Hussain. The traditional Baloch and Pashtun parties returned to the scene, albeit somewhat fractured along tribal or regional lines.

Over the next ten years, power alternated between coalitions led by Benazir

Bhutto and her PPP on the one hand and Nawaz Sharif and his PML on the other. Although elections were held almost every two-and-a-half years, neither leader was able to complete a full term in office. Constitutional amendments enacted by General Zia conferred on the indirectly elected President the power to dismiss the elected Prime Minister and to order a fresh election for parliament. This power was repeatedly used, with the military's backing, against each government. The military also meddled in the election process, helping create or break alliances and in at least one case even funding the campaign of one group of parties. The major political parties failed to cooperate in parliament, undermined opposition governments in the provinces, and accused each other of political victimization and corruption. Religious and ethnic divisions were used to create crises for rival parties. Once again, there was little attempt to use the constitutional mechanisms provided for in the 1973 constitution to reconcile and heal the country's fissures.

By 1999, the military was ready to rule directly. Prime Minister Nawaz Sharif's second government (1997-99) was toppled in a military coup and General Pervez Musharraf assumed complete power.

### **Divisive Issues:**

The perception of political exclusion and a sense of injustice over sharing of power and resources are at the heart of the resentment of different ethnic groups in Pakistan. Although each of Pakistan's four provinces is considered to represent a major ethnic group, the provinces do not conform to ethnic or linguistic boundaries. Out of the fear that ethnic identities might unravel its nationhood, Pakistan has not changed the scheme of its provinces since independence. The country persists with a political map drawn by the British in a different era, with a different purpose and reflecting different demographic realities. Although NWFP is seen as a predominantly Pashtun province, its population includes an equal number of non-Pashtuns. Karachi, in Sindh, has more Pashtuns than any city in the NWFP, and its public life is dominated by Mohajirs. The migration of Urdu-speaking Mohajirs from India, as well as internal migration by Pashtuns and Punjabis has significantly altered the demographic make up of Sindh. Punjabis and non- Punjabis (including Saraikis) are nearly equal in number in the Punjab, and the Saraiki-speaking south of the province has often identified itself differently. A large number of Baloch live in parts of Sindh and Punjab, whereas a significant part of Balochistan's population is Pashtun and five distinct languages are spoken in that province.

Moreover, almost every major ethnic group in Pakistan has kinship ties across the adjoining international border. Baloch tribes extend into Iran; Pashtuns spread into Afghanistan. A large number of Sindhis, albeit Hindu in religion, live in India. Pakistani Punjabis share a common spoken language with India's Punjabis and with Kashmiris from Jammu and Poonch. There is also a large population of Kashmiri origin in Punjab. The cross-border nexus has sporadically influenced the politics of each ethnic group. The Punjabis, including those of Kashmiri origin, take an extraordinary in supporting a strong stance against India. The Baloch and Pashtun nationalist parties have, in the past, look

towards Zahidan (in Iranian Balochistan) and Kabul for support. And India's migrant Sindhis have provided financial support for Pakistan's Sindhi nationalists, according to Pakistani officials. Pakistan has officially accused India and Afghanistan of supporting separatist movements on more than one occasion. The old-school separatist movements now appear to have been sidelined by ethnic-based political parties demanding more rights within the framework of a federal Pakistani constitution. But nationalist feeling could turn separatist again in Balochistan, Sindh and NWFP if the various ethnic groups feel sufficiently alienated or Pakistan's neighboring states decide to exploit ethnic sentiments.

The decision not to pursue democratic politics and to maintain the administrative status quo has made it difficult for Pakistan's decision-making elite to respond to changing ethnic and demographic realities. Instead of bending to constitutional and legal provisions in dealing with changes in ground realities, Pakistani leaders have tended to bend the constitution and the law to their political needs. The result is a freezing of issues that could otherwise be resolved by legal-constitutional means.

The constitution, in article 153, provided for a Council of Common Interests (CCI) to "formulate and regulate policies" of the federal government that affect the provinces and to "exercise supervision and control over related institutions". Chaired by the Prime Minister or a federal minister nominated by him, the CCI comprises the Chief Ministers of all four provinces and an equal number of federal ministers. It is both a deliberative and decision-making forum. But its meetings have been convened only sporadically, notably when Sharif (as Punjab Chief Minister) challenged Bhutto's authority as Prime Minister in 1989. Inter-provincial issues have generally been kept out of the CCI and the deliberations during its intermittent meetings have often avoided the thorniest problems. The central government has been reluctant to allow the CCI a free hand in resolving disputes between the center and the provinces as well as among provinces. The center has sought conformity with its writ as a substitute for open dialogue and give-and-take between the provinces. The military regime of General Musharraf has also not referred matters to the CCI.

Even the enumeration of the country's population and that of its various regions has become a subject of dispute. The 1973 census provides for representation of each province in the Lower House of parliament and in federal services proportionate to population. The general trend of southward migration in the country, from NWFP and Punjab to the cities of Sindh in particular, would have resulted in reducing Punjab's representation in the National Assembly and in increasing the number of seats available to Sindh. But the re-allocation of seats proportionate to new population figures has not taken place for almost three decades.

The census scheduled for 1991 was delayed as the provincial governments argued over the census methodology. At one point in 1994, the Punjab government even proposed that it would allow a census only if the new population figures were not allowed to affect representation in parliament, quotas for civil services and the allocation of federal funds to provinces. The census was eventually conducted by the military in

1998 but its final figures remain controversial. The census, described as “the most politicized” in the country’s history<sup>15</sup>, put Pakistan’s total population at 130.5 million, up from 64.2 million in 1981 but between 9 million to 20 million lower than estimates including those of the government’s own statisticians. Punjab’s share of the national population declined somewhat from 56.1 percent to 55.1 percent but that decline as well as the rise in population for other provinces was far below the expectations of their leaders. The population of Sindh was assessed to be 34.4 million by the Sindh Bureau of Statistics while the census put it at 29.9 million<sup>16</sup> Census figures suggested that the rate of population growth in the country had declined from 3.32 percent to 2.75 percent, one of its most contentious findings. Critics insinuated that the growth rate had been adjusted to paper over “contentious issues like the composition of Sindh’s population” as well as the Baloch-Pashtun divide in Balochistan.<sup>17</sup> One opposition group, the Mohajir Qaumi Movement (MQM) claimed that the census figures had been “doctored to maintain” the previous population ratio and claimed that the population of Karachi (assessed by the census at 9.2 million) had been grossly understated.<sup>18</sup> The MQM claims that Karachi’s population stands at 15 million. Even now, the official census figures are constantly questioned by different groups, which feel that their group interests have been compromised by ignoring or recording a certain demographic shift.

