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Grievances, Rights, and Conflict in Balochistan: Institutional Challenges for the Pakistani State

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Abstract

Balochistan – Pakistan’s southwestern province – has since integration into the federal structure been caught in recurring cycles of violence and conflict. Discontent, militancy, violent tactics and an increasingly complex network of political interests pose a series of challenges for policymakers in efforts to build peace in the province. Recent trends and the changing political environment in Pakistan, however, present a historical opportunity to address longstanding grievances in the region. Delineating the grievances of the Baloch, this essay outlines systematic, historical, and institutional challenges to conflict resolution in Balochistan. It further details institutional reform imperatives – with particular regard to federal political institutions and human rights – considered essential for the state to regain legitimacy in the province, facilitate representation, and create prerequisites for peace and prosperity in Balochistan.

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Introduction

“[T]he Pashtuns want a bigger share of the cake ... [while the] Baloch want something more – identity, self-respect, real autonomy.”

(Hamida Khuhro quoted by Harrison, 1991, 313, cited by Adeney 2007a, 20)

The Balochistan issue has been simmering for decades. Despite numerous deaths and consistent low-grade violence, little notice is taken of the Baloch problem at the federal level. Through the lens of institutional and reform imperatives, this essay overviews and analyzes the problems – both past and present – in the provision of civil and political rights in Balochistan, Pakistan’s southwestern province. It further contends that the increasing violence between the state and citizens in Balochistan marks a crisis in the province’s relationship with the Pakistani State. The practice of enforced disappearances and extrajudicial killings carried out by the security apparatus of the Pakistani state further alienates the people of its largest province. Delineating the grievances of the Baloch, this essay argues that the Pakistani state’s response to the regional conflict has been inadequate, and that institutional reform with regard to federal political institutions and human rights is required for the state to regain legitimacy in the province.

This essay will (a) summarize the roots of the conflict in Balochistan, which provide the environment in which terrorism and human rights violations occur; (b) identify the stakeholders and primary decision-makers in the conflict and in the practice of enforced disappearances; (c) delineate the nature and practice of enforced disappearances, extrajudicial killings and the practice of torture; (d) identify the international and national legal safeguards, and laws that exist or have been violated by actors engaged in enforced disappearances; and, (e) evaluate some of the theoretical and practical options available to the state in dealing with the Balochistan problem. This essay concludes by highlighting the fact that unless human rights violations in the province cease, the Baloch will not be willing to negotiate with the state. Furthermore, it recommends that the central government focus on institutional change and effective implementation of its numerous pledges.

Before proceeding any further, a few clarifications are necessary. While the history of Pakistan, and Balochistan specifically, are very relevant to this analysis, only the post-1971 period is considered in detail. Secondly, the case is an exceedingly complex one. As a result, there are aspects of it that are not considered here, but this is not to say that they are unimportant. Third, while acknowledging that there are disputes as to federalism’s worth as a power sharing mechanism, this essay assumes that it is a viable method of containing conflict. It posits that Pakistan has what He (2007, 13) calls ‘illiberal federalism’ – situations where “federalism coexists with – and even supports – the authoritarian structure” (Adeney 2007a, 111). Finally, the theoretical proposals considered in this essay are also limited. Again, this is not because these proposals are deemed more important than others, but because they were most relevant.

The Balochistan Problem

Balochistan has been a troubled province ever since it was fully integrated with the Pakistani State in 1971. Its current situation is particularly worrisome, though, due to the presence in the province of the Quetta Shura of the Taliban, a coordinating hub for the group in the region (Anon., SATP Report 2010), the porosity of the Durand Line, and persistent human rights violations that are only making the region's residents more restive. As a result, militant groups such as the Baloch Liberation Army have grown in size and significance, and organizations such as the Lashkar-e-Jhangvi, Lashkar-e-Taiba, and others have increased their presence in the region ('Nationalists concerned to see LEJ, JEM leaders in Baloch districts'; 'Quetta Bus Attacks'; 'Lashkar-e-Jhangvi responsible for Quetta blast').

