metrical, open, and democratic framework, emerging discourses of human rights, minorities, will only serve to strengthen the Indian successful negotiation of the Indo-Naga concerning rights is never enough. Public acknowledgments committed by the state will now have

Pakistan: Neither State Nor Nation

Sumit Ganguly

Pakistan, one of two states that emerged from the breakup of the British Indian Empire, had been created as the putative homeland for the Muslims of South Asia. From its very genesis, the precise social and political dimensions of the state have been contested.¹ If it is the "homeland" of the Muslims of South Asia then what status should it accord to its religious minorities, as well as to sub-state nations?² How should it accommodate the demands of linguistic, sectarian, and regional minorities? Beyond the shared Islamic faith, what other attributes could serve as the constituent elements of nation building? And even if Islam constituted the unifying basis of the state, what role would it play in the everyday life and practices of its citizenry? These are questions to

I wish to thank Scott Nissen, a doctoral candidate in Political Science at Indiana University, Bloomington for able research assistance and Aqil Shah, a doctoral candidate at Columbia University for trenchant comments on an earlier draft of this paper. All remaining errors of fact and interpretation are necessarily mine.

¹ For an early treatment of this subject see Binder (1963). Also see the discussion in Jaffrelot (2002).

² After pursuing an inexorable campaign on the basis of religious nationalism and separatism, Mohammed Ali Jinnah, the founder of Pakistan, in his inaugural speech to the Constituent Assembly, on August 11, 1947 stated that: "You are free; you are free to go to your temples, you are free to go to your mosques or to any other place or worship in this State of Pakistan. You may belong to any religion or caste or creed that has nothing to do with the business of the State." Available at: http://www.pakistani.org/pakistan/legislation/constituent_address_11aug1947.html [accessed April 12, 2009].

which the founders of the Pakistani state had paid scant attention.³ Yet they came to the fore almost immediately in the wake of Independence and Partition. They have also dogged the existence of the country ever since, and they have been the subject of vigorous and violent contestation (Ahmed, 1997). Sixty years after its creation, Pakistan is no closer to addressing these vital concerns. Instead they pose a continuing challenge to national identity and integration.⁴ Specifically, Pakistan still faces important sub-state national movements in Baluchistan, in the North-West Frontier Province (NWFP), and Sindh.

In this chapter, I argue that these failures of the Pakistani polity to encourage and foster ideas of cultural, religious, and linguistic pluralism, and to craft the requisite political institutions in an extremely diverse polity, have been of no minor consequence for the country and substantial portions of its citizenry. The chapter will initially deal with colonial and nationalist legacies and their impact on the post-independence Pakistani state. It will then turn to questions of sectarian violence, sub-state nationalism in the province of Sindh, the secession of East Pakistan, the bilateral conflict with India over Jammu and Kashmir, and sub-state nationalism and terror in Baluchistan and the NWFP.

It is pertinent, at the very outset, to underscore that regime type in Pakistan has not been closely linked with greater regard for minority rights, decentralization, or cultural and regional autonomy. Pakistan's political regimes, whether civilian or military, have evinced scant regard for recognizing sub-state national demands, or even minority rights, more broadly. Nor have they been especially sensitive in addressing demands for local autonomy or federalism. Instead all regimes, to varying degrees, have remained comfortable with a highly centralized administration.⁵ Such a centralized structure has ill-served the needs of a highly diverse and plural society.⁶ Instead it has contributed to a range of regional tensions, which in turn has led the regime in Islamabad to resort to repressive measures to curb such demands. The problem of the Pakistani state is prior and deeper, located in a crisis of identity that prevents not

³ For a particularly idiosyncratic account which argues that Mohammed Ali Jinnah, the founder of the Pakistani state, had not genuinely sought to create a separate state but ultimately became a prisoner of his own rhetoric and choices, see Jalal (1985).

⁴ For a broader discussion of these questions see Cohen (2004); also see the detailed historical discussion in Samad (1995).

⁵ For a particularly thoughtful discussion that traces the origins of the propensity toward centralization see Waseem (1992).

⁶ For a sophisticated Marxist analysis of this propensity toward centralization see Alavi (1972).

only recognition and accommodation of minorities more broadly. It is also important that no single civilian regime has been allowed to take root. Invariably, the military has truncated the mandate of the civilian government. Consequently, liberal democracy has not had the opportunity to take root in the Pakistani state.

The abject failure to adopt these policies has been evident in Bengali nationalism and the breakup of Pakistan, the secession of the eastern wing of the country (which seceded after a 1994). India, Pakistan's long-standing adversary, has intervened on behalf of the beleaguered Bengalis in the aftermath of the flight of some ten million refugees to India (Jackson 1975). I will show that Pakistan's failure to accommodate the legitimate demands of minorities (or nascent ones) has also resulted in much sectarian violence in the provinces of Baluchistan, and in the north. Sectarian violence continues to stalk the Pakistani state and have acquired greater salience as a consequence of its role in international politics. In turn, myopic regional politics have encouraged these cleavages and differences, and have served political and diplomatic ends (Nasr 2000).

What explains the failure of the Pakistani state to address the vision of nationalism while addressing the demands of ethnic, and cultural minorities within an institutionally weak state? The answers to this question are complex. In large part, the failure to create and negotiate these demands stems from the institutional debility of the Pakistani state.⁷ This explains the failure to address this question. Why did Pakistan, which emerged from British colonial tutelage, fail to develop, nurture, and strengthen its political institutions, while its neighbor India did? (Diamond, & Plattner 2007)? The answer can be traced to the failure of the Pakistani state to promote internal democracy and the non-violent movement and thereby to provide a foundation for the development of institutions. Second, the movement was shaped by the vision of primordial ethnic nationalism. U

⁷ The classic statement on institutional debility and its consequences (1968).

tani state had paid scant attention.³ Yet immediately in the wake of Independence logged the existence of the country ever subject of vigorous and violent contestations after its creation, Pakistan is no closer to unity. Instead they pose a continuing challenge to national integration.⁴ Specifically, Pakistan still faces separatist movements in Baluchistan, in the NWFP, and Sindh.

These failures of the Pakistani polity to accommodate ethnic, religious, and linguistic pluralism, and to establish institutions in an extremely diverse polycultural context will initially deal with colonial and post-colonial legacies and their impact on the post-independence Pakistani state. Issues of sectarian violence, sub-state nationalism, the secession of East Pakistan, the bilateral dispute over Kashmir, and sub-state nationalism in the NWFP.

It is, in fact, to underscore that regime type is not directly linked with greater regard for minority rights, cultural and regional autonomy. Pakistan's civilian and military, have evinced scant regard for minority demands, or even minority rights, more so in the NWFP. Especially sensitive in addressing demands for regional autonomy. Instead all regimes, to varying degrees, have opted for a highly centralized administration.⁵ This has ill-served the needs of a highly diverse country and has contributed to a range of regional tensions. The regime in Islamabad to resort to repression to meet demands. The problem of the Pakistani state is in a crisis of identity that prevents not

only that it is not which argues that Mohammed Ali Jinnah, the founder of Pakistan, did not genuinely sought to create a separate state but was driven by rhetoric and choices, see Jalal (1985). For more on this see Cohen (2004); also see the detailed historical analysis in

on that traces the origins of the propensity toward

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only recognition and accommodation of sub-state nations but of ethnic minorities more broadly. It is also important to bear in mind that not a single civilian regime has been allowed to complete a full term in office. Invariably, the military has truncated the natural life cycles of every civilian government. Consequently, liberal democratic norms have never had the opportunity to take root in the Pakistani soil.

The abject failure to adopt these policies contributed to the rise of Bengali nationalism and the breakup of Pakistan in 1971, when the eastern wing of the country seceded after a sanguinary civil war (Zaheer 1994). India, Pakistan's long-standing adversary, felt compelled to intervene on behalf of the beleaguered Bengali population of the province in the aftermath of the flight of some ten million refugees into eastern India (Jackson 1975). I will show that Pakistan's fundamental inability to accommodate the legitimate demands of other sub-state national groups (or nascent ones) has also resulted in much fratricidal and internecine violence in the provinces of Baluchistan, the NWFP, and Sindh. Finally, sectarian violence continues to stalk the land as Shia-Sunni differences have acquired greater salience as a consequence of both domestic and international politics. In turn, myopic regional and national governments have encouraged these cleavages and differences in order to pursue other political and diplomatic ends (Nasr 2000).