Another nettlesome issue is royalties from natural resources such as gas, oil and hydro-electric power. This issue is important to the smaller provinces, as Balochistan produces natural gas, Sindh is the country’s largest producer of oil, and the NWFP is the site of major hydro-electric projects. According to official figures, Rs 35.84 Billion will be disbursed by the federal government to the provinces as their share of oil and gas royalties. Of this, Rs 7.579 billion were paid to the Punjab, Rs 24.097 billion to Sindh, Rs 23.016 billion to the NWFP and Rs 4.146 billion to Balochistan<sup>19</sup>. But the smaller provinces do not find the current system of distribution of royalties as equitable. The federal government at present collects royalties on oil and gas and only part of these are passed on to the provinces. Sindh, in particular, has challenged the royalty distribution formula, arguing that it does not receive royalties commensurate with its 62 percent share in the country’s oil production.<sup>20</sup> A fair system of royalties for the smaller provinces would augment their income but would be detrimental to the interests of Punjab, which has the larger population and is a net consumer of energy.

The smaller provinces also have serious concerns about the manner in which taxes are collected and allocated to the provinces. The federal government collects income tax, sales taxes and customs duties, the principal sources of government revenue in Pakistan. Revenues are then distributed among the provinces according to a ratio determined by the National Finance Commission (NFC), set up under article 160 of the constitution. The Commission is headed by the federal finance minister, and includes finance ministers of all the four provinces as its members, and such other persons as may be appointed by the President after consultation with the provincial governors. The scope and the terms of reference of the Commission are determined by the President, in other words by the federal government. According to the constitution, the NFC must be constituted every five years. Instead of acting as the conciliatory body envisaged in the constitution, the NFC has over the years become an instrument for legitimizing the central finance

ministry's view of how the country's resources should be distributed among the provinces.

General Pervez Musharraf constituted a new NFC in November, 2003. It appears to have continued the practice instituted in the last NFC, in 1996, of allocating the bulk of resources to the federal government, with 37.5 percent going to the provinces. In addition to maintaining federal control of all major sources of revenue, including sales tax, the last NFC award apportioned resources to the provinces solely on the basis of population<sup>21</sup>. This hurt Sindh, which contributes 65-70 percent of federal taxes, and Balochistan, which received little compensation for its backwardness and geographical expanse. In India, for example, distribution of the two federally collected taxes is weighted to take into account size of population, backwardness, collection, and projected budget deficits.

Pakistan is the most water short country in South Asia, so it is no surprise that the allocation of water pits provinces against one another. Since the 1980s, the smaller provinces (Sindh, Balochistan and NWFP) have accused Punjab of consuming more than its fair share of water. Today's debate centers on the federal government's plan to build a dam on the river Indus at Kalabagh. Punjabis, especially in the southern part of the province, are eager for added power and irrigation water. Pashtuns complain that the dam would inundate the historic city of Nowshera, displace an unusually large number of NWFP citizens and cause flooding and soil erosion in this northern province. Sindhis are fearful that decreased water flows downstream will increase saline inflows from the sea and harm their way of life. Although Balochistan is not a direct party to the controversy, Baloch sympathies have generally been with Sindh.

The Kalabagh Dam has become an emotional issue in both NWFP and Sindh and is cited by ethnic parties as an example of Pakistan's central authorities ignoring the interests of non-Punjabis. Successive governments since General Ziaul Haq's military regime have tried to resolve the deadlock over the Kalabagh Dam. The central government has argued that the dam is essential to boost the country's power generation and water storage capacity. But, in addition to Pashtun and Sindhi politicians, the civil servants and technocrats in these provinces have also refused to concede that the project would do more good than harm. Alternative proposals, such as the location of the dam further upstream at Bhasha, have also been tied up in the political bickering. More recently, the scheme to build a canal between the Indus and Jhelum rivers to irrigate part of the Thal desert in the Punjab (the Greater Thal Canal) has become another irritant in Sindh-Punjab relations. Sentiments over the diversion of Indus River water are so strong that even the politically weak Sindh provincial assembly elected in 2002 under General Musharraf's military rule felt compelled to pass a resolution condemning the Greater Thal Canal's construction.

### **Recent reforms:**

When General Musharraf assumed power in 1999, he declared that he would preside over a military regime with a difference. He promised to create sustainable federal democracy and emphasized the devolution of power to local governments. Since

the September 11, 2001 terrorist attacks he has also promised to end the influence of Islamic militants within Pakistan. While several packages of reforms have been announced, and in some cases partially implemented, these have largely ignored the provincial level of government, focusing instead on local government. Reforms have had little impact on the diverging interests of the provinces or on the resentments that fuel regional disputes. The government in Islamabad, dominated by the military and its intelligence services, continues to run most aspects of policy. Constitutional institutions, such as the judiciary, the National Finance Commission, the Council of Islamic Ideology and the Council of Common Interests remain insufficiently effective. Several decrees and ordinances supersede or by-pass the constitutionally mandated legal order. Most significantly, the scheme of reform is based on the will (or whim) of the country's chief executive rather than on an interconnected structure of self-sustaining institutions, subject to well defined and fully implemented laws.