In Balochistan, discontent and resentment is widespread enough for the presence of the Taliban and other militant groups in the region to be dangerous. Recent works on the strategies of militant groups have provided insights into how these groups recruit and build support. Kilcullen (2009, 35-36) argues that Al Qaeda's strategy is to establish itself in an area where the state's writ and the rule of law are absent, expand the organization's network, and build support. Its influence and ideology, he argues, spreads until outside forces intervene. As Kilcullen (2009, 38) points out, "local people in tribal societies will always tend to side with...local against external actors," and, thus, the intervention is met with violence. Though this process may not always take place exactly as recounted here, the point to take away from it is that "terrorist infection is ... part of the social pathology of broader societal breakdown, state weakness, and humanitarian crisis" (Kilcullen 2009, 35).

This essay is based on the hypothesis that the increasing violence in the province by the state, and its unwillingness to allow Balochistan a substantial role in decision-making, is increasing resentment amongst the Baloch. The secessionist movement in the province, therefore, is looking to militant groups in the area for support, leading to the creation of Baloch-centric militant groups (Niaz 2011). This development was mutually beneficial, since the aims of both parties involved are to weaken the state.

In order to prevent this alliance from growing any further, the Pakistani government has been pursuing a two-pronged stance. On the one hand, the government continues to promote development projects in the province. On the other hand, paradoxically, the Pakistani establishment has been held responsible for a series of extrajudicial killings and enforced disappearances in Balochistan, which undermine any gains made by developmental projects. What the Pakistani state should be doing is providing the Baloch with good reasons for staying within the Pakistani federation (Adeney 2007a, 19), and opposing the Taliban, without compromising on Pakistan's territorial sovereignty as a whole.

Background of the Conflict in Balochistan

Following the partition of the subcontinent in 1947, both India and Pakistan adopted federal structures to manage conflict in newly carved-out territories (Adeney 2007b, 10). It is important, at this juncture, to understand the relevance of federal structures to the Balochistan issue. Adeney (2007b, 10) argues that the relationship is a “dialectical” one; federal systems are the “outcome of political behavior” and are formulated specifically to “structure political behavior.” The history of the Pakistani state’s relations with its provinces and the current status of those relationships are, therefore, crucial to understanding the political situation that exists in the region today. While the British ruled the subcontinent, Balochistan remained “outside the direct administrative jurisdiction of the colonial regime” (Waseem 1994, 11). As a result, even after partition in 1947, the province lagged behind in development and continued to be “largely on the margins of the state structure” (Waseem 1994, 11). The poorly functioning federal system that centralized power in the Punjab exacerbated the problem.

Though both India and Pakistan were – and still are – ethnically and linguistically heterogeneous, Pakistan was the weaker state for various reasons (for example, differentials in assets and infrastructure, military strength, and leadership. See Ayesha Jalal’s ‘Democracy and Authoritarianism in South Asia; a comparative and historical perspective, 1995). The secession of the Eastern wing – present-day Bangladesh – in 1971 led to the restructuring of the state; the 1973 Constitution created a bicameral legislature and four provinces: Punjab, Sindh, Balochistan and the North West Frontier Province (NWFP, now Khyber Pakhtunkhwa). It was at this time that the province of Balochistan acquired the form it has now – Pakistan’s largest province by land mass (Shah 2007, xvii). The region’s terrain is rough and arid, and agriculture is possible only in isolated places (Shah 2007, 12). The province does, however, have oil and gas reserves, and a strategic coastline on the Arabian Sea.

From 1973 to 1977, Balochistan faced a civil war. According to Adeney (2007b, 114), Bhutto claimed that the violence in the province at the time was an attempt at secession. Nine thousand people died in the operation that the Pakistani army launched in Balochistan (Adeney 2007b, 114). The most recent resurgence occurred in 2005, though low-grade violence in the province has continued for many years. Adeney (2007b, 117) gives three “proximate causes” for the resurgence of the conflict: the rape of a female doctor (allegedly by an army officer), the dominance of Punjabis in the labor force at Gwadar port, and the electoral success of the Muttahida Majlis-e-Ammal (MMA) in 2002 which “alienated the traditional Baluchi leadership” (Adeney 2007b, 117). When ex-President Musharraf’s convoy was attacked in Balochistan in December 2005, the military launched an operation that led to the killing of Nawab Akbar Khan Bugti, an influential tribal chieftain. Bansal (2008) records that violence in Balochistan has been increasing since then; the province has experienced more violent incidents than either Khyber Pakhtunkhwa or the Federally Administered Tribal Agencies, though the latter has received far more media attention.

