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Even after more than six decades since its inception, Pakistan has been unable to establish its writ across geographical boundaries and several of its territories remain ungovernable. Analysts have noted that such regions comprise nearly 60% of Pakistan's territory.¹ This phenomenon has consequences for regional stability and affects peace and governance efforts in neighbouring Afghanistan, Iran, Central Asian Republics, and India.²

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The reasons for lack of governance in Pakistan differ across regions.

In some cases, the non-state actors have succeeded in establishing their own writ, emerging as alternate power centres that have supplanted the role of the state. The most notable of these are the Federally Administered Tribal Areas (FATA), Balochistan, Southern Punjab and to some degree, the mega polis, Karachi.

This paper seeks to examine three such regions, i.e. FATA, Balochistan and South Punjab, where the authority of the Pakistani state has diminished to varying degrees and where non-state actors effectively govern these areas. In part, this situation is a result of wilful abdication of authority by the central state (FATA), insurgency and regional dynamics (Balochistan) and nurturing of militant networks (South Punjab). The paper looks at the three regions in some detail, outlining the historical evolution of governance systems (or lack thereof) and the current situation, which has serious implications for Pakistan's security and regional stability.

1. FATA & Areas of Khyber-Pakhtunkhwa

Background: The Federally Administered Tribal Areas (FATA) of Pakistan form a sub-autonomous tribal region in the northwest of Pakistan, bordering Afghanistan on its west, Pakistan's Khyber-Pakhtunkhwa (KPK) province on the east and Balochistan on the south. The area comprises seven Agencies (tribal regions) and six Frontier Regions. It is home to a population of nearly 4.5 million³, consisting mainly of Pashtun tribes, who also inhabit eastern parts of Afghanistan. FATA is also the poorest

1. See for example: "Al-Qaeda's growing 'counter-writ'" by Khaled Ahmed. The Friday Times, November 26-December 2, 2010 - Vol. XXII, No. 41. <http://www.thefridaytimes.com/26112010/page2.shtml>
2. Council on Foreign Relations (2011). "Should U.S. continue aid to Pakistan?" Available at: <http://www.cfr.org/pakistan/should-us-continue-aid-pakistan/p25015>
3. The News. April 8, 2012. Available at: <http://www.thenews.com.pk/Todays-News-6-101821-AJK-Fata-GB-capital-population-goes-up-many-a-time>

of Pakistani regions, where nearly 50% of the population lives below the poverty line. Years of war and insurgency have wreaked havoc with social services and impacted the social and physical infrastructure of the area.

Historically, the colonial state did not build governance institutions in this region and administered it through a curious mix of traditional structures such as *jirga*, overseen by the central British authority through the infamous law, the Frontier Crimes Regulations (FCR)⁴ of 1901. The British used the law as a means of subjugation to 'discipline' the people of FATA and establish the writ of colonial authority across the region. After independence in 1947, the FCR continued as the governance framework - with minor modifications - until 2011, when the Pakistani government initiated major reforms to its scope and application. However, in effect FCR reform is yet to be implemented and one can safely assume that the century-old law prevails.

Analysis of the present situation: The FCR is notorious for its repressive features against the people of FATA. It empowers the government to arrest anyone, without specifying the crime, and permits collective punishment of family or tribe for the crimes of individuals.⁵ Punishment can be meted out by unelected tribal *jirgas*, whose members are mostly nominated by centrally appointed political agents.⁶ The law restricts those convicted from appealing against *jirga* verdicts (although a commission can review a case) and gives sweeping powers to tribal councils to impose penalties in criminal cases. While the FCR does provide a code of conduct for *jirgas*, the latter have operated free of these regulations and have given verdicts not permitted by the FCR. Furthermore, this legal framework encourages discriminatory practices towards the local people, as it allows the government to restrict the entry of FATA residents into the rest of Pakistan. The provisions of the FCR are clearly in violation of the Universal Declaration of Human Rights and the Constitution of Pakistan.⁷ There have also been frequent calls from the superior judiciary of Pakistan to repeal the law.

After a century, Pakistan's current democratic government has revised the FCR by introducing pro-democracy amendments and allowing political parties to operate in the tribal regions. The most important amendments to the FCR limit oppressive sections by allowing only close male relatives of offenders to be arrested, instead of whole tribes. Women and individuals of minor age are barred from arrest. The amendments seek to curtail the powers of anachronistic laws by providing basic civil rights to the people of FATA.⁸ For the first time, the right of appeal has been granted to the local population against decisions of the political agent.⁹ The Political Parties Order of 2002 allowed political parties to form and operate in the region,¹⁰ making room for some form of political participation by people who have enjoyed few or no constitutional rights.

The amendments were welcomed by civil society and hailed as a step towards incorporating FATA within the democratic framework of the rest of the country.¹¹ However, they are yet to be fully implemented. Some tribal elders and lawyers have criticised the minor changes, demanding that the jurisdiction of high courts and the Supreme Court must be extended to FATA and that the area should be governed according to the 1973 Constitution, rather than the FCR.¹²

4. HRCP (2005). FCR: A Bad Law Nobody Can Defend/ Human Rights Commission of Pakistan. Available at: <http://www.hrcp-web.org/pdf/FCR%20Report.pdf>
5. Yusufzai, R. (2001). "Analysis: Pakistan's Tribal Frontiers". BBC News. Available at: http://news.bbc.co.uk/2/hi/south_asia/1711316.stm
6. Rehman, I. A. (2002). "Dark Justice". Newline. Available at: <http://www.newlinemagazine.com/2002/08/dark-justice/>
7. HRCP (2005). FCR: A Bad Law Nobody Can Defend. Human Rights Commission of Pakistan. Available at: <http://www.hrcp-web.org/pdf/FCR%20Report.pdf>
8. Yusufzai, A. (2011). "Democracy Follows Drones in Pakistan". Al-Jazeera. Available at: <http://www.aljazeera.com/indepth/opinion/2011/08/201182573132986205.html>
9. Dawn.com. August 13, 2012. Available at: <http://dawn.com/2011/08/13/major-changes-made-in-fcr-fata-people-get-political-rights/>
10. Understanding FATA: 2011. Available at: http://www.understandingfata.org/uf-volume-v/Understanding_FATA_Vol-V-11.pdf
11. The Express Tribune. August 13, 2011. Available at: <http://tribune.com.pk/story/230500/initial-impressions-mixed-reactions-to-fcr-changes/>
12. Pakistan Today. February 14, 2012. Available at: <http://www.pakistan-today.com.pk/2012/02/14/news-national/changes-in-fcr-condemned-in-seminar/>

The colonial-era administrative and judicial systems are unsuited to modern governance. The absence of credible and formalised participation and accountability has created governance gaps, giving freedom of activity to illicit actors. Weak state control has given rise to radicalisation and enabled local militants to establish parallel, Taliban-style policing and court systems across the tribal agency.¹³ The anomalous constitutional status and political disenfranchisement has turned FATA agencies into sanctuaries for sectarian and international terrorists, thereby making the region a hub of the arms and drug trade.

Reportedly, the FATA region is home to several pro al-Qaeda militant groups such as the *Haqqani Network* (Afghan Taliban), *Tehrik-e-Taliban* and Gulbuddin Hekmatyar's *Hizb-e-Islami*.¹⁴ These groups have important links with militants on the other side of the Durand Line (Pakistan-Afghanistan border) and the porous boundary facilitates this mutual interaction and cooperation.