The centerpiece of the administrative reform package introduced by the Musharraf regime is the devolution of power to district governments. The new district governments, elected in 2001, have yet to wield effective power. *Nazims* in most districts have complained of lack of funds as the district governments' ability to generate revenue is limited and transfers from the federal and provincial governments have not been generous. Provincial governments see the district *Nazims* as rivals for political power. Pakistan's complex ethnic and regional divisions cannot be resolved without ending the concentration of power at the federal level. The current devolution of power scheme leaves both the provincial and district governments largely at the mercy of Islamabad.

### **Changing Politics:**

General Musharraf is trying to change Pakistan's politics through a combination of constitutional and political maneuvers. He drastically changed the Pakistani constitution through a package of amendments known as the Legal Framework Order (LFO) before convening parliament after elections in October 2002. The elections were held under new rules aimed at restricting the chances of the two mainstream political parties. The military micro-managed the pre-election environment to ensure the success of a pro-Musharraf faction of the PML, called PML-Q and nicknamed the King's Party. Fewer Pakistanis cast their ballot than in past elections. But the military's chosen candidates failed to win in a resounding manner. The result was a nominal majority for the king's party, cobbled together through defections in other parties, and the emergence of an alliance of religious parties, the Muttahida Majlis-e-Amal (MMA) as major power broker. The MMA, which sympathizes with Afghanistan's ousted Taliban, formed the government in NWFP and is part of the coalition in Balochistan. Its success makes it difficult to roll back the Islamization of the Zia years, even though General Musharraf declares that as his objective.

Four out of five of MMA's top leaders are Pashtun. Pashtun resentment against the U.S. military action in Afghanistan is widely credited with giving impetus to the MMA. The religious alliance's strength in the Pashtun areas bordering Afghanistan means that Pashtun nationalism has now adopted the Islamic vocabulary. It is the first

time that two distinct divisive factors – in this case, Islamist ideology and Pashtun nationalism—have merged in any part of Pakistan, posing a serious challenge for the country’s centralized authority.

The rise to power of the MMA raises the prospect of demands for further Islamization coming to the fore. There is also the possibility of ethnic demands by Pakistan’s Pashtuns being articulated by a religious, as opposed to the previously secular nationalist, leadership. But the MMA’s success was not the outcome of a broad political shift in Pakistan’s political spectrum. The Islamist alliance secured only 11 percent of the popular vote, nation-wide and its share of the popular vote was less than that of the Nawaz Sharif faction of PML<sup>20</sup>. Its increased parliamentary representation, and its ability to form the government in the provinces bordering Afghanistan, was largely the result of General Musharraf’s avowed policy of keeping the mainstream parties out of a future government.

### **“A Difficult Country to Govern:”**

A cursory look at Pakistan’s history reveals three major faultlines. The first of these relates to the ideological division over the role of Islam in national life. Starting out as a pressure group outside parliament, Pakistan’s religious parties have now become a well-armed and well-financed force wielding considerable influence within different branches of government. They have benefited from the past patronage of the military and civil bureaucracy, which saw them as useful tools in perpetuating the military’s control over foreign and domestic policy. The Islamist worldview is incompatible with the vision of a modern Pakistan. The violent vigilantism of some Islamists has become a serious threat to Pakistani civil society, in addition to promoting sectarianism. Operating outside the framework of rule of law, the Islamists have the potential to disrupt the conduct of foreign policy especially in view of their support for anti-India militants in Kashmir and the Taliban in Afghanistan.

The second major source of conflict in Pakistan is ethnic and provincial. Highly centralized and unrepresentative governance has resulted in creating grievances among different ethnic groups. The level of discontent of one group or another has varied from time to time, but the state has not evolved institutional mechanisms for dealing with such discontent. The constitutional provisions relating to provincial autonomy, which could placate each province by allowing full self-government, have often been bypassed in practice. Intra-provincial differences, such as those between the Baloch and the Pashtuns in Balochistan, between the Punjabis and Saraiki in Punjab, between Pashtuns and Hindko-speakers in NWFP and between Sindhis and Mohajirs in Sindh have also festered without political resolution.

The third, and potentially most significant, crack in Pakistan’s body politic is the perennial dispute over who should wield political power and how. General Pervez Musharraf recently described Pakistan as “the most the difficult country to govern.” The root of this difficulty is the absence of agreed ground rules for the conduct of politics. Pakistan’s rulers are reduced to managing ethnic and religious tensions and juggling

between the country's various faultlines. In the absence of democratic practice, ideological and ethnic divisions can be played upon by a vocal minority, which can seem disproportionately significant because of its agitation potential. Military and bureaucratic governments often fail to mobilize popular support in favor of their policies. Often, they opt to corner popular politicians and confer the mantle of political leadership on otherwise insignificant individuals. These "imposed" politicians try to secure popular backing through corruption, patronage or demagoguery and often perpetuate the ideological and ethnic tensions instead of assuaging divisive feelings.

Pakistan's leaders, and their supporters in the United States, have often taken heart from their ability to keep the lid on the political cauldron. But several factors argue that the country's structural political problems and divisions now need to be meaningfully addressed. Pakistan has a burgeoning population (estimated at 150 million in July 2003)<sup>22</sup> one-third of whom live below the poverty line. Official estimates of population growth are 2.5 percent. There are an estimated 5 million unregistered guns in the country, many of them sophisticated weapons provided to the Afghan Mujahideen during their struggle against the Soviet Union. Pakistan's law enforcement capability is generally considered weak, especially against terrorist and organized crime networks, many of which work in tandem. There are persistent reports that security services are infiltrated by terrorist sympathizers as well as by organized crime networks, a legacy of Pakistan's state sponsorship of the Taliban and anti-India Jihadi groups. Pakistan's large numbers of poor, unemployed youth serve as a potential recruitment pool for Islamist and ethnic militant groups. These groups have ready access to weapons. There is also potential for Pakistan's neighbors (India, Iran and now Afghanistan) to take advantage of disgruntled groups in the country, in retaliation for Pakistan's backing for militants in the region.