Human Rights and Enforced Disappearances

The Human Rights Commission of Pakistan (HRCP) has verified 169 cases of disappearances from the province between 2005 and 2011. Further, Human Rights Watch (HRW) (2011a) has documented 49 cases, which predominantly originated in the provincial capital of Quetta, and the regions of Tump, Mastung, Dera Bugti, and Thali. Since May 2005, Amnesty International has issued a series of urgent actions, fearing that abductees are particularly vulnerable to torture as “perpetrators feel safe in the knowledge that their actions will not be made known and that they will not face criminal charges” (Public Statement [ASA 33/004/2006]).

In 2009, Amnesty International reported that Balochistan had the highest number of missing people – 1,102 – in Pakistan. The exact figures have been disputed because of differing statements from government officials. In 2008, Interior Minister Rehman Malik stated that there had been at least 1,100 disappearances; however, the Home Minister of Balochistan, Mir Zafarullah Zehri, said only 55 people were considered missing (HRW 2011b). Of these, many are believed to have been clandestinely sold by the Pakistani military to U.S. intelligence forces as suspected terrorists (Gishkori 2009). This allegation was verified by the Attorney-General of Pakistan in a report presented to the Supreme Court of Pakistan (“SCP”), which observed that no serious efforts had been made by the state to recover missing persons. In his 2006 autobiography, former military ruler Gen. Pervez Musharraf wrote that “(Pakistan) has captured 689 and handed over 369 to the United States ... we have earned bounties totaling millions of dollars” (HRW 2011a). Further, HRW reported on 150 extrajudicial killings in acts referred to as “kill and dump” operations for which Pakistani security forces may be responsible (HRW, 2011b). At the same time, the Pakistani military has been extending its control in Balochistan, setting up cantonments in areas that are resource-rich and seething with rebellion” (Tahir 2010).

Furthermore, the systematic pattern of enforced disappearances and extrajudicial killings, eyewitness accounts, and structural barriers to redress victims’ families from around this time have provided substantial support for the argument that the Pakistan security forces are involved. In a 2009 report, HRCP explicitly stated it had ample evidence that “the perpetrators of enforced disappearances are intelligence agencies and security forces” (HRCP 2009). As reported by HRW, some government officials have admitted state complicity in disappearances to families during court hearings (HRW 2011a). Moreover, affidavits and testimonies reveal that military or police forces detain people, including children, “blindfold them and move them around detention centers so they become difficult to trace” (Amnesty International 2008). In such secret detention facilities persons disappeared are, as per firsthand accounts, subjected to torture, kept in isolation without access to relatives or lawyers (HRW 2011a), and even killed. The most commonly mentioned of these facilities is Kuli camp, located within the large army cantonment in Quetta (Asian Human Rights Commission 2011).

Eyewitnesses to disappearances report a theme or *modus operandi* common to practices conducted by security forces in Argentina, Sri Lanka and Algeria – victims are kidnapped or “arrested” in broad daylight in the presence of eyewitnesses or relatives by abductors who do not directly reveal their identity. What further implicates Pakistani security forces is the impunity with which these abductors act, and the reluctance of security officials to follow up on such cases. In some instances, victims were apprehended from their residences or at security checkpoints.