What explains the failure of the Pakistani state to develop an inclusive vision of nationalism while addressing the needs of its ethnic, linguistic, and cultural minorities within an institutional context? The answers to this question are complex. In large part, Pakistan's failure to mediate and negotiate these demands stems from the chronic institutional debility of the Pakistani state.⁷ This explanation, in turn, begs another question. Why did Pakistan, which emerged from the same British colonial tutelage, fail to develop, nurture, and sustain viable representative political institutions, while its neighbor India, despite its problems of size and greater ethnic, religious, and linguistic diversity, succeeded (Ganguly, Diamond, & Plattner 2007)? The answer, I argue, is twofold. First, it can be traced to the failure of the Pakistani nationalist movement to promote internal democracy and the norms of debate and argument, and thereby to provide a foundation for the growth of representative institutions. Second, the movement was self-consciously based upon a vision of primordial ethnic nationalism. Unfortunately, this conception

⁷ The classic statement on institutional debility and its dangers remains Huntington (1968).

of nationalism completely overlooked fundamental differences amongst the Muslim community within British India. Muslims, as thoughtful historical scholarship has shown, were hardly a monolithic community who had little or nothing in common with their Hindu counterparts (Hasan 1997). On the contrary, regional, sectarian, linguistic, and class differences characterized this diverse community.

Yet the exigencies of mobilizing significant segments of the Muslim population to oppose the secular, civic vision of the Indian National Congress prompted the leader of the Muslim League, Mohammed Ali Jinnah, to emphasize the distinctiveness of the Muslim community, its putative cohesiveness, and the ostensible inability of the Indian nationalist movement to grant equal treatment to this vast minority. This strategy of ethnic political mobilization obviously met with a level of success: Jinnah did carve out a separate state. However, since neither he nor his cohort had devoted any effort toward the creation and sustenance of representative institutions, the new state, hastily cobbled together on the eve of British colonial withdrawal, found itself singularly unprepared for the tasks of governance and national integration.⁸ In the absence of robust institutions, the nascent state proved utterly incapable of coping with growing ethnic, regional, and class differences and tensions in the wake of independence. Not surprisingly, the two institutions that had a degree of autonomy and coherence, the Pakistani military and the highly elitist civil service, quickly formed an iron-clad nexus in their quest for the maintenance of public order. As the Pakistani political elite struggled with the task of constitution making, these two entities, which were hardly imbued with democratic values, evinced little regard for fostering representative institutions. When the makers of the constitution finally generated a constitutional order, it proved fragile and incapable of coping with growing public disorder. The military and the civil service elites worked in concert to quickly stultify the growth of institutions. As early as 1958, barely a decade after its independence, Pakistan saw its first military coup (McGrath 1996).⁹ The military regime, which lasted until 1969, did little to address the question of building viable, working, representative institutions nor, for that matter, did it seek to address the fundamental question of Pakistan's national identity. Its principal preoccupation, beyond sustaining itself in power, was to promote anti-Indian propaganda and focus attention on the unresolved question of the dispute of the state of

⁸ Some of the difficulties of state formation are discussed at length in Jalal (1990).

⁹ For a more recent treatment of the subject see Siddiqui (2007).

Jammu and Kashmir.¹⁰ This *idée fixe* was universally shared across Pakistan. In Eship was far more concerned with regional wings than with any form of unremitting Kashmir question.

COLONIAL AND NATIONALIST LEGACY

To understand the failure of representative institutions in Pakistan it is necessary to briefly discuss the organization of the Pakistani nationalist movement can be traced to the writings and political activism of a prominent leader, Sir Sayyid Ahmed Khan. When confronted with the question of incipient nationalist political consciousness among the population of British India, Sir Sayyid argued that Muslims of the subcontinent constituted a distinct community. More to the point, he contended that, in the absence of representative institutions, Muslim political participation prior to the advent of the British was a sign of permanent political inferiority and a threat to the population.

As he wrote at the time:

Let us suppose first of all that we have universal suffrage for everybody, *chamars* (i.e. persons of low caste) propose that all Mahomedan electors vote for a Hindu member ... It is certain that a Hindu member will get four times as many (votes) because their population is four times as many ... (A)nd how can the Mahomedan guard his rights in a system in which one man had four votes and the other one? (Khan as quoted in Hardy 1972, p.130)

Accordingly, he strenuously argued that the British government should grant Muslims of the region a special dispensation to protect their rights.¹¹

Sensing an opportunity to cast discreditable light on the nationalist movement, in 1909 the colonial government

¹⁰ On the question of Kashmir see Dasgupta (1963) and Khan (1970).

¹¹ For a discussion of Sir Sayyid's views see Robin

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Jammu and Kashmir.¹⁰ This *idée fixe* about Kashmir, however, was not
universally shared across Pakistan. In East Pakistan, the political leader-
ship was far more concerned with regional disparities between the two
wings than with any form of unremitting hostility toward India on the
Kashmir question.

COLONIAL AND NATIONALIST LEGACIES

To understand the failure of representative and federal institutions in
Pakistan it is necessary to briefly discuss the ideology, structure, and
organization of the Pakistani nationalist movement. The Pakistani
nationalist movement can be traced to the late nineteenth century and
the writings and political activism of a prominent Muslim intellectual, Sir
Sayyid Ahmed Khan. When confronted with the development of a form
of incipient nationalist political consciousness on the part of the Hindu
population of British India, Sir Sayyid quite persuasively argued that the
Muslims of the subcontinent constituted a distinct, primordial nation.
More to the point, he contended that, with the advent of Westminster-
style representative institutions, Muslims, who had long ruled the sub-
continent prior to the advent of the British, would be placed in a position
of permanent political inferiority and at the mercy of the majority Hindu
population.

As he wrote at the time:

Let us suppose first of all that we have universal suffrage as in America and
everybody, *chamars* (i.e. persons of low caste) and all, have votes. And first sup-
pose that all Mahomedan electors vote for a Mahomedan member and all Hindu
electors for a Hindu member ... It is certain that the Hindu member will have
four times as many (votes) because their population will have four times as many
...(A)nd how can the Mahomedan guard his interests? It would be like a game of
dice in which one man had four dice and the other only one. (Sir Sayyid Ahmed
Khan as quoted in Hardy 1972, p.130)

Accordingly, he strenuously argued that the British should grant the
Muslims of the region a special dispensation which would guarantee
their rights.¹¹

Sensing an opportunity to cast discord within the nascent nationalist
movement, in 1909 the colonial government enacted the terms of the

¹⁰ On the question of Kashmir see Dasgupta (1968); for a Pakistani nationalist perspective
see Khan (1970).

¹¹ For a discussion of Sir Sayyid's views see Robinson (1974).

Minto-Morley Reforms. These reforms, among other matters, created limited representative institutions in India, with Muslims being granted separate electorates. This institutional arrangement helped to artificially solidify the Muslim community within India because it showed scant regard for divisions of social class, regional ties, and sectarian differences within the community.

As Mushirul Hasan, an important historian of nationalist politics has written:

The Act of 1909, introduced to defuse the Congress demand for a greater share in administration and decision-making, was a calculated master-stroke. Separate electorates, along with reservations and weightages, gave birth to a sense of Muslims being a religio-political entity in the colonial image – of being unified, cohesive and segregated from the Hindus. (Hasan 1997, p. 35)

In turn, the creation of this system of electorates on the basis of religious orientation greatly facilitated the mobilization of the Muslim community around the sole issue of potential religious discrimination following the end of British colonial rule. Indeed, this became the principal rallying cry of the Muslim League under the leadership of the tenacious, British-trained lawyer, Mohammed Ali Jinnah.¹² Jinnah carefully adumbrated upon the views of Sir Sayyid and insisted that Muslims and Hindus as religious communities shared little or nothing. Indeed he contended that the two groups constituted distinct, anti-thetical, and mutually exclusive groups, thereby amounting to two discrete nations.¹³ As he wrote:

Islam and Hinduism are not religions in the strict sense of the word, but are, in fact, two different and distinct social orders...The Hindus and the Muslims belong to two different religious philosophies, social customs, and literatures... To yoke together two such nations under a single State, one as a numerical minority and the other as a majority, must lead to growing discontent and the final destruction of any fabric that may be built up for the government of such a State. (Mohammed Ali Jinnah as quoted in Jaffrelot 2002, p. 12)

This so-called two-nation theory emerged as the cornerstone of Pakistani nationalism. It faced vigorous opposition from the principal vehicle for Indian nationalism, the Indian National Congress, which was

¹² For a discussion of Jinnah's tactics and strategies of political mobilization see Jalal (1985).