Pakistan needs to get back on the path of normal political and economic development, and to do this it must address its internal crises. The United States, too, cannot afford the current drift in a large Muslim country abutting the Persian Gulf, South Asia and Central Asia. The facts that Pakistan is armed with nuclear weapons, has a large standing army and a huge intelligence service with covert operations capability add to the urgency of dealing with the doubts about its future course.

### **Policy Recommendations:**

Pakistan's domestic problems need to be recognized and addressed by its own leaders. The United States can use its influence, as well as the leverage of economic assistance, to nudge Pakistan in a certain direction. The policy recommendations proposed below are addressed to Pakistani as well as U.S. policy makers.

#### **For Pakistan:**

1. *Contain the Islamists through Democracy.* A majority of Pakistanis has repeatedly demonstrated that they do not share the Islamist vision for their country. Even the MMA's extraordinary electoral performance in 2002 garnered only 11 percent of the total votes cast. The Islamist vote bank as a percentage of total registered voters has been more or less stagnant since the 1970s. The strength of the Islamists lies in their ability to mobilize financial and human resources. They run schools, charities, and

newspapers and are able to put their organized cadres on the streets. In the absence of democratic decision-making, the Islamists can dominate the political discourse. Pakistan's secular civil society is either apolitical or insufficiently organized, while the secular political parties have consistently been dismembered by successive military governments.

Strengthening secular civil society and building the secular political parties as a countervailing force can contain demands for Islamization. It is significant that whenever an elected political leader has rejected the demands of the Islamists, fears of a backlash have failed to materialize. Zulfikar Ali Bhutto was able to expand the role of women in the public arena and Nawaz Sharif reversed the decision to observe Friday as the weekly holiday with only limited reaction. On the other hand, the Islamists have won their major policy victories with regimes seeking their support for political legitimization. Mr. Bhutto's anti-Ahmadi constitutional amendment and General Zia's Islamization are examples of that phenomenon. Democratic consensus on limiting or reversing Islamization would gradually roll back the Islamist influence in Pakistani public life. The Islamists would still have a role as a pressure group representing a point of view but would stop wielding their current disproportionate influence over the country's overall direction.

2. *Implement the Constitution.* The 1973 constitution reflected a broad national consensus but it has almost never been fully implemented. Soon after its enactment, its fundamental rights portion was suspended under a state of emergency. The Zulfikar Ali Bhutto regime amended it several times within a few years, increasing the powers of the executive at the expense of other branches of government. The provincial autonomy sections of the constitution have hardly been implemented by an over-bearing central government that has tended to micro-manage affairs in the provinces. The military regimes of General Zia and General Musharraf have held the constitution in abeyance, and restored it only with major amendments. Reversion to the original constitution, with the willingness of all concerned (including the military and the elected executive) to submit themselves to the constitution can change the nature of Pakistan's politics, which at present is a power play without any rules.
3. *Increase the number of Provinces.* Pakistan's current federal scheme is rendered ineffective by the fact that one component unit of the federation (Punjab) dominates all others in almost every respect. The existing division of provinces does not reflect ethnic and linguistic boundaries, creating problems within each province in addition to issues between them. It is time to consider increasing the number of provinces so that no single federating unit remains dominant and different ethnic groups feel empowered within their respective units.

Changes in the boundaries of provinces and the creation of new ones would require agreement by the different provinces and may take time to materialize. But the process of debate about such a possibility must soon be undertaken. A workable proposition would be to divide Punjab into three and the other provinces into two provinces each, resulting in 9 instead of the present 4 provinces. This would yield a

southern Sindh province with an Urdu-speaking majority in addition to a Sindhi-speaking province in Sindh; a Baloch and a Pashtun province in present Balochistan; a Pashtun and a Hazara province each in NWFP; and a Seraiki province in southern Punjab in addition to central and northern Punjab provinces. None of the new provinces would be able to dominate the federation as Punjab does today. There would also be less conflict within each province, given that every ethnic group will have at least one province it can call its own.

Ethnic based nationalist parties would most likely oppose any change in provincial boundaries not least because such changes would take away any claims for separate independent homelands. But the proposal could become acceptable to the smaller provinces if the division of the provinces is accompanied with genuine provincial autonomy and a reduction of the center's role in the lives of citizens. The smaller provinces would be rid of what they perceive to be Punjabi domination, and ethnic minorities would secure a share in political and economic power within their new provinces.

4. *Strengthen the National Finance Commission:* Instead of persisting with existing arrangements for distributing centrally collected tax revenues, a new formula must be arrived at for accommodating the demands of provinces in revenue sharing. The National Finance Commission, provided for in the constitution, should not serve as an instrument of the central government to retain the status quo with periodic modifications. It should be made an independent institution, with an independent permanent research staff, and open hearings. Appointment of members to the Commission should be subject to advice and consent of the senate. Once the Commission evolves into a respectable independent institution, its decisions would carry greater weight. The provinces will feel less aggrieved over formulae for income sharing devised by an independent commission than they are by current arrangements. The new Commission, constituted by General Musharraf, should take into account factors other than population while making its award, including the contribution to the federal revenue, geographical expanse of the province and the generation of natural resources. The overall share of the provinces in federally collected tax revenue must also be increased.
5. *Activate the Council of Common Interests.* Issues such as building of dams on rivers that flow through different provinces are best handled by the constitutionally provided institution, the Council of Common Interests. The CCI should be made an active institution, with a permanent staff. It can conduct research on the technical aspects of issues such as water distribution before attempting to resolve them. This would eliminate some of the emotionally charged and highly politicized debate over issues such as construction of the Kalabagh Dam and the Greater Thal Canal.
6. *Extend Military Recruitment outside Punjab:* For all practical purposes, the Pakistani military has yet to overcome the institutional prejudices of the British Raj. The military culture in certain districts of the Punjab, designated as the home of martial races by the British, still defines the overall recruitment pattern of Pakistan's armed

forces. A conscious effort is needed to change this pattern, making the military officer corps more representative of Pakistan's ethnic diversity.