There are three major geographic zones of militancy afflicting the FATA region.¹⁵ Towards the south, Mullah Omer's Quetta *Shura* directs militants to the Afghan provinces of Helmand and Kandahar, which also borders the Pakistani province of Balochistan. Further north, the *Haqqani*-directed Miram Shah *Shura* takes on the insurgency in the Afghan provinces of Paktika, Paktia and Khost provinces from the North and South Waziristan agencies in Pakistan (two rabid militant hotbeds in the region). Towards the region's north, several groups of militants including Gulbuddin Hekmatyar's *Hizb-e-Islami* direct insurgent activity to Nangahar and Kunar provinces in Afghanistan, operating from FATA's Mohmand and Bajaur agencies.

In spite of attempts to cluster militant activity as above, the segmentation is not fixed. The militants' universe is extremely dynamic and complex. Localised militant groups continue to coalesce and degenerate – making and breaking alliances on the basis of ideology, history and operational capability.¹⁶ In any case, analysts agree on three major, discrete militant groups operating in FATA: the *Tehrik-e-Taliban Pakistan*, the *Haqqani Network* and the Quetta *Shura*.

Of these three, the *Tehrik-e-Taliban Pakistan* (TTP) is the largest coalition of militant groups and has the broadest geographic scope. The TTP is a grouping of individual "leaders", largely from Mehsud region of Waziristan, with associates such as Tariq Afridi (Khyber), Maulvi Faqeer Mohammad (Bajaur), Omar Khalid (Mohmand) and Waliur Rehman (S. Waziristan). *Lashkar-e-Jhangvi* is also a partner of TTP. These groups have strong links with foreign militants of Al-Qaeda and Central Asia, and frequently organise attacks on the Pakistani state. The other major group, the *Haqqani Network*, reportedly operates from North Waziristan and is led by Jalaluddin and Sirajuddin Haqqani. The group focuses on attacks on Afghanistan and has important links with the Arab Al-Qaeda. The group has entered into negotiations with the Pakistani state and has generally avoided armed confrontations with them.¹⁷ It also has strongholds in North Waziristan, where its sanctuaries have been relatively protected from Pakistani military operations.

As noted above, the third militant coalition in FATA is Mullah Omer's Quetta *Shura*. The *Shura* emanates from the region including and

13. International Crisis Group (2006). Pakistan's Tribal Areas: Appeasing the Militants. Available at: <http://www.crisisgroup.org/en/regions/asia/south-asia/pakistan/125-pakistans-tribal-areas-appeasing-the-militants.aspx>
14. Fisherman, B. (2010). Muddying the 'Taliban'. Foreign Policy. Available at: http://afpak.foreignpolicy.com/posts/2010/06/11/muddying_the_taliban
15. Fisherman, B. (2010). The Battle for Pakistan: Militancy and Conflict across the FATA and NWFP. New American Foundation, p. 3. Available at: <http://counterterrorism.newamerica.net/sites/newamerica.net/files/policydocs/fishman.pdf>
16. Ibid., p. 28
17. Burke, J. (2012). "Al-Qaeda leadership almost wiped out in Pakistan, British officials believe." The Guardian. Available at: <http://www.guardian.co.uk/world/2011/dec/25/al-qaida-leadership-pakistan-africa>

surrounding the Balochistan provincial capital of Quetta and extends to southern Afghanistan and FATA. Apart from the three major coalitions, there are other militant groups present in FATA as well. The most notable of these are Mangal Bagh's *Lashkar-e-Islam*¹⁸ and its competitor *Ansar-ul-Islam*¹⁹ in the Khyber Agency. The latter sub-region borders the province of KPK and enables the militants to infiltrate into the urban and settled areas of the province.²⁰

The efforts of the Pakistani government to contain insurgency in FATA have alternated between the use of excessive force, and appeasement. Measures to seek accord with militants have been only partially successful.²¹ They have absolved the militants of government scrutiny by retreating, giving weapons to tribesmen, and disbanding security check posts in return for the militants' agreement to give up violence. The government reached accords with the militants of South Waziristan in May 2004 and with those in North Waziristan in September 2006. These accords were facilitated by the pro-Taliban *Mutahidda Majlis-e-Amal*, a six-party religious alliance and the Musharraf government's coalition partner, in the provincial governments of Balochistan and KPK. According to reports, the accord facilitated the growth of militancy in the region and gave pro-Taliban elements a free hand to recruit, train and arm.²²

The growth of militancy was also facilitated by badly run military operations, poor governance and stalled economic development during times of unrest. As FATA has been a neglected region in terms of socio-economic development, unemployed youth became susceptible to recruitment by militant outfits after the US invasion of Afghanistan. They found themselves stuck in between the military operations and the militant organisations.

After 2007, the situation in FATA was further aggravated when the people of Kurram Agency had conflicts on sectarian lines. Kurram agency has a Shi'a majority in the north (Parachinar) that was unable to flee fighting in 2007 since it would require them to pass through Sunni-majority enclaves in order to reach settled areas of KP province.²³ The region presents a complex pattern of terrorist and sectarian activity that threaten local populations, regional stability and counter-terrorism efforts in neighbouring Afghanistan.

Sunni-Shi'a conflict – a trend that first emerged in the 1980s - has become endemic in several parts of the tribal agencies. In Hangu and Parachinar, sectarian strife took shape of virtual tribal civil war over time, with "free use of missiles, mortars and rocket launchers".²⁴ The assassination of *Sipah Sahaba* leader Maulana Haq Nawaz Jhangvi in 1990, which avenged the murder of Shi'a *Tehrik-e-Nifaz Fiqh Jafriah* leader Allama Arif Hussain al-Hussaini in 1986, was a turning point in the conflict. Following 9/11, members of Sunni extremist groups such as SSP and *Lashkar-e-Jhangvi* allied themselves with Al-Qaeda and the Taliban and aided in operations in Afghanistan and Kashmir. Simultaneously, the religious cleansing of Shi'as continues to occur and the Shi'a-majority areas have become the focal point of attacks by Sunni extremists.

The United States ignored the widening sectarian divide in FATA and followed a rather independent policy in the region. The strategy is focused largely on: (i) weakening Taliban leadership in Waziristan; and

18. Lashkar-e-Islam (LI), formed in 2004 by Mufti Munir Shakir, is a Sunni-Deobandi Islamist group that is chiefly concerned with the implementation of Sharia through the use of force in Khyber Agency. After the expulsion of Mufti Sahab by tribesman from Khyber agency in February 2006, the control of LI was handed over to Mangal Bagh
19. Pir Saif ur-Rehman, an Afghan national and Barelvi Sunni preacher, founded the Ansar-ul-Islam (AI) in the Bara sub-division of Khyber Agency in 2004. Ansar-ul-Islam (AI) aims to propagate the Barelvi form of Sunni Islam. After severe clashes with Lashkar-e-Islam in 2006, Saif Ur Rehman was also expelled from Khyber and subsequently the leadership of AI was taken over by Maulana Gazi Mehboob ul-Haq.
20. Imtiaz Ali. Khyber Tribal Agency: A New Hub of Islamist Militancy in Pakistan. Available at: [http://www.jamestown.org/single/?no_cache=1&tx_ttnews\[tt_news\]=4952](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=4952)
21. International Crisis Group (2006). Pakistan's Tribal Areas: Appeasing the Militants.
22. International Crisis Group (2006). Pakistan's Tribal Areas: Appeasing the Militants.
23. International Crisis Group (2010). Pakistan: The Worsening IDP Crisis. Available at: <http://www.crisisgroup.org/~media/files/asia/south-asia/pakistan/b111%20pakistan%20-%20the%20worsening%20idp%20crisis.pdf>
24. The Economic Time – March 1st, 2012. Available at: http://articles.economictimes.indiatimes.com/2012-03-01/news/31113592_1_shias-kurram-ahmadis