¹³ Of course the historical evidence suggests otherwise. There is considerable evidence of syncretic movements through much of Indian history. Perhaps one of the best statements of this can be found in Eaton (1993).

committed to an explicitly secular ideological nationalism.¹⁴ Despite its formal, state-backed nature, the INC's efforts to realize its vision at the expense of the Muslims. Consequently, it was unable to fully address the concerns of those of a significant portion of the Muslim community. Fully, relentlessly, and ultimately successful, the Muslim minority would be at risk in a Hindu-dominated post-independence India.

Despite his success in promoting his vision, the Muslim League paid little heed to the demands for a democracy within the party, building a mass support and fashioning a distinct political identity. Its notions of primordial religious sentimentality in the aftermath of Independence and Partition, rendered it utterly incapable of coping with the demands of a new state.

NATIONALISM AND SECTARIAN VIOLENCE

Pakistan has justified its preoccupation with the Kashmir question on behalf of the putative Muslim majority. Nevertheless, it is important to note that sectarian faults have long characterized Pakistani nationalism. The strength of these sectarian identities has been a major factor. However, their political mobilization has been a major factor in the periodic rise of violent sectarian movements. The failure of the Pakistani state to recognize and accommodate religious pluralism.

Some of these movements originated in the early years of the state. However, they continue to pose a major threat to the well-being of the state in the contemporary period.

¹⁴ One of the clearest statements of this vision came from Jawahar Nehru (1941).

¹⁵ The failure of Congress to reassure Jinnah and the Muslims about their rights and privileges in a post-independence India was a major factor in the historical debate. For a popular but thoughtful account of Congress' failure to assuage Muslim concerns see (1960); also see the debates in Phillips and Wadia (1960).

¹⁶ Even though he fails to trace the structural roots of the problem, the maintenance of public order, an admirable display of leadership in the aftermath of independence can be found in the actions of the Congress leadership.

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committed to an explicitly secular ideology and espoused a vision of civic
nationalism.¹⁴ Despite its formal, stated commitment to these principles,
the INC's efforts to realize its vision at the grass roots sometimes flagged.
Consequently, it was unable to fully address Jinnah's misgivings and
those of a significant portion of the Muslim community.¹⁵ Jinnah force-
fully, relentlessly, and ultimately successfully argued that the rights of
the Muslim minority would be at risk in a notionally secular but Hindu-
dominated post-independence India.

Despite his success in promoting his separatist agenda, Jinnah and the
Muslim League paid little heed to the critical task of promoting internal
democracy within the party, building a nationwide network of grass roots
support and fashioning a distinct political ideology beyond the appeal to
notions of primordial religious sentiment. Not surprisingly, in the after-
math of Independence and Partition, the Muslim League proved to be
utterly incapable of coping with the daunting task of governance.¹⁶

NATIONALISM AND SECTARIAN VIOLENCE

Pakistan has justified its preoccupation with and involvement in the
Kashmir question on behalf of the putatively oppressed Muslim popula-
tion. Nevertheless, it is important to underscore that important sectar-
ian faults have long characterized Pakistan's own polity and society. The
strength of these sectarian identities have waxed and waned over time.
However, their political mobilization has frequently raised questions
about the cohesiveness and coherence of Pakistan's national identity. The
periodic rise of violent sectarian movements in Pakistan reflects the fail-
ure of the Pakistani state to recognize and accept the presence of cultural
and religious pluralism.

Some of these movements originated in the early days of the Pakistani
state. However, they continue to pose a challenge to the stability and
well-being of the state in the contemporary period. The initial as well as

¹⁴ One of the clearest statements of this vision of secular, civic nationalism can be found in
Nehru (1941).

¹⁵ The failure of Congress to reassure Jinnah and large segments of the Muslim community
about their rights and privileges in a post-independence India is the subject of a major
historical debate. For a popular but thoughtful discussion see Guha (2007); for a critical
account of Congress' failure to assuage Muslims' concerns at a critical juncture see Azad
(1960); also see the debates in Phillips and Wainwright (1970).

¹⁶ Even though he fails to trace the structural roots of the problems of governance and the
maintenance of public order, an admirable discussion of the problems that Pakistan faced
in the aftermath of independence can be found in Bin Sayeed (1960).

present-day problems with sectarian identities and their politicization bear discussion. Shortly after the creation of Pakistan, a small Muslim sect, the Ahmadiyyas, fell afoul of the conservative Muslim clergy. The Ahmadiyya community consists of the followers of Mirza Ghulam Ahmad (1835–1908), a religious leader who had declared himself to be the second messiah of Islam. Orthodox Muslims, whether belonging to the Sunni or Shia sects, consider his declaration to be blasphemous. Accordingly, they accused the community of apostasy. As early as 1949, with the connivance of the Pakistani state, the Ahmadiyya community became the object of persecution. In 1953 the Pakistani religious party, the Jamaat-I-Islami, precipitated a riot against the Ahmadiyyas in the Punjab. The government of Pakistan instituted an inquiry into the origins of the riots, but the effort was mostly perfunctory. Discrimination against the community continued but the next major set of riots was to take place about two decades later, in 1974. Instead of coming to the aid of the besieged community, the civilian regime under Zulfikar Ali Bhutto chose to declare the Ahmadiyyas a non-Muslim community through a constitutional amendment. The condition of the Ahmadiyyas worsened under General Zia, who in 1984 again amended the constitution to place Islamic law over national jurisprudence. He also created a legal basis for the prosecution of anyone who professed the Ahmadiyya faith. Both Bhutto and Zia pursued these policies solely for the purpose of bolstering the sagging legitimacy of their respective regimes and to curry favor with the conservative Muslim clergy.¹⁷ The conditions of this small, beleaguered community are no better today.

Sectarian violence in Pakistan has hardly been confined to the hapless Ahmadiyya community. Since the 1980s Pakistan has also witnessed a steady rise in sectarian violence, especially between Sunnis and Shias. Such sectarian violence once again underscores that the common bond of Islam is an anemic basis for the construction of a robust and common national identity. The origins of such violence could be located in both domestic and external sources.¹⁸ Domestically, the rise of Sunni extremism can be traced to the policies of General Zia-ul-Haq (1977–1988). In 1979 he undertook a program of Islamization to shore up his military regime. Despite professions of Islamic universalism it had a distinctly pro-Sunni tinge. Consequently, the Shia community saw it as an assault on its

¹⁷ Much of the material cited here has been drawn from Ganguly (2007).

¹⁸ On the international sources of domestic developments see Gourevitch (1978).

interests.¹⁹ Simultaneously, the Iranian revolution spurred the growth of radicalism within the Shia community.

External forces, in turn, came to quash the growth of religious orthodoxy and political assertion within the community. The new revolutionary regime in Iran, the Zia-ul-Haq regime owing to its attempt to stabilize its government in its waning days. Consequently, both morally and materially assist the Shia community's involvement and the concomitant rise in tensions leading to increasing Shia-Sunni tensions and ultimately to violent clashes. This schism, which opened in the 1980s, continues to periodically erupt. Both Zia-ul-Haq, Bhutto and Nawaz Sharif did little to curb the tensions. Unfortunately, external meddling in Pakistan's internal affairs came to a close with the end of military rule. Pakistan developed close ties to Pakistan during the 1980s to play an important role in the country's development. It provided financial assistance to Pakistan and influenced the religious orientation of Pakistan. During that Nawaz Sharif, a relatively conservative leader, came to power in Saudi Arabia after General Pervez Musharraf's military coup in October 1999.

The subsequent military regime of General Musharraf was committed to limiting the sectarian violence miserably in that endeavor. In the absence of a strong state that seek to actively ameliorate this broad-based sectarian countenance recrudescence Shia-Sunni violence, to provide the glue that can hold together the various divisions just discussed, it could not mend the rifts within the country.²⁰

INCIPIENT TENSIONS AND FRUSTRATIONS: NATIONALISM IN SINDH

One of the first fissures that emerged within the country was that between the so-called *muhajirs* and the indigenous India at the time of partition, and the indigenous

¹⁹ For a particularly thoughtful treatment of this issue see Ganguly (2007).