The primary organizations involved in the practice of enforced disappearances, as identified by HRW (2011a), are: the Military Intelligence (MI), the Frontier Corps (FC), and, to a lesser extent, the Inter-Services Intelligence (ISI) and the Intelligence Bureau (IB). Significantly, the ISI in particular is not legally provided with powers to arrest; these agencies invoke ambiguity in laws such as the Pakistan Army Act (1952), the Security of Pakistan Act (1952), the Defense of Pakistan Act and Prevention of Anti-National Activities Act (1972) to provide legal cover and justification for their role in enforced disappearances and arrests, though these laws do not provide explicit powers to intelligence agencies either. The MI serves all three armed forces – the Navy, Army and Air Force – and reports directly to the Chief of Army Staff (COAS), as does the ISI, though it is required to also formally report to the Prime Minister. The FC, which is a paramilitary force comprised mostly of soldiers recruited from tribal areas but commandeered by the Army, is legally under the jurisdiction of the Interior Ministry, but subdivisions such as the FC Balochistan report to an Army officer appointed as Deputy Inspector General. The procedural guarantee of habeas corpus has also been undermined by the security forces; since the Defense Ministry, by its own admission, holds only administrative and not operational command over intelligence agencies, the civilian government has been unable to ensure compliance with court rulings (HRW 2011a).

Additionally, Human Rights Watch (2011a) has reported evidence of security forces targeting individuals because of affiliations with tribes deemed hostile to the military forces. Of utmost significance to human rights accountability is the analysis that the security forces involved in enforced disappearances and extrajudicial killings act with impunity and are not accountable to either the provincial or federal governments. The HRC (2011) explanation for inaction against disappearances has been that “either an unstated policy not to interfere with actions of the FC exists or ... civil authorities themselves fear the military.” The most chilling admission of impunity from security forces comes from the account of Bashir Azeem, the secretary-general of the Baloch Republican Party, to whom a security official is reported to have said: “Even if the president or Chief Justice tells us to release you, we won’t ... we can torture or kill you, or keep you for years at our will. It is only the COAS and intelligence chief that we obey” (HRW 2011a).

Pakistan's "Illiberal Federalism"

In addition to the human rights violations in Balochistan, there is a long list of issues that the Baloch have repeatedly raised with the Pakistani state over many years: lack of representation at the federal level, biased financial allocations, inadequate decision-making authority, and limited control over the province's resources. These problems merit the full attention of the Pakistani government due to the recent focus of strategists and policy makers in the US and Pakistan on the Quetta Shura of the Taliban and the unstable Afghan-Pakistan border. Perhaps the most basic grievance that the Baloch have against the Pakistani regime is representation in the key decision-making bodies of the state. Seats in the lower house of Pakistan's bicameral legislature, the Majlis-e-Shura, are allocated amongst the provinces on the basis of population. This gives Punjab, the most populous province, the advantage in an asymmetric federation.

Table 1

Territory	General Seats	Reserved for Women	Total
Balochistan	14	3	17
Khyber Pakhtunkhwa	35	8	43
Punjab	148	35	183
Sindh	61	14	75
FATA	12	-	12
Islamabad Capital Territory	2	-	2
Total	272	60	332

Source: 1973 Constitution, Article 51 – Seats in the Majlis-e-Shura

As Norris (2008, 163) points out, federations where one region is predominant are “particularly vulnerable to collapse”. Though Pakistan has survived (post-1971), it is a consistently unstable country. The problem is compounded by the fact that decision-making in the country has always been in the hands of a military-bureaucratic elite comprised of the class that Alavi (1988, 68) calls the “salariat.”

The power of the bureaucracy stems from the colonial period, as the Indian Civil Service under the British system of indirect rule was paternalistic and powerful (Burki 1969, 241; Sayeed 1958, 132). After partition in 1947, Pakistan's civil service became the “state bourgeoisie” (Ahmad 1980, 139). It was in the interests of the dominant groups – Punjabi and Mohajirs – that the bureaucracy be protected (Dunne 2006, 45), while remaining “authoritarian, arrogant, and indifferent” (Ahmad 1974, 427) towards citizens from other ethnic groups.