(ii) protecting US and NATO interests in the region. The US policy-setters have viewed the use of drone strikes as an effective tool to weaken Al-Qaeda and affiliated Taliban insurgents. According to security expert Emma McEachan, "*drone attacks have worked and brought remarkable results ...Pakistanis have been cooperative, but quiet.*" At the same time, it is also recognised that there were serious limitations on how to verify targets as the US relies on "*local agents rather than forensics.*" To quote McEachan: "*Drone attacks obviously come with costs, but they are the best of a bad set of options.*"²⁵

After providing tacit support for the drone strikes, Pakistani leadership – both civilian and military – has recently started to resent these attacks. Pakistan's political parties whip up anti-Americanism using the drone strikes as a cause for garnering popular support against a foreign power. On the other hand, a poll conducted by the Aryana Institute in the tribal areas shows the local people support drone strikes.²⁶ Ironically, a Pakistan Army commander stationed in FATA and fighting Taliban, Al-Qaeda, and other militants, told the media that drone attacks were helpful.

During the past six years, drone strikes have focused on two regions: North and South Waziristan. However, this trend has also undergone changes. For instance, in 2009, 42 percent of the strikes took place in North Waziristan and 51 percent in South Waziristan. During 2010, 89 percent of the strikes targeted North Waziristan and 6 percent South Waziristan. "*Of the 292 strikes since 2004, 69 percent have hit targets in North Waziristan, and 26 percent have hit targets in South Waziristan.*"

In June 2004, the first-ever US drone attack killed Nek Muhammad Wazir in Wana, South Waziristan. Thereafter, drone attacks have killed key militant leaders from al-Qaeda such as Baitullah Mehsud (Aug 2009), Ilyas Kashmiri (June 2011), and Atiyah Abd al-Rahman (August 2011). A few Pakistani writers have written how "*drone attacks have killed more enemies of both Pakistan and the US than ground offensives or any other strategy attempted since 9/11.*"²⁷ Nevertheless, drone strikes and military operations by the Pakistani Army are only short-term measures, which can bring little change to the problems of FATA.

A key solution to the problems of militancy, governance and extremism in FATA is through working towards building rule of law institutions and extending civil and political rights to the local people. The government must eliminate the undemocratic system of patronage sustained by powerful political agents who encompass all the legislative, judicial and executive powers to establish control.

The uncontrolled militant activities in FATA, along with the sectarian dimension in Kurram Agency, present a complex situation for regional stability. There has been talk in Pakistani establishment circles that India and external powers have expanded their influence in Afghanistan and are involved in fuelling militancy in FATA.²⁸ On the other hand, the Shi'a-Sunni proxy conflict, which is part of the larger conflict between Saudis and Iranians²⁹, has outpoured deeper into FATA and parts of Balochistan and has rendered instability to the entire region.

25. "Moaning about drones", Khaled Ahmed, The Friday Times, May 18-24, 2012. <http://www.thefridaytimes.com/beta3/tft/article.php?issue=20120518&page=2>
26. Chishti, A. K. (2012). "*The best of a bad set of options*", The Friday Times. Available at: <http://www.thefridaytimes.com/beta3/tft/article.php?issue=20120518&page=4>
27. "Moaning about drones", Khaled Ahmed, The Friday Times, May 18-24, 2012. <http://www.thefridaytimes.com/beta3/tft/article.php?issue=20120518&page=2>
28. Abbas Hassan, President Obama's policy Options in FATA. Available at: http://www.ispu.org/files/PDFs/fata_report.pdf
29. Aziz Khalid, "Drivers of extremism in FATA and KP." Available at:

Ascertaining the exact quantum and scope of foreign involvement in FATA is difficult. There is little or no access for outside journalists to visit the region. In fact there has been a series of abductions and killings of journalists in the region. Local information is controlled and only a state-friendly narrative exists. This is most relevant to the drone strikes in FATA. Regardless of their innate illegality, the reaction to the drones so far shows a serious cleavage: local voices echo a different version of reality than what the state and mainstream media want Pakistanis to believe. A Norway-based Pakistani scholar, Farhat Taj, has been most vocal about this. Her research challenges the claims about the deep unpopularity of drone strikes in FATA. Her recent book mentions the Peshawar Declaration (December 2009) signed by political parties, including the ANP, civil society organisations, businessmen, doctors, lawyers, teachers, tribal labourers, and intellectuals of FATA and NWFP, following a grand tribal *jirga* in Peshawar, stating: *'If the people of the war-affected areas are satisfied with any counter-militancy strategy, it is drone attacks that they support the most'*.³⁰

On the ground, contrary to the assumption by many international commentaries, FATA has become such a cesspool of local, regional and global interactions that it can no longer be 'controlled' by a single entity. This also holds true for Pakistani military and intelligence agencies. At the same time, there is a dire need of securing and building peace in FATA to start the two vital tasks neglected by the Pakistani state for six decades: (i) development of the area and (ii) concurrent work on state-building. If these tasks are not accomplished, then FATA's instability will not end even after the US/NATO withdrawal in 2014. Regional stability and economic development will depend on the normalisation of the situation in FATA.

It is time for the Pakistani state to undertake a policy shift.

First, it needs to acknowledge that keeping regions, such as FATA ungoverned by choice violates international human rights covenants and the Pakistani Constitution as well. FATA's ungovernable state is impacting the entire country with militants from the Punjab and other parts of Pakistan present there. Taxes and electricity bills cannot be collected, there are virtually no institutions of participatory and accountable governance, and in order to occupy traditional leadership the militants have killed thousands of *jirga* leaders and members.

Second, Pakistan must organise a referendum or put into place a mechanism to ascertain what the local population wants: integration into the KPK province or the creation of a separate FATA province. The former option is the most natural and cost effective given that majority of people of FATA are Pakhtuns who share the same culture, identity and clans. Extension of the criminal justice system and other institutions from KPK will enable the state to reclaim the ground lost to the non-state actors.

Pakistan's civilian President Zardari has spoken about a Marshall Plan equivalent for this region. The proposition has drawn scorn because of his tainted past and that is why nobody has given it serious consideration. The international community and Pakistani authorities must pay heed to this ambitious but eminently desirable goal. FATA simply cannot be allowed to remain a poor, stateless zone with no human rights in the twenty first century. It is inimical to Pakistan and the region's peace.

30. *Taliban and anti-Taliban* by Farhat Taj (Cambridge Scholars Publishing 2011); page 19.



Pakistani and Afghan Districts



..... Areas connected by insurgency
 Focus of US and NATO Drone Attacks (2006-2012)

Southern Punjab



2. Balochistan

Background: The continued insurgency in Balochistan is a mix of historical blunders, centralisation and marginalisation of the Baloch people.