²⁰ For a recent discussion of sectarianism in Pakistan see Ganguly (2007).

sectarian identities and their politicization led to the creation of Pakistan, a small Muslim state ruled by the conservative Muslim clergy. The interests of the followers of Mirza Ghulam Ahmad, a controversial leader who had declared himself to be a prophet, Orthodox Muslims, whether belonging to the Sunni or Shia community, consider his declaration to be blasphemous. In 1949, the Pakistani state, the Ahmadiyya community was declared a community of apostasy. As early as 1949, the Pakistani state, the Ahmadiyya community was declared a community of apostasy. In 1953 the Pakistani religious party, the Ahmadiyya, led a riot against the Ahmadiyyas in the city of Lahore. Pakistan instituted an inquiry into the origins of the riot, which was mostly perfunctory. Discrimination against the Ahmadiyyas continued but the next major set of riots was in 1974. Instead of coming to a peaceful resolution, the civilian regime under Zulfikar Ali Bhutto declared the Ahmadiyyas a non-Muslim community. The condition of the Ahmadiyyas in Pakistan has hardly been confined to the hapless state of the 1980s. Pakistan has also witnessed a resurgence of violence, especially between Sunnis and Shias. This again underscores that the common bond of the construction of a robust and common identity of such violence could be located in both domestic and international contexts.¹⁸ Domestically, the rise of Sunni extremists of General Zia-ul-Haq (1977–1988). In the context of Islamization to shore up his military rule, Islamic universalism it had a distinctly pro-Sunni orientation. The Shia community saw it as an assault on its

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interests.¹⁹ Simultaneously, the Iranian revolution had also contributed to the growth of radicalism within the Shia community.

External forces, in turn, came to quickly reinforce this shift toward religious orthodoxy and political assertion on the part of the Shia community. The new revolutionary regime in Iran was hostile toward the Zia-ul-Haq regime owing to its attempts to shore up the Shah's government in its waning days. Consequently, they moved with dispatch to both morally and materially assist the Shia within Pakistan. Such external involvement and the concomitant rise of Shia assertiveness contributed to increasing Shia-Sunni tensions and ultimately culminated in a series of violent clashes. This schism, which openly manifested itself in the early 1980s, continues to periodically erupt. The civilian regimes of Benazir Bhutto and Nawaz Sharif did little to contain their growing differences. Unfortunately, external meddling in Pakistan's domestic schisms did not come to a close with the end of military rule. Saudi Arabia, which had developed close ties to Pakistan during the Afghan war years, continued to play an important role in the country's internal politics. Specifically, it provided financial assistance to Pakistani *madrassas* in an attempt to influence the religious orientation of Pakistani Islam. It is hardly surprising that Nawaz Sharif, a relatively conservative politician, sought refuge in Saudi Arabia after General Pervez Musharraf deposed him in a military coup in October 1999.

The subsequent military regime of General Musharraf, though notionally committed to limiting the sectarian and religious tensions failed miserably in that endeavor. In the absence of enlightened state policies that seek to actively ameliorate this breach, the country will inevitably countenance recrudescence of Shia-Sunni violence. Clearly, Islam failed to provide the glue that can hold together Pakistan. Besides the sectarian divisions just discussed, it could not mend the ethno-linguistic divisions within the country.²⁰

INCIPIENT TENSIONS AND FRUSTRATED SUB-STATE NATIONALISM IN SINDH

One of the first fissures that emerged within Pakistan after independence was that between the so-called *muhajirs*, Muslims who migrated from India at the time of partition, and the inhabitants of the region of Sindh,

¹⁹ For a particularly thoughtful treatment of this subject see Nasr (2000).

²⁰ For a recent discussion of sectarianism in Pakistan see Ollapally (2008).

local Sindhis came to deeply resent the
ers of immigrants. Their reaction was
intrinsic xenophobia. Instead, it could
anxieties about competition for scarce
to various public goods (Khan 2002).
the aftermath of partition have con-
province, resulting in much internecine
ve coalesced around ethnic identities
ave frequently resorted to strong-arm
threaten voters, and rally supporters.
acting as neutral arbiter and enforcing
es at particular junctures have aligned
parties and organizations involved in
thereby fueled further tensions and

had developed their own sense of
f Pakistan itself emerged. A provincial
l in 1917 in response to British colo-
ndh province with the Bombay presi-
Desh, however, quickly yielded to the
and many Sindhis supported the new
e, the massive migration of Muhajirs
ographic make-up of the province. In
ce of Punjabis in the military and the
is of the necessity to push for provin-
into early protest movements against
069.

ladesh and the resignation of General
o became president of a truncated
dlord from Sindh, successfully mobi-
e's Party, the population of Sindh. As
l organization, he promoted the inter-
level and defended the interests of the
populist agenda, for a time, undercut
analism. However, after General Zia-
after a sham trial had him executed,
population protested the domination

's partisan involvement in the conflict in Sindh

by the military, but General Zia had successfully conspired to use the
Mutthahida Qaumi Movement (The United National Movement, here-
after MQM), and encouraged the rise of Islamist militancy, to increase
insecurity in Karachi, the multiethnic capital of Sindh and Pakistan's larg-
est city. The ethnic strife in the major port became emblematic of the
country's inability to achieve national unity.

THE BREAKUP OF PAKISTAN

The most striking failure of the Pakistani state, however, lay in its inabil-
ity to pursue a viable language policy that would accommodate the legiti-
mate demands of more than 50 percent of its population, the Bengalis of
East Pakistan. As early as 1948, Jinnah, in an attempt to forge a com-
mon national identity, chose to adopt Urdu as the national language of
Pakistan (Oldenburg 1985). The choice of Urdu as the national language
met immediate resistance from the Bengali-speaking population of East
Pakistan.²² Despite protests, which were violently suppressed, the decision
to make Urdu the national language of Pakistan was not rescinded (Ayres
2002). Worse still, thanks to the location of the bulk of political power
and privilege in West Pakistan, the Bengalis of East Pakistan faced sys-
tematic discrimination in every conceivable arena of government employ-
ment. To compound matters, most foreign investment was directed into
West Pakistan, and the largest share of international assistance was dis-
bursed there (Jahan 1972). Some statistical evidence on the prevailing
socioeconomic disparities will bolster this argument. For example, at a
macroeconomic level in 1969–1970, per capita income in West Pakistan
was 61 percent higher than in East Pakistan (Jackson 1975). Other con-
trasts were equally vivid. East Pakistan, with a population of 75 mil-
lion had 7,600 physicians, while West Pakistan with a population of 55
million had 12,400. Similar disparities were mirrored in the educational
sector. Between 1947 and 1969, the number of colleges in West Pakistan
grew from 40 to 271 while their number in East Pakistan went from 42
to 162. In the military realm, East Pakistani representation was equally
lopsided. Even though East Pakistan had 54 percent of the total popu-
lation of Pakistan, only 5 percent of the officer corps of the army, 15
percent of the air force, and 20 percent of the navy were drawn from
the province. Matters were no better in the elite Civil Service of Pakistan

²² For a detailed discussion of the evolution of Pakistan's language policy see Rahman
(1996).

(CSP). In 1970, only 16 percent of the CSP were composed of Bengali officers (Sisson & Rose 1990).

In large part these highly discriminatory policies stemmed from deep-seated cultural prejudices and beliefs about the Bengali-speaking population of East Pakistan. Significant portions of the West Pakistani elite were contemptuous of their Bengali-speaking Muslim brethren. This contempt, in turn, was deep-rooted and could be traced to the British colonial notions of the "martial races" of the subcontinent.²³ A quote from the autobiography of the self-styled Field Marshall Mohammed Ayub Khan, exemplifies the beliefs of the Pakistani political establishment:

East Bengalis who constitute the bulk of the population, probably belong to the very original Indian races. It would be no exaggeration to say that up to the creation of Pakistan, they had not known any real freedom or sovereignty. They have been ruled either by caste Hindus, Moghuls, Pathans, or the British. In addition, they have been and are under considerable Hindu cultural and linguistic influence. As such they have all the inhibitions of downtrodden races and have not yet found it possible to adjust psychologically to the requirements of new-born freedom. (Ayub Khan 1967, p. 63)

These prejudices, which were widely shared among the West Pakistani elite and the Punjabi-dominated military, played a vital role in shaping the brutal response to the rise of the demands for regional autonomy in East Pakistan in the aftermath of the country's first free and fair election in November 1970. In the wake of these elections, the East Pakistan-based Awami League (AL), won 160 out of a possible 162 seats. The West Pakistan-based Pakistan's People's Party (PPP) had chosen not to contest any seats in East Pakistan. On the other hand, the AL, which had contested seven seats in four west Pakistani provinces, won none. In the West, the PPP was the clear-cut winner, obtaining eighty-one seats (Sisson & Rose 1990). Instead of moving with dispatch toward a viable, representative, power-sharing arrangement, the politico-military elites of West Pakistan resorted to every possible ploy to stymie the results of an election that would have granted East Pakistan its legitimate share of political authority. When all these stratagems to forestall power-sharing arrangements failed, the Pakistani military embarked upon a virtually genocidal campaign against their hapless Bengali citizenry.²⁴

²³ On the subject of "martial races" see Robb (1995). The British, for purposes of colonial administrative convenience, had developed an elaborate pseudo-anthropological classification of "races" and had declared some to be "martial" and others "non-martial." The Bengalis of the subcontinent were deemed to be both "non-martial" and effeminate.