7. *Diminish the Role of Central Civil Services.* Although each province has a provincial civil service, the plum civil service positions even in provincial governments are reserved for centrally selected bureaucrats. This creates ethnic disharmony as officers from other provinces, especially Punjab, manage the police force and revenue offices in areas with which they have virtually no cultural connection. While an all Pakistan civil service is necessary and desirable, the proportion of local level civil service jobs that are manned by the central service cadres needs to be scaled down. The provincial civil services must be strengthened and their members offered a wider selection of positions in local and provincial governments.
8. *Strengthen the Provinces and Local Governments.* Despite the much touted devolution scheme introduced by the Musharraf regime, Pakistan remains a highly centralized bureaucratic state. Elected local governments, for example, are "monitored" by military officers and all provincial and local government officials are subjected to vetting by the military's intelligence service. This is not a recipe for effective local government. Pakistan's provinces and its local government institutions must be given a chance to work independently, subject only to accountability at subsequent polls or through the normal judicial system.
9. *Include the provinces in water and energy management.* Much of the recent bickering between Pakistan's provinces and the discontent of some ethnic groups has revolved around issues relating to water distribution and energy supply. Pakistan's water and power distribution system is centralized and managed exclusively by the central government. Given that the country has an integrated power grid and a single major river system, there is a case for central planning for managing water and power resources. But the distribution of these resources must involve the provinces, to avoid charges that the largest province (which also dominates the military and the civil service) usurps the rights of other provinces.

### **For the United States:**

1. *Voice concerns about Pakistan's direction.* Pakistan's military considers it important to maintain the alliance with the United States. This gives the U.S. a psychological advantage in influencing the course of Pakistan's domestic policies. While acknowledging Pakistani help in dealing with Al-Qaeda, U.S. officials should also use their "bully pulpit" to demand reform in the way Pakistan is governed. The Pakistani military's support for Islamic militants, its use of the intelligence apparatus for controlling domestic politics, and its refusal to cede power to a constitutional-democratic government should not be condoned by the U.S. Critical public pronouncements by U.S. officials are an important instrument of policy in relation to Pakistan, and it should be used selectively but as often as necessary.
2. *Use the Lever of Aid to change Pakistan's policies.* The United States is a major

benefactor of Pakistan as an aid donor. But much of its economic assistance, since 9/11, is being used to pay down Pakistan's foreign debt. The U.S. has attached few conditions to its aid. As a result, the spending patterns of Pakistan's government have not changed significantly. The country's military spending continues to increase and social sector spending is well below the required levels. The U.S. should use its aid as a lever to influence Pakistan's policies. Pakistan's state sponsorship of Islamist militants, its pursuit of nuclear weapons and missiles at the expense of education and health care, and its refusal to democratize should not be ignored. Each one of these issues has a direct relationship with Pakistan's radicalization. U.S. economic assistance should be a means of tackling these sources of Pakistani radicalization, instead of being a shot in the arm for the country's ruling military-bureaucratic elite. American NGOs should also be encouraged to play a role in helping Pakistan's secular civil society and in reshaping the political discourse away from violent ideological and ethnic divisions.

3. *Invest in Institution Building.* The U.S. must invest in helping Pakistan restore an institutional balance and revert to institutional governance. U.S. aid money should go towards rebuilding the country's judiciary, developing constitutional institutions such as the National Finance Commission and Council of Common Interests, and strengthening institutions vital for democracy including political parties and an independent Election Commission. The Pakistani military and intelligence services are well financed, as are the Islamist movements in the country. The U.S. needs to put its weight behind secular civil society and civilian institutions. Training programs for political party building, the fostering of free media and the creation of independent think tanks to influence the ideological discourse are also necessary to change the nature of Pakistani politics.
4. *Support the Provinces.* The U.S. should direct a significant portion of its economic assistance to Pakistan's provincial governments, especially in the area of human capital development. USAID can channel its funds in a manner that ensures that quality institutions of higher learning or hospitals with advanced facilities are not confined only to one region. Technical assistance in creating effective provincial civil services and capacity building in key provincial subjects – irrigation, healthcare, education, local government – must also be provided. The Pakistani government should be asked to allow greater direct interaction between USAID and provincial governments. Technical options for politically divisive issues such as the Kalabagh Dam and the distribution of water between the provinces must be offered.

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<sup>1</sup> Abdus Sattar, "Fifty Years of the Kashmir Dispute: The Diplomatic Aspect", in Suroosh Irfani, ed., *Fifty Years of the Kashmir Dispute* (Muzaffarabad: University of Azad Jammu and Kashmir, 1997), pp. 11-12.

<sup>2</sup> See, for example, Khalid bin Sayeed, *Pakistan: the Formative Phase*, (Karachi: Oxford, 1960) and Ayesha Jalal, *The State of Martial Rule* (Cambridge: Cambridge University Press, 1990) pp.136-193

<sup>3</sup> M. Rafique Afzal, *Pakistan: History and Politics, 1947-1971* (Karachi: Oxford, 2001) pp. 82-83

<sup>4</sup> *Ibid.*, p 99.