Balochistan is the largest of four provinces of Pakistan. It covers 43 percent of the country's total area and hosts 6 percent of its population. The population density is low and the major ethnic groups inhabiting the province are Baloch (54.7 percent) and Pashtun (29 percent) among others. Balochistan is the least developed province of Pakistan, although it is rich in mineral and energy resources. The province is strategically located: bordering Afghanistan to the north and Iran to the west. It lies on communication routes to South, South West and Central Asia. The region provides for 40 percent of Pakistan's energy needs and accounts for 36 percent of its total gas production. Yet, 46.6 percent of its households have no electricity. The region is rife with conflict and is undergoing a secessionist struggle between the Pakistani establishment and the Baloch nationalists.

Since the twelfth century, Balochistan has been inhibited by short-lived tribal confederacies. During the seventeenth century, the Ahmedzai tribe formed a tribal confederacy in Kalat region and gained the support of most major Baloch tribes. Following the British colonisation of the sub-continent, the British exerted influence over the region and divided parts of Balochistan to ease control. Western Balochistan was given to Iran in 1871 and a portion of the north ceded to Afghanistan after the Durand Line was drawn in 1893. The British sought to maintain the loyalty of Baloch tribes by granting subsidies to tribal chiefs and providing them with a certain degree of autonomy as long as they acquiesced to the imperial directives.

Following independence, the Pakistani authorities sought to continue British policy of designating territories to handpicked tribal chiefs. The chiefs were allowed to maintain control as long as they did not defy state procedures. Overall, Pakistan's strategy of establishing central control over the region was largely based on coercive measures.³¹ The first military action against the Baloch was undertaken in 1948, when the Pakistani military ousted the ruler of Kalat and forcibly annexed the state.

Historically, relations between the federal government and the province have been tenuous, characterised by dependence of the province on federal transfers as the mainstay of its budgetary and development needs. This situation is confounded by the popular perception that Balochistan does not receive its due from the energy revenues - primarily natural gas - that are managed by the federal government under the 1973 Constitution.³² Local governance is characterised by tribal ethos and ethnic factionalism. The entry of the regions that constitute the province of Balochistan into what was envisaged as the territory of Pakistan was a result of protracted negotiations between Pakistan's founding elites and their counterpart tribal elders.³³ The process of "national" integration, however, was far from smooth; and the bottled up pressures again came to light when the Bhutto administration (1971-77) dismissed the elected provincial government and launched a military operation against the nationalist "insurgents" that was ended through a political settlement by the subsequent military regime in 1977. The federal writ prevailed but the strong influence of federal pulls was recognised as a political reality resulting in bargains between tribal elites and the federal power centres.

Analysis of the present situation: The four major insurgencies in Balochistan during the post-partition period occurred in 1948, and between 1958-59, 1963-69 and 1973-77. There is a fifth ongoing insurgency that was ignited in August 2006 following the murder of Baloch tribal leader Nawab Akbar Bugti, who ironically was considered as a federalist politician.³⁴ The ongoing insurgency started in Marri-Bugti and Mekran (southern) areas, and since then the military operations have resulted in huge human and property losses and stark violation of human rights by the state, as well as by the insurgents.³⁵

Balochistan's administration system is a hybrid of formal and informal systems. Only five percent³⁶ of the provincial territory is governed by formal policing. Law and order in the remaining 95 percent of the province is managed by a system of "levies" recruited from the local tribes, who provide security services through a mix of tribal norms and

31. International Crisis Group (2006). Pakistan: The Worsening Conflict in Balochistan. Available at: http://www.crisisgroup.org/~media/Files/asia/south-asia/pakistan/119_pakistan_the_worsening_conflict_in_balochistan
32. The Constitution of 1973 was by and large a consensus federal arrangement. It provided for considerable provincial autonomy but the control over natural resources was retained by the Central government. Provinces were to get royalties in exchange of natural resource exploitation.
33. The Baloch are divided across the Western Asian region: Iran, Pakistan and Afghanistan. We are however concerned with the area that is now a part of Pakistan. For detailed discussions on the ethnic nationalist conflicts see Paul Titus (2002) *Marginality and Modernity: Ethnicity and Change in Post-Colonial Balochistan*, Oxford University Press, Karachi; and Paul Titus and Nina Swidler (2002) "Knights, Not Pawns: Ethno-Nationalism and Regional Dynamics in Post-Colonial Balochistan" in *International Journal of Middle East Studies* (2000), 32: 47-69 Cambridge University Press.
34. Khurram Iqbal. Counter-Insurgency in Balochistan: Pakistan's Strategy. Available at: www.san-pips.com/download.php?f=pvt0004.pdf
35. Dr. Mansoor Akbar Kundi. Insurgency factors in Balochistan. Available at: http://www.asc-centralasia.edu.pk/Issue_64/07_Insurgency_Factors_in_Balochistan.html
36. Government of Balochistan. Development Statistics of Balochistan 2001-02, Bureau of Statistics.

quasi-official procedures. Levies are primarily state-funded private armies of tribal chieftains. The tribal system with its archaic social structures and a justice system controlled by the tribal elite³⁷ had long made the formal rule of law framework irrelevant for most of the population. Such a system obviously perpetuates a high degree of conflict and insecurity – thereby leaving the poor communities distant from the 'formal' state.

In general, the perception is common that provincial governments are extensions of central patrimonies. The beneficiaries of central largesse, over the decades, have been the tribal chieftains who have continued to enter into patron-client relationships with most of the central governments.

Balochistan's ethnic complexion lends additional complexity to this quandary. Further, these communities are concentrated in different regions: those in the South are predominantly Balochi-speaking, while, almost all of the province's Pushto speakers are concentrated in northern and eastern districts. These patterns are also reflected in the composition of the provincial legislature, the civil service and the allocations for development. Competition over resources and polarisation at the provincial level is a well-established trend.

Tribal norms and customs provide the parameters of conflict resolution and tribal leadership becomes synonymous with political leadership. The tribe acts as the institution for organising intra-group collective action, on the one hand, while simultaneously defining the boundaries of the group, on the other. Social inclusion and social exclusion, therefore, are delineated along the lines of tribal affiliation. The tribal systems sustain strong patriarchal norms concerning the rights of women, their access to resources and spaces and their participation in social and political life. There is close inter-linkage between patriarchy and tribalism.

The provincial government in Balochistan is isolated and has been dysfunctional in critical areas. Decision-making related to law and order and major governance issues rests largely in the hands of central military and intelligence agencies, and the paramilitary Frontier Corps (FC). The latter has in fact been calling the shots and is right now under severe criticism for its alleged excessive and arbitrary handling of Balochistan. The situation was exacerbated by the nationalist parties' boycott of the elections of 2008, as a result of which they lack representation in the state structure and remain on the fringes of the political process. The nationalist forces, which belong to the Pashtun and Baloch communities, lack representation in the provincial or national assemblies. This has created a vacuum in the political system that has been filled by the civil military bureaucracy.

The weak local government structure is marred by widespread corruption and inefficiency. A report by the Human Rights Commission of Pakistan (HRCP) in 2009 identifies 140 million rupees in bribes given to the provincial minister for development.³⁸ Almost all 64 members of the provincial assembly have been receiving Rs250 million each year in the name of development funds since 2009. The net transfers from the centre to the province under the Balochistan Rights Package have averaged almost Rs100 billion annually since 2009, but its impact is hardly visible, because of massive financial corruption.