²⁴ The term "genocidal" is used advisedly. The American Consul-General in Dacca (now Dhaka), Archer Blood, was the first person to use that term in a telegram that he sent to

This military crackdown led to the influx of Bengali refugees into India. The Indian political leadership, including Gandhi, was thereby faced with both a crisis and an opportunity. The crisis was primarily humanitarian. India, at the time, was absorbing close to 10 million refugees into its territory. However, the refugees' presence in India also presented India with the possibility of breaking up Pakistan. To the Indian political elite carefully embarked upon a policy designed to alert the major powers to the crisis, India steadily drew up war plans for an invasion of East Pakistan. Diplomatic efforts to resolve the crisis failed. When the major powers did not exert sufficient pressure on the military regime in Pakistan, India launched a crisis in East Pakistan, Indian forces marched into East Pakistan to launch an attack on India in December 1971. In the attack, Indian forces, which had been equipped with an effective military campaign in East Pakistan, won. The war lasted for a mere twenty-two days. It ended in an Indian victory, and culminated in the creation of Bangladesh.

The Pakistani political elite has yet to come to terms with the loss of their military and political leadership in 1971. The crisis in Pakistan that culminated in the genesis of Bangladesh when General Pervez Musharraf, the President of Pakistan, was ousted in 2002. Instead of forthrightly acknowledging the atrocities of the civil war of 1971, the Pakistani state has about them (Habib 2002).

JAMMU AND KASHMIR: THE ENDLESS

Despite the breakup of Pakistan in 1971, the Indian political elite, less of political orientation or composition, has continued to claim a right to the former princely state of Jammu and Kashmir (Hodson 2000; Hodson 1969). Such a claim is in direct contradiction of the Pakistani state, albeit with Indian assistance, to its of Jinnah's "two-nation theory." Ob-

the U.S. Department of State using the so called "two-nation theory" to dissuade diplomats to disassociate themselves from a position of support. On the question of genocide in Bangladesh, see Ganguly (2001); also see Lieutenant-General

²⁵ For a detailed account of the process of Indian intervention in Bangladesh, see Ganguly (2001); also see Lieutenant-General

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This military crackdown led to the flight of millions of refugees into India. The Indian political leadership under Prime Minister Indira Gandhi was thereby faced with both a crisis and an opportunity. The crisis was primarily humanitarian. India, a poor country, could ill-afford to absorb close to 10 million refugees into its already overcrowded territory. However, the refugees' presence in India and the ongoing civil war within East Pakistan also presented India with an important opportunity: the possibility of breaking up Pakistan. To that end, after May 1971, India's political elite carefully embarked upon a politico-diplomatic strategy designed to alert the major powers to India's dilemma. Meanwhile, it steadily drew up war plans for an invasion of East Pakistan should these diplomatic efforts to resolve the crisis and ensure a safe return of the refugees fail. When the major powers did little or nothing to exert significant pressure on the military regime in West Pakistan to end the ongoing crisis in East Pakistan, Indian forces managed to deftly provoke Pakistan to launch an attack on India in December 1971. Once the Pakistanis attacked, Indian forces, which had been carefully arrayed to carry out an effective military campaign in East Pakistan, put their plans into action. The war lasted for a mere twenty-two days, resulted in an overwhelming Indian victory, and culminated in the creation of Bangladesh.²⁵

The Pakistani political elite has yet to fully come to terms with the role of their military and political leadership in precipitating the crisis in East Pakistan that culminated in the genesis of Bangladesh. This was evident when General Pervez Musharraf, the Pakistani military dictator, visited Bangladesh in 2002. Instead of forthrightly accepting responsibility for the atrocities of the civil war of 1971 he merely expressed his "regrets" about them (Habib 2002).

JAMMU AND KASHMIR: THE ENDLESS WAR

Despite the breakup of Pakistan in 1971, all Pakistani regimes, regardless of political orientation or composition, have maintained an irredentist claim to the former princely state of Jammu and Kashmir (Dasgupta 2000; Hodson 1969). Such a claim is ironic because the collapse of the Pakistani state, albeit with Indian assistance, demonstrated the clear limits of Jinnah's "two-nation theory." Obviously, religion alone, as noted

the U.S. Department of State using the so called dissent channel, which allows American diplomats to disassociate themselves from a policy that they feel that they cannot support. On the question of genocide in Bangladesh see Rummel (1998).

²⁵ For a detailed account of the process of Indian involvement and the breakup of Pakistan see Ganguly (2001); also see Lieutenant-General Jacob (1997).

previously in this chapter, failed to cement the two wings of the state. Nevertheless, for the Pakistani political and military establishments, the status of the disputed state of Jammu and Kashmir represents the "unfinished business of partition."²⁶ The origins of this dispute are complex. They are rooted in the British policies of colonial withdrawal from the subcontinent in 1947. At the time of Independence and Partition, there were two classes of states in the British Indian Empire. In the first, the states of British India were under the direct rule of the British Crown. The second, so-called princely states were nominally independent but recognized the "paramountcy" of the British Crown. With the end of British rule, the doctrine of paramountcy drew to a close. Accordingly, Lord Mountbatten, the last Viceroy, informed the rulers of the princely states that they had the choice of joining either India or Pakistan, depending upon their demographic composition and geographic location (Ramusack 1977). Muslim-majority states would join Pakistan, while those states that were predominantly non-Muslim would go to India. The option of independence was effectively ruled out to prevent the balkanization of the subcontinent. For the vast majority of the princely states the issue was quickly settled because of their location or demographic composition. The state of Kashmir posed a unique problem. It had a Muslim-majority population, a Hindu monarch, and shared borders with the two emergent states. The ruler of Kashmir, Maharaja Hari Singh, had little interest in joining either India or Pakistan. He was loath to join India because he feared that the Indian National Congress under the leadership of Prime Minister Jawaharlal Nehru, who had definite socialist proclivities, would dismantle his vast land holdings. Simultaneously, as a Hindu monarch who had done little to improve the lot of his Muslim subjects, he was equally leery of casting his lot with Pakistan. Even after Independence and Partition he had refused to accede to either state.

Ultimately, a decision was forced upon him when a tribal rebellion broke out in early October 1947 in the western reaches of his state. Sensing an opportunity to wrest the state from Indian control, the Pakistani political establishment promptly moved to support the rebels. Faced with the imminent fall of his capital, Srinagar, to the Pakistan Army-assisted rebels, Maharaja Hari Singh appealed to New Delhi for assistance. Prime Minister Nehru agreed to provide military assistance if the ruler met two conditions: he would have to formally accede to

²⁶ For a discussion of Pakistan's involvement in and support for separatist *jihadi* movements in Kashmir see Swami (2006).

India, and Sheikh Mohammed Abdullah, and secular organization in the state, the Conference, would have to grant his imp (Ganguly & Rose 1990). Once these two conditions were met, the state would be flown into Kashmir where they successfully but not before they had succeeded in creating a state.²⁷ On the advice of Lord Mountbatten, the United Nations Security Council as a body for security. With UN intervention, the first meeting was held on January 1, 1948.