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<sup>5</sup> For a detailed account of the political developments in East Pakistan, leading to the creation of Bangladesh, see G.W. Choudhury, *'The Last Days of United Pakistan'* (Bloomington: Indiana university Press, 1974)

<sup>6</sup> W. Eric Gustafson, 'Pakistan 1978: At the Brink Again?', *Asian Survey*, Vol. 19, No. 2, February 1979, p. 161

<sup>7</sup> *Ibid.*

<sup>8</sup> See, for example, Nisar Osmani, 'Polls only when Enforcement of Islamic System Assured', *Dawn*, September 24, 1979, p. 1

<sup>9</sup> See Ayesha Jalal, *'The State of Martial Rule'* (Cambridge: Cambridge University Press, 1990) pp.109-110

<sup>10</sup> Shahid Javed Burki, 'Twenty Years of the Civil Service of Pakistan: A Reevaluation', *Asian Survey*, Vol. 9, No. 4 (April 1969)

<sup>11</sup> Charles H. Kennedy, *'Bureaucracy in Pakistan'* (Karachi: Oxford, 1987) p. 194

<sup>12</sup> *ibid.*

<sup>13</sup> Christophe Jaffrelot ed., *'Pakistan: Nationalism Without a Nation?'*, (London: Zed Books, 2002) p.23

<sup>14</sup> Owen Bennett-Jones, *'Pakistan: The Eye of the Storm'* (London and New Haven: Yale University Press, 2002) p 116

<sup>15</sup> 'Census results', editorial *The Nation*, July 10, 1998

<sup>16</sup> 'A nation of 130 million' (editorial), *Dawn*, July 10, 1998

<sup>17</sup> 'The Census results', editorial *The Frontier Post*, July 10, 1998

<sup>18</sup> 'Altaf Hussain Rejects 1998 Pakistan Census Results', MQM statement, London, July 9, 1998

<sup>19</sup> 'Rs 35.846bn oil, gas royalty paid to provinces', Statement by Minister for Petroleum and Natural Resources Mr. Nauraiz Shakoor, *The News*, October 14, 2003

<sup>20</sup> 'G.N. Mughal, 'Sindh Got Only Rs 36 billion', op-ed *The News*, November 1, 2002

<sup>21</sup> For a discussion of the distortions in the NFC formula, see Syed Asad Ali Shah, 'Fair NFC Award Vital for Federation', op-ed *Dawn*, June 3, 2002

<sup>20</sup> Report on Elections for the National Assembly 2002, (Islamabad: Election Commission of Pakistan, 2002)

<sup>22</sup> CIA World Factbook online, Pakistan page last updated on August 1, 2003

## **Local Government Reforms in Pakistan**

**Bushra Asif**

*South Asia Program, CSIS*

Like military rulers before him, General Pervez Musharraf's "reforms" agenda included the creation of lower tiers of government. Musharraf's Local Government Plan, announced in August 2000, proposed a blue print for decentralizing political, administrative and financial authority to establish "genuine democracy" at the grassroots level. In his own words, "genuine democracy starts from the grassroots upward, in which the people can directly participate".<sup>1</sup> Musharraf's ostensible concerns about Pakistan's institutional decay notwithstanding, acquiring domestic and international legitimacy for his coup and centralizing control over the lower tiers of government to circumvent politics at the provincial and national levels also formed part of the rationale for devolution<sup>2</sup>.

### **The Devolution Plan 2000: An Overview**

Like local governments under General Zia, Musharraf's devolution plan established a three-tier system comprising elected councils at the union, tehsil (sub-district) and zila (district) levels. At the base of the system is the union council, directly elected with its own nazim (mayor) and 26 councillors. The union councillors of a district constitute the electoral college for the zila nazim and the naib (deputy) nazim. Similarly, the tehsil nazim and naib nazim are elected by the union councillors of the entire tehsil. The union council nazims are ex-officio members of the zila council and the union naib nazims are members of the tehsil council. The apparent aim of this crosscutting membership of the councils was to ensure integration of the three tiers.<sup>3</sup>

The most notable point of departure from previous local government schemes in Pakistan was the plan's proposal to place the elected nazim at the apex of the district administration. The post of the all-powerful Deputy Commissioner (DC) was abolished and replaced with a District Coordination Officer (DCO), a civil servant who works under the overall leadership of the elected nazim. Judicial and magisterial powers of the erstwhile DC stand transferred to the district judiciary and police oversight functions to the nazim. The plan abolished the divisional tier of administration, the next larger administrative unit above the district. Provincial line departments were decentralized to the new district governments and new district departments of Law, Literacy and Information Technology were created.

Another distinguishing feature of the devolution plan was that it aimed to address the rural-urban divide by placing both rural and urban union councils under the tehsil government, a sub-district tier of administration mainly responsible for municipal functions.<sup>4</sup>

In addition to extensive administrative autonomy, local governments were also promised autonomy in financial matters through provincial fiscal transfers and taxation powers.<sup>5</sup> Notable too was the reservation of 33 percent seats in elected local councils, at all levels, for women.

However, the plan completely bypassed the provinces in that devolution envisaged decentralization of powers directly from the center, or federal government, to local governments. It was also not applicable to the Federally Administrated Tribal Areas (FATA), the Federal capital and most importantly some 41 largely civilian populated cantonments (military garrisons) in major cities, which were to remain under the control of military station commanders. By neglecting the provinces, centrally-controlled devolution accentuated provincial concerns about autonomy and undermined the very principle of decentralization of powers. Center-province tensions were further intensified when elected governments assumed office in the wake of national and provincial elections held in October 2002. Inter-governmental relations, both centre-province and local-province, were marred in particular in Sindh and the North West Frontier Province (N.W.F.P.) where the parties which had boycotted local elections (Mohajir Qaumi Movement-MQM and Jamiat Ulema-e- Islam- Fazlur Rehman, JUI-F) assumed power.

### **Local Government Elections**

Non-party based elections for local governments were held in five phases from December 2000 to July 2001 under military supervision. Subsequently, district (zila) and sub district (tehsil/town) governments were installed in 97 districts and 4 city districts. While local government elections are a provincial responsibility, the military regime's decision to entrust the task to the Federal Election Commission of Pakistan (ECP) made the election process susceptible to political manipulation and pressure from the center.

In addition to allegations of rigging especially at the district level where nazims were indirectly elected, the non-partisan nature of the elections exacerbated political loyalties along caste/sub-caste/biradri lines. Party-less local elections also served to sideline and undermine mainstream political parties, as winning the prized posts of nazims became the ultimate barometer of political success. Decades old rivalries gave way to expedient politicking, seat adjustments and coalitions blurring already diffused partisan differences<sup>6</sup>.