37. The police-levies divide was mediated through a non-uniform system of justice based on a procedural exception to the criminal procedure code in the "B" or non-police areas. The multiplicity of judicial systems devalues the quality of justice, adds difficulties in seeking redress and aggravates problems of access.

38. Human Rights Commission of Pakistan (2009). Pushed to the wall: Report of the HRCP fact-finding mission to Balochistan. Available at: <http://www.hrcp-web.org/pdf/Pushed%20to%20the%20wall.pdf>

Power remains in the hands of military and intelligence agencies whose overbearing presence has severely hampered the political process. The excesses committed by the establishment have alienated the Baloch people and set forth a deep-rooted nationalist movement within the population. It has also led to the formulation of armed resistance and insurgencies in the region that have sparked a dangerous trend of violence.

The insurgency in Balochistan has roots in the vast inequalities that the Baloch people have suffered since the inception of Pakistan. Paradoxically, the province is rich in mineral resources and provides critical energy supplies to distant urban centres in Pakistan, and yet it suffers from massive unemployment, poverty and lack of infrastructural development. Target killings, sectarian violence and hit-and-dump operations have become commonplace, due to the ongoing conflict between the nationalist forces and the establishment, indicating a near breakdown of law and order in Balochistan. There exists widespread animosity against the Pakistani state in Balochistan.

The nationalist forces such as the Balochistan Liberation Army (BLA) have empowered themselves by appropriating commissions from the local business community and mine owners, enabling their factions and setting the ground for rampage. This cycle of violence has severely hampered governance in Balochistan. Religious and ethnic minorities, including the local Hindu and Hazara communities have suffered the worst. Over 60 people from the Hazara community have fallen victim to targeted attacks in the first half of 2012.³⁹ Estimates suggest that more than 800 members of the Hazara community have been killed in mass murders and targeted ambushes since 2001.⁴⁰ Sunni extremist groups such as *Lashker-e-Jhangvi* have claimed responsibility for many incidents targeting Hazara Shi'as. The communities allege that security agencies are complicit in the ethnic cleansing of the province, and indeed, evidence exists to support this claim.⁴¹

The province is reportedly also home to the Quetta *Shura* - a Taliban leadership council operating primarily from the provincial capital Quetta and headed by Mullah Muhammad Omer.⁴² The *Shura* forms one of the key opposition forces to Western troops in Afghanistan and operates not from tribal areas, but from the populated regions in and around Quetta. The *Shura*, according to some analysts, has a significant role to play in the Afghan insurgency. The existence of the council is believed to be the result of the relocation of the Afghan Taliban leadership from its historical base in Southern Afghanistan across the border to Quetta.⁴³ The 1200-km long, largely porous and unpatrolled border between Balochistan and the Afghan provinces of Kandahar, Zabul and Helmand facilitates militant infiltrations. Significant numbers of Western forces are stationed in these provinces and there are frequent complaints of the Taliban being supplied in men, weaponry and bombs from Balochistan. The Afghan Taliban council allegedly operates openly in Quetta, with little interference from Pakistani authorities.

Resolution of the Balochistan conflict requires building political consensus among the Baloch people by addressing their grievances and establishing the government's writ across the province. Successive central governments have initiated development projects and restructuring programmes to give

39. DAWN – July 29, 2012. Available at: <http://dawn.com/2012/06/29/60-hazaras-fall-victim-to-terrorism-this-year/>
40. DAWN – July 29, 2012. Available at: <http://dawn.com/2012/06/29/hope-fades-away-for-hazaras-of-pakistan/>
41. Human Rights Commission of Pakistan (2009). Pushed to the wall: Report of the HRCP fact-finding mission to Balochistan, p.6. Available at: <http://www.hrcp-web.org/pdf/Pushed%20to%20the%20wall.pdf>
42. Walsh, D. (2009). "Strategic Balochistan becomes a target in war against terror". The Guardian. Available at: <http://www.guardian.co.uk/world/2009/dec/21/us-taliban-balochistan-strategy-pakistan>
43. Ahmed, M. (2009). "Taliban Commander: We're fighting for 'independence'". NBC News. Available at: http://worldblog.msnbc.msn.com/_news/2009/11/18/4376958-taliban-commander-were-fighting-for-independence

the province its due, but the initiatives have been only partially successful. The failure has been primarily because of an absence of initiative to grant the local people their due political rights. The Balochistan Rights Package, which was a set of comprehensive proposals put forward by the Pakistan People's Party (PPP) government in November 2009, also failed to deliver for the same reason.⁴⁴ Out of a total of 61 proposals, only a few could be delivered and the rest have not been implemented even as the regime's tenure draws to a close. The rationale for an economic package makes little sense in the absence of political rights. The economic package is unlikely to solve the crisis, unless the issues of political autonomy, control over administrative resources and administrative freedoms are fully addressed.

During President Musharraf's rule, economic development and the use of force to tackle insurgency were two of the most emphasised aspects of policy on Balochistan.⁴⁵ The government initiated a number of "mega projects" such as the Gwadar deep-sea port, the Mirani Dam, the Subakzai Dam, the Coastal Highway, road networks and potable water projects for Quetta and other cities. However, there have been reports that the government projects contributed to rising marginalisation fears among the Baloch, who feared becoming a minority in their own land if the central government's plans succeeded.⁴⁶ Due to decades of underdevelopment, the province lacks skilled human capital and the execution of mega projects requires the influx of labour from the more affluent Punjab and Sindh. The Baloch, already feeling colonised by outsiders especially by the largest province of Pakistan – Punjab – felt dispossessed by these projects and some groups, particularly ones with nationalist leanings, began to actively oppose them.

Following the elections of 2008, the PPP government announced the National Finance Commission award (which has increased Balochistan's development budget threefold) and the Balochistan Rights Package, to calm the rising tide of militancy in the province. Despite these efforts, the government has been unable to consistently deliver in Balochistan and the situation on the ground remains volatile. The provincial administration has increasingly ceded control to intelligence and security agencies, in order to contain the rising violence and insurgency in the area.

The province remains '*an active volcano that may erupt anytime*'.⁴⁷

The stability of Balochistan affects regional players such as Iran, India and Afghanistan. Balochistan is a region of high geo-political importance and the land is rich in oil, gas and mineral deposits. Balochistan is also one of the feasible routes of energy trade from the Central Asian States (CAS), particularly Turkmenistan, which ranks fourth worldwide – after Russia, the United States and Iran – in natural gas reserves.⁴⁸ There are reports of US Congressmen eyeing an independent Balochistan, in order to contain China and Iran from becoming maritime powers.⁴⁹ The development of the Gwadar port also promises to provide a land connection between Western China and the Indian Ocean. Iran is in the process of laying a pipeline to Pakistan through the Baloch territory – a project that places significant Western diplomatic pressures on the Pakistani administration.