The Pakistani claim to Kashmir has two parts: the first is *legal*, and the second is *moral*. At a *moral* level, even if East Pakistan chose not to remain with India, the Pakistani leadership still insists that a state with a predominantly Muslim population, needs to be created. The origins of the claim, of course, must be traced back to the rationale for the creation of Pakistan, namely the Muslims of South Asia. The moral claim is based on a work by Pakistan's erstwhile Prime Minister Ali Bhutto, who wrote:

If a Muslim majority can remain a part of India, the state will collapse. ...Pakistan is incomplete without a Muslim majority. Morally and ideologically. It would be fatal if in the event of a partition, Pakistan were to abandon the struggle for a Muslim Pakistan. It would be tantamount to abandonment; which, in the eyes of the Muslims of Pakistan. (Bhutto 1969)

Their *legal* claim to the entire state of Jammu and Kashmir is based on a contested corpus of evidence about how the state was created at the time of independence. Pakistani apologists have often shown partiality toward the nascent Indian state and its claim otherwise. The evidentiary basis for the claim is murky (Lamb 1991).²⁸

Leaving aside the strength and veracity of the *legal* claims, it is a fact that a range of claims have been put forward and have waged three separate wars.

²⁷ The best description of the Indian military response is given by Ganguly (1996).

²⁸ For a challenge to Lamb's claims see Jha (1996) and Whitehead (2007).

cement the two wings of the state. Political and military establishments, the Jammu and Kashmir represents the "unfinished business" of colonial withdrawal from the Indian subcontinent. At the time of Independence and Partition, there was no direct rule of the British Crown. The princely states were nominally independent but recognized as part of the British Crown. With the end of British rule, the issue drew to a close. Accordingly, Lord Mountbatten urged the rulers of the princely states to choose between India or Pakistan, depending on their political and geographic location (Ramusack 1990). Those states that chose to join Pakistan, while those states that chose to join India. The option of independence was out to prevent the balkanization of the Indian subcontinent. The issue was decided on the basis of political or demographic composition. The problem. It had a Muslim-majority population. It shared borders with the two emergent states. Maharaja Hari Singh, had little interest in independence. He was loath to join India because he was a Hindu monarch. Under the leadership of Prime Minister Jawahar Lal Nehru, who had definite socialist proclivities, would not simultaneously, as a Hindu monarch. He had a lot of his Muslim subjects, he was loath to join Pakistan. Even after Independence, he acceded to either state. He was loath to join India because he was a Hindu monarch. Under the leadership of Prime Minister Jawahar Lal Nehru, who had definite socialist proclivities, would not simultaneously, as a Hindu monarch. He had a lot of his Muslim subjects, he was loath to join Pakistan. Even after Independence, he acceded to either state.

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India, and Sheikh Mohammed Abdullah, the leader of the largest popular and secular organization in the state, the Jammu and Kashmir National Conference, would have to grant his imprimatur to the accession (Sisson & Rose 1990). Once these two conditions were met, Indian troops were flown into Kashmir where they successfully stopped the rebel onslaught but not before they had succeeded in capturing about one-third of the state.²⁷ On the advice of Lord Mountbatten, India referred the case to the United Nations Security Council as a breach of international peace and security. With UN intervention, the first Kashmir war came to a close in January 1, 1948.

The Pakistani claim to Kashmir has two components. The first is *moral*, and the second *legal*. At a *moral* level, even though their co-religionists in East Pakistan chose not to remain within the domain of the Pakistani state, the Pakistani leadership still insists that Kashmir, owing to its predominantly Muslim population, needs to be incorporated into Pakistan. The origins of the claim, of course, must be traced back to the very rationale for the creation of Pakistan, namely, that it was a homeland for the Muslims of South Asia. The moral claim is best illustrated with a quotation from a work by Pakistan's erstwhile leader Prime Minister, Zulfikar Ali Bhutto, who wrote:

If a Muslim majority can remain a part of India, then the *raison d'être* of Pakistan collapses. ...Pakistan is incomplete without Jammu and Kashmir both territorially and ideologically. It would be fatal if in sheer exhaustion or out of intimidation, Pakistan were to abandon the struggle, and a bad compromise would be tantamount to abandonment; which, in turn might lead to the collapse of Pakistan. (Bhutto 1969)

Their *legal* claim to the entire state of Kashmir is based upon a highly contested corpus of evidence about how the partition line was drawn at the time of independence. Pakistani apologists claim that Lord Mountbatten showed partiality toward the nascent Indian state, while Indian partisans claim otherwise. The evidentiary basis for either claim is convoluted and murky (Lamb 1991).²⁸

Leaving aside the strength and veracity of the competing moral and legal claims, it is a fact that a range of Pakistani regimes from 1947 onward have waged three separate wars (1947-1948, 1965, and 1999)

²⁷ The best description of the Indian military response can be found in Sen (1969).

²⁸ For a challenge to Lamb's claims see Jha (1996); for a mostly dispassionate account see Whitehead (2007).

with India in attempts to wrest control over the original territory of the disputed state. Despite the expenditure of considerable amounts of blood and treasure they have not met with any success in this endeavor. India has tenaciously and steadfastly refused to concede any ground on the Kashmir question.²⁹

Since 1989, Pakistan has been deeply involved in directing, supporting, and steering an ethno-religious insurgency in the Indian-controlled portion of the state.³⁰ The origins of the insurgency were mostly indigenous and could be traced to the political malfeasances of a series of national governments in New Delhi that had sought to manipulate the internal politics of this state. Despite this support for the insurgency, which Pakistanis refer to as a "war of a thousand cuts,"³¹ the country is no closer to undermining India's continuing grip over the state (Ganguly 2006). Even though thoughtful Pakistani commentators have deemed this quest to be futile, the Pakistani military, and a permanent civilian establishment, have evinced no interest in abandoning this quest.³² In part, the continuing preoccupation with Kashmir enables the Pakistani military to justify its substantial budgetary allocations and thereby helps maintain its preeminent position within Pakistan's polity and society (Racine 2002).

Pakistan's own relationship with the portion of Kashmir that it came to control as a consequence of seizing the territory in the 1947-1948 war is quite complex. Notionally, "Azad Kashmir" ("free Kashmir") has a considerable degree of autonomy and its own prime minister. However, for all practical purposes it is under the firm control of the regime in Islamabad. The inhabitants of Azad Kashmir were granted the right of adult franchise only in 1970, and those of the adjacent Northern Areas as late as 1994. Under the aegis of the 1974 constitution of Pakistan, two executive bodies were created for Azad Kashmir. They were the Azad

²⁹ India's intransigence on the Kashmir question can be traced to two concerns. At one level, India, as a constitutionally secular state, believes that a Muslim-majority state should be able to thrive under the aegis of a civic polity. At another, Indian elites are convinced that the secession of Kashmir could generate a powerful demonstration effect and bolster other incipient movements for secession. For a more extensive discussion of this problem see Ganguly (2001).

³⁰ For evidence of Pakistani involvement in and support to the Kashmiri insurgents see Byman (2005).

³¹ Available at: <http://www.time.com/time/magazine/article/0,9171,257107-2,00.html> [accessed April 12, 2009].

³² On the futility of Pakistan's quest see Gauhar (1999) "Four Wars and One Assumption." *The Nation*, September 5.

Kashmir government located in the pro and the Azad Kashmir Council located called for the prime minister of Pakistan would include six federal ministers, the six Azad Kashmir members elected by i Kashmir Affairs. Practically all subjects population of Azad Kashmir fell within

The situation in the Northern Areas ter. In October 1994, the first party-b Northern Areas, and this culminated i elected body known as the Northern entity, however, was only granted advis poses, political power remained vested Kashmir and the Northern Areas Execut In the aftermath of a Pakistan Supreme the first Northern Areas Legislative Cou granted the rights to legislate on local m local taxes. However, the overall struct unchanged.³³

Pakistan's professed commitment to Kashmiris notwithstanding, it has abje mate political aspirations of those Kash tion. The denial of political representa the fear of Indian domination have enab any substantial attempt on the part of th politically.³⁴

SUB-STATE NATIONALISM REDUX: B

Despite the emergence of Bangladesh Kashmir, Pakistani elites seemed incap strategy to cope with the demands of sub for autonomy in Pakistan have been sim Particular ethnic groups are concentra have often felt that the national govern and needs. These sentiments have perio

³³ Behera (2000) "Looking within the other K at: <http://www.atimes.com/atimes/South Asia/EL>

³⁴ On political repression in Azad Kashmir see H *Like These...* New York: Human Rights Watch

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Kashmir government located in the provincial capital of Muzaffarabad and the Azad Kashmir Council located in Islamabad. The constitution called for the prime minister of Pakistan to preside over the council and would include six federal ministers, the prime minister of Azad Kashmir, six Azad Kashmir members elected by its assembly, and the Minister of Kashmir Affairs. Practically all subjects of any significance affecting the population of Azad Kashmir fell within the purview of this council.