### **Implementation**

#### **1. Decentralizing Governance: District Administration, Development and Service Delivery**

Teething problems aside, the administrative system envisaged in the devolution plan has been more or less implemented. Far less clear is its impact on governmental performance and accountability. Devolution has improved public access to officials. Elected local councillors and nazims are more accessible and better at resolving local problems than appointed bureaucrats. In addition, development schemes reflecting local priorities can

be locally planned and executed with minimal delays. However, weak administrative capacity and resource shortages at the local level severely limit the performance of local governments. Appropriate checks and balances, across and between various levels of government, are also lacking. Under the Local Government Ordinance 2001, operationalized provincially, elected monitoring committees of the zila, tehsil and union councils are responsible for oversight of the various departments of the zila and tehsil government and for reporting administrative malpractices to the respective nazims for appropriate action<sup>7</sup>. Although these committees have been elected in many districts, they lack the financial and administrative resources required for effective functioning. Administration is also hampered by the lack of coordination between the tehsil and the zila levels. The only coordination mechanism between the two-tiers, the Mushawarat Committee, appears to be dysfunctional<sup>8</sup>.

The concept of democratic accountability is undermined, as there are virtually no checks on the authority of the indirectly elected zila nazim. The method of internal recall of the nazim carries prohibitive costs for council members who move a no confidence motion against a zila nazim. If the motion is not carried in the house, the proposing members can lose their council membership. Technically, the zila council headed by the naib nazim retains oversight of the nazim's performance. But since the nazim and the naib nazim are elected on a joint ticket, the executive can exert disproportionate influence over the council without the corresponding legislative checks on his/her authority<sup>9</sup>.

In turn, the elected zila nazim's administrative autonomy is marred by the provincial government's continued control over the postings and transfer of the District Coordination Officer (DCO), despite provisions in the Local Government Ordinance that vest the nazim with the authority to request transfers.<sup>10</sup> Many zila nazims complain that DCOs can and often choose to ignore them in administrative matters, as there is no provision in the Ordinance to ensure the DCO's compliance with the directions of the nazim<sup>11</sup>.

The impact of devolution on community development is even less evident especially in the face of chronic resource shortfalls.<sup>12</sup> Devolution attempted to address Pakistan's social development deficit by setting up Citizen Community Boards (CCBs).<sup>13</sup> These voluntary organizations were to be responsible for mobilizing resources for and implementing development projects on cost sharing basis.<sup>14</sup> In practice, only a few CCBs are operational in the Punjab and Sindh. In addition they face continued difficulties in raising counterpart funds for development projects especially in poor districts.

Improvement in service delivery was given special emphasis in the devolution plan. Due to the lack of any substantive data, the extent to which devolution might have impacted service delivery (education, health etc.) remains unclear.

## 2. Political Impact

The manipulated nature of party-less local government elections does not inspire optimism about the rebirth of Pakistan's political institutions. Musharraf's promise of bringing in new blood through local governments has also failed to materialize. Most of the people elected were either old party workers or belonged to landed political parties. According to media reports, 30% of zila nazims in Punjab were former members of the National Assembly (MNAs) or members of Provincial Assemblies (MPAs) and approximately 90% belonged to established political families.<sup>15</sup> While some previously marginalized groups have now entered the political system, this has largely been at the union council level. Critics also argue that the plan was a deliberate attempt to create a new political elite, which would be loyal to and support the political objectives of the military establishment<sup>16</sup>. This is evident at the district level in Punjab where a majority of nazims are supportive of the military backed Pakistan Muslim League-Quaid-e-Azam (PML-Q). During Musharraf's April 2002 presidential referendum, nazims were instructed to mobilize voters and organize pro-Musharraf rallies in return for political and material benefits.<sup>17</sup> Similarly, during the October 2002 general elections, pro-PML-Q nazims used state resources to campaign for their party's candidates. This politicization of local officials negates the very spirit of decentralization.

On the positive side, the reservation of 33 percent of seats under devolution represents a significant expansion of women's formal political participation at the local level. Out of the 126,462 new union councilors, 25 percent are women<sup>18</sup>. While obstacles to meaningful participation of women in local councils remain, this new avenue for political participation offers the hope that they will have a voice in local governance.

## 3. Financial Autonomy

A key feature of the devolution plan was that elected local governments would enjoy substantial financial autonomy through federal and provincial grants and taxation powers. Two years after the plan was implemented, the lack of substantive fiscal decentralization to local governments remains one of its main flaws. In the absence of independent sources of taxation, local governments remain largely dependent on the provinces for their funds.<sup>19</sup> Financial transfers to districts are mainly population rather than needs based and district governments continue to have limited discretion in the way funds are administered.

## 4. Police Reforms

Under the Police Act of 1861, the DC exercised operational oversight over the police. In a significant new police reform initiated under the devolution plan (and later enforced through Police Order 2002), the district police officer has been made responsible for law and order functions to the nazim. The Police Order envisages the setting up of Public Safety Commissions at the district, provincial and national levels to create a system of external checks on the police. This is based on the Japanese model of public accountability of police. In a majority of the districts, these commissions are yet to be

formed. In the absence of effective external oversight, the police are answerable only to their institutional chain of command and in many districts are virtually running a parallel administration.

### **Devolution and Elected Governments**

Soon after coming into power after the October 2002 elections, provincial authorities started reasserting their control over local governments. In NWFP, the JUI-F, the main component of the Muttahida Majlis-e-Amal (MMA), which had boycotted the local elections, came to power. In May 2002, it was scarcely coincidental that all the 24 district nazims in the province resigned to protest the provincial government's intrusion into local government affairs. The federal government intervened in the crisis, dismissing top provincial bureaucrats and brokering a rapprochement between the nazims and the MMA government. These resignations were subsequently withdrawn. In the backdrop of the continuing government-opposition deadlock over the Legal Framework Order (LFO), observers saw the resignation as a centre-sponsored tactic designed to pressure the MMA<sup>20</sup>. Similar tensions afflict Sindh, where the MQM, a coalition partner in the provincial government, has locked horns with the Jamaat-e-Islami (JI) controlled local government in its traditional stronghold of Karachi.