The geo-strategic location of Balochistan, being close to the oil lanes of the Persian Gulf and having a common border with Iran and Afghanistan

44. Center For Research and Security Studies (2011). Balochistan Rights' Package 2009: Impact on Baloch Nationalism. Available at: <http://crss.pk/beta/?p=2085>
45. Iqbal, K. (2008). Counter-agency in Balochistan: Pakistan's Strategy, Outcome and Future Implications. Pakistan Institute for Peace Studies
46. Special Balochistan Report (March 2012). Media Point. Available at: <http://www.mediapoint.pk/special-balochistan-report-march-2012/>
47. Human Rights Commission of Pakistan (2009). Pushed to the wall: Report of the HRCP fact-finding mission to Balochistan, p.5
48. Though these are largely unexplored, the resource base range is estimated to be as high as 535 trillion cubic feet. In addition, the country possesses 1.4 billion barrels of proven oil reserves: <http://www.american.edu/projects/mandala/TED/turkmen.htm>
49. Walsh, E. (2012). "Should the US Support an Independent Balochistan?" Al-Jazeera. Available at: <http://www.aljazeera.com/indepth/opinion/2012/02/201222112203196390.html>

along with a deep sea port at Gwadar, makes the region important to the interests of India, Russia, Afghanistan, Iran and China.

According to the well-known security analyst Shuja Pasha "*India and the UAE (reputedly due to the opposition to construction of the Gawadar port) were funding and arming the Baloch*"⁵⁰. In such a case, the Baloch insurgency could affect the Indo-Pakistan peace process. According to the Inspector General of Pakistan's Frontier Corps, Obedullah, thirty *farari* (fugitive) camps are located across the border in Afghanistan, funded by foreign powers.⁵¹ According to reports, former President Pervez Musharraf also raised the point with American officials in September 2007 and asked for US intervention on the 'deliberate' attempt of New Delhi and Kabul to destabilise Balochistan.⁵² Within the Pakistani security establishment, it is assumed that the nature of Indian involvement in Balochistan could be a tit-for-tat strategy of the Indians against Pakistan's support of Islamist militants in Indian Kashmir.

Furthermore, the fanning of insurgency in Balochistan could spill over into Iran, which views the growing unrest in Pakistani Balochistan as a potential source of instability with respect to its own Baloch population⁵³.

The modernisation theory of development argues that economic growth leads to the transformation of small, socially cohesive, traditional communities and that the resistance to change thins away as economic interests generate new social dynamics. The story of Balochistan is a little different, in that its geographical spread, degree of backwardness and marginalisation, low population density, complex political landscape and consistent neglect pose key challenges to the advent of modernity. The ongoing struggles against externally-induced development in the province, therefore, are neither new nor exceptional. The federal government's efforts to establish new military cantonments in the province in order to protect key installations have been deeply unpopular in Balochistan.

However, an ungoverned and increasingly ungovernable area poses a major challenge for the Pakistani state as well as the regional powers. In some ways, it would like to continue its policy of repressing the local insurgency; yet at the same time it needs to engage with the Baloch population, which is not possible without representative institutions, and administrative structures that can deliver basic entitlements and services.

The issue of targeted attacks on minorities has worsened in the past seven years. Hundreds of innocent people from the Hazara community have been killed by target killings. Around 700,000 Hazaras living in Quetta are bound to their homes and are unable to get out due to weak security. Hazaras are also increasingly looking to flee Balochistan.

Overall, the situation in Balochistan is far more complex than it seems at first sight.

The Pakistani state is continuing its policy of governing by *diktat* and through the military-led Frontier Corps (FC). The FC is federally controlled and is widely unpopular among the local population, who associate them with human rights violations and heavy-handed operations. The

50. Express Tribune, December 30, 2010.

51. Express Tribune, June 13, 2012.

52. Express Tribune, December 3, 2010

53. Kupecz Mickey, PAKISTAN'S BALOCH INSURGENCY: History, Conflict Drivers, and Regional Implications. Available at: <http://iar-gwu.org/node/416>

insurgency has paralysed whatever few governance structures were there in the province.

Regional powers such as Iran and India are also closely observing the situation - if not involved in it. The most recent addition to the external list is the United States, which has expressed concerns over the situation, and there are unconfirmed reports of its increasing involvement there. Many Baloch and Pashtun leaders in Quetta suspect an American hand behind the radical Sunni group *Jundullah* and *Lashkar-e-Jhangvi* in the Shi'a killings. They believe that, to deny Iran any link with Pakistan and India, the US also publicly opposes the Iran-Pakistan gas pipeline (as evidenced by statements of US Secretary of State, Hilary Clinton and Ambassador to Pakistan, Cameron Munter). This reasoning is supported by the argument that an unstable, militarised Balochistan works against the Iran-Pakistan pipeline plan.

Overall, the presence of external and internal actors has rendered the province a virtual cesspool of violence, and ungovernability, and has entailed the rise of non-state actors and militias operating with impunity, widespread human rights abuses, great citizen discontent and the denial of basic rights such as education.⁵⁴

3. South Punjab

The upsurge in extremism across Pakistan in the last decade is a worrying phenomenon, which has been validated in various reports and studies. Increasing intolerance, as documented by religiously motivated violence and sectarian unrest, are grim reminders of the impending dangers to Pakistani society. The extremist threat is not just restricted to the northwest of the country, but has seeped in deeper to regions of Punjab and urban Sindh. The case of increasing radicalisation in South Punjab, in a province which is the economic heartland of Pakistan, is of paramount importance.

The absence of effective state institutions, lack of physical infrastructure and corruption among the state agents are among the prime contributors to weak state control across South Punjab. Here too, governance gaps have allowed freedom of action to illicit actors. The lack of monopoly on means of coercion brought about by the presence of armed religious groups has made governance difficult and adversely affected the law and order situation in the region.

South Punjab comprises three administrative divisions of Pakistan's largest province: Bahawalpur, Dera Ghazi Khan and Multan. These three divisions collectively represent 22 districts of the area. According to population statistics of 2010, Punjab has 93 million inhabitants, of whom 32 percent live in the Southern Punjab. Given the size and high population density of the region, the increases in radicalisation present a real threat to the stability of the country.

Growing radicalisation is intricately linked to the pervasive poverty in the area. Estimates show that out of all 34 districts of Punjab, with the exception of Multan, the least-developed ones are in South Punjab.⁵⁵ The poverty incidence is high at 43 percent and the unemployment rate in urban and rural areas is also higher compared to northern districts of the

54. Human Rights Watch (2011). 'We can torture you, kill, or keep you for years' – Enforced Disappearances by Pakistan's security forces in Balochistan. Human Rights Watch. Available at: <http://www.hrw.org/sites/default/files/reports/pakistan-0711WebInside.pdf>
55. Bengali, Kaiser (2012). "The Case for a New Province". *Dawn* (25 May 2012). Available at: <http://dawn.com/2012/05/25/the-case-for-a-new-province>

province.⁵⁶ Over 55 percent of labour in South Punjab is employed in the primary sector. The lack of employment opportunities makes militant factions appear lucrative options to the unemployed youth, contributing to a rising trend towards radicalisation and extremism. Similarly, other socio-economic indicators such as education, health and housing are low, indicating weak governance and acute underdevelopment. The state has been unable to devise and enforce a system of accountability, thus creating room for militant outfits and giving them free space to expand.⁵⁷

The fanning of extremist passions was initiated during the Soviet war in Afghanistan during the 1980s, when a cadre of *mujahideen* were required to fight as proxies against the Soviet Union. Following the Soviet withdrawal, *jihadis* continued to enter Punjab, training over 25,000 extremists in terror camps. Research shows a strong presence of Punjabi Taliban in the southern regions of the province. The armed militants used existing networks of puritan Islamic sects such as *Deobandi* and *Ahl-e-Hadith* and their seminaries (*madrassas*) to recruit youth disenchanted by poverty into their militant outfits. The state has been reluctant to address this because many of these militant outfits, in particular the *Sipah-e-Sahaba Pakistan* (SSP), *Lashkar-e-Jhangvi* (LeJ), *Jaish-e-Mohammad* (JeM) and *Lashkar-e-Tayyaba* (LeT), have been drawing support from the country's establishment and intelligence agencies.