The situation in the Northern Areas of Kashmir was not much better. In October 1994, the first party-based elections were allowed in Northern Areas, and this culminated in the creation of a 26-member elected body known as the Northern Areas Executive Council. This entity, however, was only granted advisory powers. For all practical purposes, political power remained vested in the hands of the Ministry of Kashmir and the Northern Areas Executive Affairs Council in Islamabad. In the aftermath of a Pakistan Supreme Court judgment in March 1999, the first Northern Areas Legislative Council was elected in 2000. It was granted the rights to legislate on local matters and to impose and collect local taxes. However, the overall structure of administration remained unchanged.³³

Pakistan's professed commitment to the self-determination of all Kashmiris notwithstanding, it has abjectly failed to address the legitimate political aspirations of those Kashmiris within its formal jurisdiction. The denial of political representation, systematic repression, and the fear of Indian domination have enabled the Pakistani state to contain any substantial attempt on the part of the Kashmiris to assert themselves politically.³⁴

SUB-STATE NATIONALISM REDUX: BALUCHISTAN

Despite the emergence of Bangladesh and the ongoing problem of Kashmir, Pakistani elites seemed incapable of fashioning an institutional strategy to cope with the demands of sub-state nationalism. The demands for autonomy in Pakistan have been simultaneously regional and ethnic. Particular ethnic groups are concentrated in specific regions, and they have often felt that the national government has neglected their interests and needs. These sentiments have periodically come to the fore and have

³³ Behera (2000) "Looking within the other Kashmir," *Asia Times [Online]*. Available at: <http://www.atimes.com/atimes/South Asia/EB20Dfo7.html> [accessed April 12, 2009].

³⁴ On political repression in Azad Kashmir see Human Rights Watch (2006) *With Friends Like These...* New York: Human Rights Watch, September 21.

manifested in attempts to secure regional rights in the western province of Baluchistan. This region, which accounts for almost 40 percent of Pakistan's total land area, is rich in coal and natural gas deposits. It is also the poorest region of the country and is bereft of agricultural resources. The aridity of much of the region renders it unsuitable for sustained, settled agriculture. During the period of unified Pakistan, both civilian and military regimes did little to promote economic development or provide representation to the native Baluchis in either governmental services or the military. In addition, the government exploited the rich resource base of the region (Jetly 2004). Ironically, it was after the emergence of the first democratic regime in Pakistan, that of Prime Minister Zulfikar Ali Bhutto, that one saw the emergence of a violent Baluch nationalism. The Baluch resorted to violence against the Bhutto regime primarily because of the dismissal of an elected local government on tenuous grounds.

The regime's response was nothing short of harsh. In the wake of East Pakistan's secession, neither the Pakistani political elite nor the Pakistani military were inclined to permit the growth of yet another separatist movement. Consequently, they resorted to rather brutal military tactics to suppress the Baluch insurgency. In the East Pakistan case, the military establishment in Islamabad had faced two important handicaps. They could not fly over Indian territory, and they also had to deal with the military involvement of a far more powerful neighbor. In the Baluch case, there were no serious external supporters, and the geographic contiguity facilitated military logistics. Ironically, the military regime of General Zia-ul-Haq, while unwilling to countenance the emergence of any representative institutions in Baluchistan, nevertheless adopted a policy of co-optation and conciliation. To this end he released large numbers of Baluch insurgents and political leaders who had been incarcerated under Bhutto.

In the aftermath of General Zia's regime the Baluch movement started to wane. However, in recent years it has shown signs of recrudescence. The regime of General Pervez Musharraf opted to pursue the same coercive strategy that had characterized the Bhutto regime. In its attempt to quell an incipient insurgency in the region, Pakistani forces killed Nawab Akbar Khan Bugti, a former chief minister of Baluchistan. In the wake of his killing a spate of violence ensued to which the Musharraf regime responded with further repression.³⁵

³⁵ See Shahid (2006) "Bugti killed in operation: Six officers among 21 security personnel dead." *Dawn*, August 27.

THE PROBLEM OF PAKHTOONISTAN

Another region of Pakistan has an equally long history of resistance. This is the NWFP, Pakistan's second largest province. In the aftermath of the tragic events of 9/11 and American-led efforts to eviscerate the Taliban regime, this region has received renewed international significance as a possible redoubt for Osama bin Laden. Al Qaeda, the region has a long history of association with. Indeed, the sentiments for regional autonomy have deep roots and can be traced to colonial times.³⁶

In the NWFP, Jinnah's Muslim League found a significant foothold because of the influence of Ghaffar Khan, who was known as the "Frontier Gandhi." He had organized a powerful non-violent movement in this region, has some affinity for the principles of Mohandas Gandhi in particular. A non-violence endowment was held just prior to independence. Nevertheless, about 51 percent of the population of Pakistan, and the province became part of the new state. The movement, however, continued to smolder and the province acutely resented the Punjabi domination.

In subsequent years, thanks to significant economic growth in the province and increased economic development, some of the regional grievances subsided. However, if autonomy persisted because of the failure to promote significant economic development, the issue remains the issue of the proper sharing of power resources (Kukreja 2003). A major project, to the construction of the Kalabagh Dam, was opposed by local activists opposed to the construction. The beneficiaries of this project would not be the Baluch but those of the Punjab.³⁷

³⁶ Two excellent journalistic accounts of the American's ambivalent relationship with the Taliban are provided by Erland.³⁷

³⁷ For some historical background see Erland.³⁸ For an extraordinary ethnographic account of the movement, see Banerjee (2000).

³⁹ I am grateful to Aqil Shah of the Department of Anthropology for bringing the contentious issue of the Kalabagh Dam to my attention.

regional rights in the western province which accounts for almost 40 percent of in coal and natural gas deposits. It is also y and is bereft of agricultural resources, n renders it unsuitable for sustained, set- od of unified Pakistan, both civilian and ote economic development or provide uchis in either governmental services or ernment exploited the rich resource base ically, it was after the emergence of the tan, that of Prime Minister Zulfikar Ali nce of a violent Baluch nationalism. The nt the Bhutto regime primarily because al government on tenuous grounds. thing short of harsh. In the wake of East Pakistani political elite nor the Pakistani it the growth of yet another separatist esorted to rather brutal military tactics cy. In the East Pakistan case, the military d faced two important handicaps. They ory, and they also had to deal with the re powerful neighbor. In the Baluch case, supporters, and the geographic contigu- Ironically, the military regime of General ountenance the emergence of any rep- histan, nevertheless adopted a policy of o this end he released large numbers of eaders who had been incarcerated under

Zia's regime the Baluch movement started ars it has shown signs of recrudescence. Musharraf opted to pursue the same coer- ized the Bhutto regime. In its attempt to the region, Pakistani forces killed Nawab ief minister of Baluchistan. In the wake e ensued to which the Musharraf regime on.³⁵

operation: Six officers among 21 security personnel

THE PROBLEM OF PAKHTOONISTAN

Another region of Pakistan has an equally tortured history of rebellion and resistance. This is the NWFP, Pakistan's North-West Frontier Province. In the aftermath of the tragic events of September 11 and concomitant American-led efforts to eviscerate the Al Qaeda and the remnants of the Taliban regime, this region has received much journalistic attention.³⁶ However, quite apart from its proximity to Afghanistan, and thereby its significance as a possible redoubt for neo-Taliban forces and elements of Al Qaeda, the region has a long history of resistance to Pakistani rule. Indeed, the sentiments for regional autonomy and separation run deep and can be traced to colonial times.³⁷

In the NWFP, Jinnah's Muslim League had a difficult time establishing a significant foothold because of the towering influence of Khan Abdul Ghaffar Khan, who was known as the "Frontier Gandhi." Khan, who had organized a powerful non-violent, non-cooperation movement in this region, has some affinity for the Indian nationalist movement and the principles of Mohandas Gandhi in particular.³⁸ Accordingly, when a referendum was held just prior to independence, Khan's followers boycotted it. Nevertheless, about 51 percent of the eligible electorate voted to join Pakistan, and the province became part of the new state. The Pashtun movement, however, continued to smolder as significant segments of the population acutely resented the Punjabi domination of the Pakistani polity.