The absence of mechanisms to resolve differences between the local and provincial governments is one of the major shortcomings of the plan. In addition, the centralized nature of devolution and associated provincial perceptions of reduced administrative and financial autonomy has strained the relationship between the provinces and the federal government. Also, MNAs and MPAs feel neglected in district administration and developmental affairs and continue to regard elected district governments as rival power centers. Many feel that nazims have usurped their legitimate input in development projects, a key issue in constituency politics for legislators. Implementation of local development schemes has become a locus of confrontation between nazims and legislatures as each party tries to influence these schemes for partisan goals.<sup>21</sup>

The fate of devolution is linked to the continuing impasse over the Legal Framework Order (LFO). To shield the devolution plan from changes, General Musharraf has placed it in the sixth schedule of the 1973 constitution, making presidential consent necessary for amendments<sup>22</sup>. As opposition to the LFO continues, inside Parliament, the survival of the devolution plan remains contingent on the outcome of the constitutional stalemate.

### **Conclusion and Recommendations**

Local governments adequately empowered, staffed and resourced are believed to deliver better on education and basic municipal services and are more responsive to local needs and demands<sup>23</sup>. However meaningful devolution in Pakistan continues to be a challenge. Lacking sufficient financial and administrative autonomy, elected district governments appear to have been empowered only in name. In addition, the plan's association with the political schema of a military regime undermines both its legitimacy as a system and its prospects of survival.

In the absence of meaningful efforts to address larger issues of provincial autonomy and parliamentary democracy, devolution and the prospects of empowering local governments are likely to remain elusive goals. To assuage the concerns of the provincial governments as well as MPAs and MNAs, the federal government has periodically expressed its willingness to restructure contentious aspects of the devolution plan<sup>24</sup>. It remains to be seen what shape reforms will take and the extent to which the original plan will be altered.

A preliminary list of reforms for making the system more workable could include, among others, party-based local elections conducted under provincial supervision; parliamentary review for creating wider domestic ownership; fiscal decentralization mechanisms that increase allocations to poorer districts; empowerment of elected monitoring committees to improve public accountability; greater financial and administrative support for CCBs to encourage community participation and implementation of the accountability aspects of the Police Ordinance including the formation of public safety commissions.

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<sup>1</sup> See “Country’s Elite Responsible for Problems: CE”, *Dawn*, 16 August 2000.

<sup>2</sup> In addition to the works cited the author has consulted an International Crisis Group (ICG) Asia report on Devolution in Pakistan (forthcoming).

<sup>3</sup> See Local Government Plan: Government of Pakistan, National Reconstruction Bureau (Islamabad: August 2000).

<sup>4</sup> *Ibid*, p. 52.

<sup>5</sup> *Ibid*, p. 60.

<sup>6</sup> See Mohammad Waseem, “Elections without a Mandate”, *Dawn*, 05 August 2001.

<sup>7</sup> SBNP Local Government Ordinance 2001.

<sup>8</sup> Nick Manning et al. “Devolution in Pakistan: Preparing for Service Delivery Improvements”, Draft Working Paper prepared for the Forum on Inter-governmental Relations in Pakistan, 27-29 June 2003, p.21.

<sup>9</sup> See Phillip E Keefer, Ambar Narayan and Tara Vishwanath, “The Political Economy of Decentralization in Pakistan”, paper presented at conference on Decentralization, London School of Economics, 23-25 May 2003, p.12.

<sup>10</sup> Under the provisions of the LG ordinances, the nazim can recommend the DCO’s transfer to the provincial government, which has to act on the request in seven days.

<sup>11</sup> Under the LG Ordinance, the nazim writes the Annual Confidential Report (ACR) of the DCO. The ACR however has to be countersigned by the Chief Secretary of the province to be valid. As federal/provincial employees, the career prospects of DCOs are largely determined outside the district.

<sup>12</sup> In the Punjab, for instance, zila nazims complain that 80-90% of the district’s budget is spent on covering administrative costs/salaries, which leaves very little for development expenditures. Development projects are financed through federally and provincially funded programs like *Khushaal* Pakistan, which potentially reduce local government’s autonomy in development planning.

<sup>13</sup> See Local Government Plan .

<sup>14</sup> CCBs are entitled to receive up to 80% of the cost of a development scheme from the local government if they can raise the counterpart share of 20%.

<sup>15</sup> See *Herald*, August 2001.

<sup>16</sup> “HRCP holds seminar on Devolution Plan”, Bureau Report, *Dawn*, 30 October 2000.

<sup>17</sup> Massoud Ansari, “How the Referendum was Won”, *Newsline*, May 2002.

<sup>18</sup> Nick Manning et al, p. 13.

<sup>19</sup> Under the previous local bodies system, the main source of taxation revenue for local councils was the octroi (urban) and zila tax (in rural areas), imposed on the movement of goods in and outside the council.

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This tax was abolished in 1998 to remove tax distortions under directives from the IMF. In the absence of the octroi tax the taxation base of local governments remains severely limited.

<sup>20</sup> See “Crisis in the NWFP”, Editorial, *Dawn*, 03 June 2003.

<sup>21</sup> Manning et al, p. 22.

<sup>22</sup> Under Article 268 (2) of the 1973 Constitution the laws specified in the sixth schedule shall not be altered, repealed or amended without the previous sanction of the President.

<sup>23</sup> For a review of decentralization, see Omar Azfar et al. “Conditions for Effective Decentralized Governance: A Synthesis of Research Findings”, IRIS, University of Maryland at College Park, March 2001.

<sup>24</sup> Syed Irfan Raza “Devolution plan will be reformed: NRB chief”, *Dawn*, 03 October 2003.