Analysts such as Khaled Ahmed hold that the above-mentioned groups, working purely towards sectarian warfare, were initially created during the reign of general Zia ul Haq to fight a proxy war for Saudi Arabia against Shi'a Iran. These groups were also useful to Pakistan's intelligence agencies as strategic assets in the conflict with India over the disputed territory of Kashmir. As per estimates, about 5,000-9,000 youths from southern Punjab are said to be fighting in Afghanistan and Waziristan.⁵⁸ This number is modest when compared to the seminaries operating in the Punjab. In 2008, an estimated 1400 seminaries and 36,000 enrolled students were operating in Bahawalpur division alone. Many of these seminaries are used by militant organisations to attract groups of young men, by offering them privileges such as food and accommodation. The recruits are ideologically indoctrinated to be used as foot soldiers in implementing the international and local terror plans of militant organisations, including those of al-Qaeda and its operatives. Intelligence reports have estimated that about 5,000 recruits from southern and northern Punjab entered South Waziristan in 2005, and about 1,000 newly trained ones returned to the province.

In order to devise mechanisms to combat growing radicalisation in South Punjab, the state needs to rethink its fatal policy of allowing these groups to operate with impunity. In the recent years, Pakistan has seen a continued increase in sectarian operations especially directed against Shi'a Muslims. The total death toll due to sectarian conflict since 1989 is estimated to be more than 7,800.⁵⁹

Since September 2010, an average of three or four incidents of sectarian violence have taken place every month in Pakistan. Most sectarian attacks took place in Balochistan, followed by Khyber Pakhtunkhwa and the tribal areas. Sectarian violence in the northern areas (Gilgit Baltistan) region can be attributed to the pervasion of extremist *Salafi* ideology in the region, implemented by these armed groups. All of this reflects continued government and state inability to erode their capacity.

56. Magazine, Inpaper (2012). "Economic Viability of a Seraiki Province". Dawn (14 May 2012). Available at: <http://dawn.com/2012/05/14/economic-viability-of-a-seraiki-province/>.

57. Siddiq, Ayesha (2009). "Brothers in Arms". Newline Magazine, 9 Sept. 2009. Available at: <http://www.newlinemagazine.com/2009/09/brothers-in-arms/>

58. Siddiq, Ayesha (2009). "Terror's Training Ground". Newline Magazine, 9 Sept. 2009. Available at: <http://www.newlinemagazine.com/2009/09/terror-s-training-ground/>.

59. South Asian Terrorism Portal (SATP). 2012. Sectarian Violence in Pakistan. Accessed on: April 23, 2012. Accessed from: <http://www.satp.org/satporgtp/countries/pakistan/database/sect-killing.htm>.

Over the last few years, a widespread acceptance of Al-Qaeda's anti-Western stance has permeated large swathes of the population. In this climate, the US policy of targeting Al-Qaeda and its affiliates through drone strikes has forced its leaders to spread out and find new operational bases within urban Pakistan. Karachi, for instance, has been cited as a major ground for the continuation of its operations, in addition to Faisalabad, Lahore and other areas. Furthermore, Al-Qaeda may have entered into an alliance with home-grown militants such as the TTP and old sectarian groups.

A Pakistani researcher, Amir Rana,⁶⁰ has written on how the TTP and its affiliate groups have claimed responsibility for sectarian attacks. "*This trend reveals the close nexus between the Taliban and several major sectarian and militant groups in Punjab, which are now labelled as 'Punjabi Taliban'. This alliance between the Taliban and sectarian outfits is now expanding its targets.*"⁶¹ While Al-Qaeda may be retreating from FATA, its local allies especially from Southern Punjab are a major cause of instability and have grave implications for the region. While on one hand the groups are focused on Afghanistan and Iran, they also have designs for India. Several analysts both in Pakistan and abroad have noted that another attack such as the one that took place in Mumbai during 2008 could potentially trigger a wider conflict between the two states.

The Pakistani state policy of allowing space for militant organisations needs serious review. The militarisation of Pakistani society and the havoc wreaked by rogue 'strategic assets' on the country should be evidence enough that the state cannot continue to support militant organisations at the cost of fragmenting Pakistani society and causing regional instability. In South Punjab, state-building must be ensured by strengthening the capacity of central and sub-national administrative structures, enhancing the state's legitimacy, improving capability to enforce control and delivering the needed services.

Conclusions & The Way Forward

Devolution of powers from the centre to the provinces under the 18th Amendment of the Constitution and the Frontier Crimes Regulation Act reforms are some of the noteworthy developments that a weak civilian government has initiated in the recent years. Overall, the direction is positive and reflects the inherent capacity of Pakistan's political parties to deliver. However, regional instability and war in the neighbourhood and in FATA make the realisation of reform challenging.

Decades of political instability, the growth of violent Islamism and sectarianism, a poor record of citizen rights, lack of welfare and inequitable distribution of economic opportunities makes Pakistan a 'paradigmatic' fragile state.

However, its crisis is not solely about the withering of the central state. It has to do with the inability of the postcolonial state to define, negotiate and respect citizenship. There is an urgent need for democratisation and for shifting the focus onto 'human security' and away from the archaic notions of 'national security', which are

60. Amir Rana is an editor of the quarterly journal 'Conflict and Peace Studies' and regularly writes for DAWN, Pakistan's leading English newspaper.

61. Rana, Amir (2010). "*Lahore under siege – Punjab: A new battlefield*". The Friday Times (9 July 2011).

anchored in militarisation of both society and state. Given the current trajectory, Pakistan's ungovernability is going to rise further, thereby fuelling the prospects of continued regional instability as well as the uncertain future of a nuclear state.

The problem of growing intolerance emanating from mosques and *madrassas* also presents significant challenges to policymakers.

The fact that the activities of mosques and seminaries do not fall under the direct jurisdiction of government gives 'free hand' to religious and sectarian elements to use them for promoting hatred and inciting violence against opposing groups. According to the International Crisis Group, preaching in mosques and *madrassas* remains the principle source of recruitment for militant organisations.⁶² The practice of using mosque sermons to promote parochial religious aims and to disseminate hatred against minorities continues unabated. Mosques have also been found to award extra-judicial punishments that disturb law and order and promote unrest in society. There is therefore a crucial need to regulate sermons and check hate-preaching in mosques, and the government must take essential steps in this regard.

Policy Implications

In part, ungovernability arises from the extent and nature of state building that is undertaken in a particular region. State building⁶³ is intimately connected to political processes through which state-society relations between holders of state power and organised groups in society are managed and negotiated. The process seeks to build resilience and improve the capabilities of the state to deliver functions that match the expectations of societal groups. Improving society's capability to demand, impose and obtain accountability is a critical part of the state-building process and civil society plays a central role in enforcing such mechanisms across society.⁶⁴

A distinct set of recommendations is proposed for each of the three regions.