In subsequent years, thanks to significant military recruitment from the province and increased economic integration into the larger polity, some of the regional grievances subsided. However, demands for regional autonomy persisted because of the failure of the national government to promote significant economic development. One of the ongoing issues remains the issue of the proper share of royalties from hydroelectric power resources (Kukreja 2003). A related issue remains the opposition to the construction of the Kalabagh Dam on the Indus River. According to local activists opposed to the construction of the dam, the principal beneficiaries of this project would not be the inhabitants of the province but those of the Punjab.³⁹

³⁶ Two excellent journalistic accounts of the American efforts tackle the Al Qaeda as well as America's ambivalent relationship with the Taliban? Coll (2004) and Wright (2006).

³⁷ For some historical background see Erland (1981).

³⁸ For an extraordinary ethnographic account of Khan and his *Khudai Khidmatgar* movement, see Banerjee (2000).

³⁹ I am grateful to Aqil Shah of the Department of Political Science, Columbia University, for bringing the contentious issue of the Kalabagh Dam to my attention.

In the February 2008 elections, the Awami National Party managed to successfully rout its opponents and won thirty-one out of a possible ninety-six seats in the provincial assembly. As the party with a plurality of seats it managed to stake a successful claim to the chief ministership of the province, a goal that had eluded it for the past sixty years. With a regional party now at the helm and with the restoration of democracy at the national level, the NWFP had hoped to secure a more equitable distribution of resources.

Unfortunately, two factors have vitiated such prospects for the foreseeable future. The country's crude, inept, and harsh counterinsurgency strategy that is directed against an infestation of the Taliban forces in parts of the NWFP, most notably the Swat Valley, has alienated significant segments of the local population. Worse still, the Taliban have managed to gain ground in the Swat Valley through an amalgam of vicious tactics and the exploitation of the limitations of the flawed counterinsurgency efforts.⁴⁰

A FISSURED NATION AND STATE

There is little question that after sixty years of its independent existence, an identification among the elites with the Pakistani state has emerged. In part, this elite nationalism relies upon a common hostility toward India to promote a sense of national solidarity. Yet beyond this perception of difference it is unclear what else the vast majority of Pakistanis can turn to as sources of national identification. Obviously, for a certain segment of the population, a return to some pristine variant of Islam as the basis of nation building remains the preferred alternative. However, as discussed earlier in this chapter, key doctrinal differences remain among the Sunnis, Shia, and of course, the small and beleaguered Ahmadiyya community. These differences, in and of themselves, are not the sources of conflict. However, the tenuous legitimacy of various regimes, whether civilian or military, has often provided an important temptation to exploit these differences for short-term political ends thereby resulting in periodic outbursts of violence, and, in turn widening and sharpening the existing fault lines.

The return of viable representative institutions in Pakistan might provide an arena for the airing of divergent views about the country's national identity and questions of the status of sectarian minorities, sub-state nations, and regional rights. Whether or not Pakistan will make

⁴⁰ See Oppel and Shah (2009) "A Radio-Controlled Reign of Terror for Pakistanis Under Taliban." *The New York Times*, January 25.

such a transition to democracy remain a point, even such a transition would not resolve these long-standing and vexing questions deeply embedded in Pakistan's political culture.

The military, thanks to its long history, has now managed to entrench itself as a central pillar of the political order. With each successive transition, perhaps most dramatically under the Musharraf regime. Accordingly, even if the military nominally remains an organization that is subordinate to the state, it will not permit other institutions to set limits that it deems tolerable. It is able to outmaneuver competing institutions within the political system despite the recent assertiveness of the civilian government. All institutions within the country have become subservient to the military. Second, the military, as an institution, Ayesha Siddiqi, has painstakingly managed to expand its reach across the entire society (Siddiqi 2007).⁴¹ Any nascent civil society task as it seeks to roll back the spread of military influence.

Consequently, for the foreseeable future, the state will remain subject to intense sectarian, tribal, and ethnic contestation. Such contestation within institutional arenas. Given the weakness of civil society and groups repose little faith in the state's movements, which are fraught with corruption and frequently lurch toward violence. Whether the Pakistani polity can still manage to contain these forces from erupting into large-scale violence will depend on the analysts and policymakers will have to pay attention.

In the wake of the February 18, 2008 elections, a legitimately elected civilian regime has provided another opportunity to resuscitate democratic civilian institutions.⁴² Simultaneously, the military has not quickly succumb to internal political pressures or temptations to raid the exchequer,

⁴¹ For the decline of political institutions and the rise of the military in civilian sectors see Kukreja (2003).

⁴² See Ganguly (2008) "Musharraf's End." *The New York Times*.

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Controlled Reign of Terror for Pakistanis Under
25.

such a transition to democracy remains a fraught question. More to the point, even such a transition would not guarantee a prompt focus on these long-standing and vexing questions because they have become so deeply embedded in Pakistan's political culture.

The military, thanks to its long history of interventions and rule, has now managed to entrench itself as a central component of the Pakistani political order. With each successive involvement, its role has expanded, perhaps most dramatically under the rule of General Pervez Musharraf. Accordingly, even if the military nominally returns to the barracks, it will still remain an organization that is *primus inter pares*. As a corporate entity, it will not permit other institutions to assert themselves beyond limits that it deems tolerable. It is able to exercise such control over other competing institutions within the polity for two compelling reasons. First, despite the recent assertiveness of the Pakistani Supreme Court, virtually all institutions within the country have been either rendered anemic or are subservient to the military. Second, as an able Pakistani political scientist, Ayesha Siddiqi, has painstakingly documented, the military has managed to expand its reach across every sector of Pakistan's state and society (Siddiqi 2007).⁴¹ Any nascent civilian regime will face a Sisyphean task as it seeks to roll back the spread of military influence in Pakistan.

Consequently, for the foreseeable future Pakistan's nationalist enterprise will remain subject to intense sub-state nationalist, regional, sectarian, and ethnic contestation. Such contestation will not be confined to institutional arenas. Given the weakness of formal institutions, individuals and groups repose little faith in them, and so they resort to social movements, which are fraught with the potential for conflict and frequently lurch toward violence. Whether the fragile institutions of the Pakistani polity can still manage to contain these differences and prevent them from erupting into large-scale violence is a question that both analysts and policymakers will have to ponder.

In the wake of the February 18, 2008 elections and the emergence of a legitimately elected civilian regime, the Pakistan polity may yet have another opportunity to resuscitate a number of its nearly moribund civilian institutions.⁴² Simultaneously, if the civilian government does not quickly succumb to internal political bickering and also avoid the temptations to raid the exchequer, it may be able over time to assert

⁴¹ For the decline of political institutions and the growth of the military's influence into civilian sectors see Kukreja (2003).

⁴² See Ganguly (2008) "Musharraf's End." *The San Francisco Chronicle*, February 21.

some semblance of authority over the military. The past performance of a range of civilian regimes does not offer substantial hope that they will be able to set aside petty partisan differences, avoid fiscal malfeasance, and insist upon the supremacy of elected civilian authority. However, after the rampant abuse of political power under General Musharraf's military dictatorship after the coup of October 1999, it is possible that previously feckless politicians may finally evince some interest in restoring the autonomy, probity, and efficacy of Pakistan's civilian institutions. Only through the reconstruction and eventual expansion of viable representative institutions can Pakistani polity begin to address the deep ethnic and regional fissures that have threatened its viability.

5

Constitutional Politics and Crisis

Sujit Choudhry

In *Multicultural Odysseys*, Will Kymlicka traces the way North America and western Europe have dealt with northern and central Europe and Africa and Asia. He responds to the claims of minority nations (Kymlicka calls them 'polities' such as Canada, Belgium, the United Kingdom) to come to see themselves not as nation-states but as 'poly-nations'. They have, accordingly, given symbolic recognition to their constituent peoples and reconfigured themselves constitutionally to reflect their new character. Other states have rejected this approach. Kymlicka is rightly rightly – the political claims of minority nations are particularly true in Asia. Kymlicka suggests that the United States, India, Asian states have been extremely responsive to minority nations, for a variety of reasons – the legacy of colonialism, strategies which empowered minority ethnic groups, the need for political security, fear of petty tyrannies, and so on. The nation-state would disappear as a result of multiculturalism, he argues.

Sri Lanka is one of the many examples to understand why. Demographically, Sri Lanka is a multi-ethnic national polity. It contains a large, Sinhalese majority (75% of the population), as well as a large, Tamil minority (18% of the population) who traditionally hail from the north.

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