1. FATA

In FATA, the Frontier Crimes Regulation Act should be repealed to bring the region administratively and constitutionally at par with the settled areas of the country. The present state of the FCR is in violation of fundamental human rights and amendments should be made to ensure protection of the rights of tribal people. The FCR stands as an impediment to social change in the region and its patriarchal norms discriminate against women and children. Political reforms in FATA are a pre-condition to socio-economic development. Local government plans must be immediately implemented. Government policy should be based on fiscal decentralisation to empower local institutions and enhance service delivery to the people.

The separation of the judiciary and the executive should also be ensured in FATA, as the current constitutional injunction does not

62. International Crisis Group (2002). Pakistan: Madrassas, Extremism and the Military. International Crisis Group.

63. OECD (2008). State Building in Situations of Fragility. Organization for Economic Cooperation and Development.

64. Cahen, M. (2005). Making States Work: State Failure and Crisis of Governance. UN University Press

differentiate between the two. In order to discourage tribal customs that violate human rights, the government must also implement Article 8 of the Constitution, which describes fundamental rights available to all Pakistani citizens. Efforts must also be made to re-establish the writ of the state and tackle militant activity in the region. For this, the government must take steps to disarm militants, shut down terrorist training camps and disconnect the flow of money and weapons to the insurgent groups. It must also devise a credible system of justice to prosecute those responsible for killing civilians and government officials. The militants must be prevented from establishing parallel systems of administration and justice, and the government must seek to gradually replace the existing ones with, or bring them under the jurisdiction of, state controlled institutions.

2. *Balochistan*

In Balochistan, the Government of Pakistan must end its reliance on military solutions to the crisis. Instead, it should focus on addressing the socio-economic and political grievances of the Baloch people. The government must call the armed forces back to barracks and restrict their role to the safeguarding of land and borders. The Frontier Corps should be withdrawn and replaced with provincial security forces that are managed and controlled by the provincial administration.

The political freedoms of the Baloch people must be respected and all detainees held by the establishment must be produced before courts. The government should release all political prisoners and seek an all-out end to the political role of military and intelligence agencies. Concrete steps must also be taken to end intimidation, torture, arbitrary arrests, disappearances and extra-judicial killings. The travel restrictions applied on Baloch opposition leaders and members of opposition groups must be withdrawn. Human rights groups and local and international media should be allowed unhindered access across all regions of the province. The Baloch should be entrusted with their own security and the central government must accept provincial jurisdiction over law and order and policing matters.

Most importantly, the government should address Baloch concerns about royalties obtained from natural resources, control of development projects and of social sector expenditure. Central government allocations must be made taking into account backwardness, lack of development and geographic size.

3. *South Punjab*

Regarding South Punjab, the government must take steps to contain religious militancy that has reached critical levels. It should take measures to check the proliferation of weapons and growth of private militias by *madrassas* and extremist groups. The propagation of hate speech from mosque loudspeakers must be stopped and steps should be taken to contain the distribution of extremist literature. Overall, the government should enhance oversight over the *madrassa* sector, including its finances and enrolments, and conduct regular inquiries.

Steps should be taken to identify seminaries having links with *jihadi* groups, and those suspected should be put under close surveillance.

4. The International Community

The international community must engage in a purposeful dialogue with the Pakistani government on broad institutional reform to FATA's governance. At the same time, it must install effective oversight on aid that is flowing towards Pakistan - especially for FATA and Balochistan. It must also rethink the delivery of military aid and refocus its effort on aid to civil society groups, political parties and mainstream governance institutions linking progress on reform and counter-extremism to aid flows.

5. The Regional Dimension

Finally, there is a greater need for regional cooperation and dialogue. To date, Pakistan has been viewed by the world in terms of its relationship with India and the United States. The regional actors such as Iran and China as well as the Central Asian States are legitimate stakeholders in regional peace and stability. Mechanisms for regional cooperation are fragmented, ineffective and require effective facilitation and interlocutors. More importantly, there is limited people-to-people contact and a dearth of Track II (alternative, unofficial) talks between regional actors, which needs to be supported by the international community to counter the rise of extremism in Pakistan and to tackle its growing ungovernability. Whilst Pakistan may be "too big to fail" as has been repeated time and again, neither can it survive as a functional polity with communities living in fear, denied basic rights and entitlements and a state complacent with its weakening writ.

The prospects of peace in Pakistan dissect closely with the stability and international reconstruction process in neighbouring Afghanistan. The area relevant to the success of Afghan mission extends not just up to the Pakistan-Afghanistan border, but beyond it, to FATA and Balochistan.⁶⁵ The US is already injecting military and civilian aid for the rehabilitation of the people of FATA, as part of the greater Afghan reconstruction effort. Besides this, Pakistan's interests in eliminating the Taliban leadership in Peshawar and Quetta, as well as the militant safe heavens in FATA, align closely with international war efforts in Afghanistan. The need to have a regional strategy to tackle insurgency and bring law and order is thus urgent.

Trade holds vital prospects for returning long-term stability and bringing forth socio-economic development to the region. The long-severed trade links between New Delhi and Islamabad have left the region void of significant economic gains. The recent agreements between the two countries to open trade routes and Pakistan's granting of MFN status to India are a "*profound and welcome shift*"⁶⁶ towards greater stability and economic integration in the region. Through trade, Pakistan holds prospects of becoming an 'economic hub' in the region, thereby enabling it to benefit from China's trade surplus and ample savings; from mineral-rich Central Asia and Iran; and from rising India.

65. French, J. L. (2009). Enhancing Stabilization and Reconstruction Operations: A report of the global dialogue between European Union and the United States. Center for Strategic and International Studies. Available at: http://csis.org/files/media/csis/pubs/090122_lindley_enhancingstabil_web.pdf

66. The Economist (2012). "*India and Pakistan: Clever steps at the border*". The Economist (12 May 2012). Available at: <http://www.economist.com/node/21554526>

Afterword

The Pakistani state has attempted to address the governance challenge by undertaking a set of measures over the last three years. In Balochistan, the state crackdown on the nationalist movement has continued, resulting in weakening the insurgency, but also in creating space for back channel parleys with the separatist leaders. None the less, there are reports of human rights abuses and a political settlement has still to be carved out with the separatist groups.

In the North Waziristan agency of FATA, a major military operation has been underway since 2014, clearing much of the area that was under the control of the Pakistani Taliban. Nearly one million people have been displaced. There are chances however that future peacebuilding efforts will follow. A high level committee for reforms in FATA was constituted in 2015, with indications that the Pakistan military is supporting legal administrative reform that would improve citizen rights in the region. The future shape of these efforts, however, remains unclear.

Perhaps the most discernable improvement in restoring the writ of the state has taken place in Karachi. Another operation by the paramilitary force, the Rangers, in the city has seen a considerable decrease in violence during 2015, improving both security and the investment climate. But long-term reforms are yet to be initiated, casting doubts over the future trajectory. A National Action Plan against terrorism is under implementation (since December 2014), with a civil-military consensus to capture nonstate actors and enforce the state writ across the country. However, despite the effective coercive crackdown on the Pakistani Taliban and their sectarian allies, key reforms in the legal system, and regulation of seminaries have yet to be initiated to consolidate gains achieved. The anticipated \$46 bn Chinese investment to build an economic corridor has created a dynamic that is likely to propel the state - especially the military - to reduce violent extremism and resolve issues of political governance in Balochistan, Gilgit-Baltistan (through which the corridor would pass) and ensure that FATA does not re-emerge as a haven for militant networks. But the continued uncertainty in Afghanistan is a key threat; and this is why China is directly involved in the peace process there.

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