Table 2: Representation in the Bureaucracy Elite

Group	% in bureaucracy	% of population (1998)	Difference
Punjabi	47.9	44.15	+3.75
Pashtun	11.9	15.42	-3.52
Mohajir	17.3	7.57	+9.73
Sindhi	4.4	14.1	-9.7
Balochi	0.7	3.57	-2.87
Other	17.7	15.19	+2.51

Source: Adeney 2009a, 96

In addition to the Pakistani government's "bureaucratic authoritarianism" (Jalal 1995, 18), the power of the military was established and consolidated from the very beginning. Pakistan's troubled relationship with India and the instability caused by partition meant that the military was the backbone of the newly formed country. The expansion of military power has several explanations: the rule of Ayub Khan, the collapse of the Muslim League, and, most intriguingly, the economic monopoly the military established in the country (Siddiqi 2007). Tahir (2010) points out that the central government's decision making is continuously compromised by the army; an example is a concessionary offer made to Balochistan by the state in November 2009, which the army refused to acknowledge in its tactics on the ground. Representation in the bureaucracy and the army is of far more worth than representation in the parliament. This is a result of the power of the military-bureaucratic elite.

The Pakistani military has traditionally been dominated by the "martial races," Pashtuns and Punjabis (Dunne 2006, 45). Cohen (2004, 98, cited by Adeney 2009a, 99) says that his 1979 estimates of the military's provincial intakes are still relatively accurate; the majority is divided between the Punjab (70 percent) and NWFP (14 percent). Recent increases in proportions – Balochistan (0.49-1.52 percent), Sindh (8.85-23.02 percent), and the Federally Administered Tribal Areas (FATA) & Khyber Pakhtunkhwa (20.91-22.43 percent) – are accounted for by Shuja Nawaz (2008, 571, cited by Adeney 2009a, 99). Nawaz explains that "the influx of Punjabis into both Sindh and Baluchistan" meant that new recruits were less likely to be "ethnically Sindhi or Baluchi". The last national population census was held in 1998, so the ethnic composition of the provinces remains unclear.

According to Adeney's (2009a, 99) research, interview respondents' explanations of why the Pakistani military's attempts to expand recruitment in Sindh and Balochistan have failed include: "negative ethnic stereotypes..., structuralist explanations such as historically low level of education and development, [and] perception of the army as 'an ethnically dominated institution that has been responsible for oppressing them in the past.'" Such perceptions are hardly surprising given the role of the Pakistani military and the establishment in Balochistan in

recent years. Under-representation in the central government and state structures might have been less of a problem had provinces in the Pakistani federation been accorded more autonomy with regard to decision-making. The Pakistani state, however, is a particularly centralized federation. Prior to the 18th Amendment to the 1973 Constitution in April 2010, Article 142 detailed two lists of powers: the Federal Legislative List (powers of the center) and the Concurrent Legislative List (powers of the center in conjunction with provincial assemblies). Any powers not listed were under the purview of the provincial assemblies. In practice, provincial governments ended up having no power over issues of significance, especially, as Adeney (2009a, 90) points out, due to Article 110 (1) of the Constitution, which states that the decisions and laws made by the central government take precedence over those of the provincial governments.

The constitution does, however, give the province precedence over the center when it comes to natural resource reserves (Article 158, 1973 Constitution). In practice, however, the extraction of Balochistan's resources and the development of the region are bringing few returns to the Balochi people. Oil and gas royalties that reach the province are meager (Dunne 2006, 46), contravening Article 161 of the Constitution. Gwadar, the strategically significant port on the coast in south Balochistan, is not in the hands of the Baloch either (Dunne 2006, 45). Most of the workers at the port are Punjabis (Adeney 2007b, 117), excluding the Baloch from employment and the benefits of the development in the region.

Since provinces have little or no control over royalties or taxation, financial allocation by the center is a hotly contested issue. The National Finance Commission decides awards for provinces. Historically, the division has been based on population, producing the following geographically biased figures:

Table 3: NFC Awards 1974-2009, percentage of total financial allocations to the provinces

NFC Awards	Punjab	Khyber Pakhtunkhwa	Sindh	Balochistan
1974	60.25	13.39	22.50	3.86
1990	57.88	13.54	23.28	5.30
2004	57.36	13.82	23.71	5.11
2009	51.74	14.62	24.55	9.09

Source: Ahmed 2007

Table 3 shows that the figures changed substantially for the 2009 award, as a result of the modified allocation formula. For years, Sindh, Balochistan, and the NWFP had been demanding that the NFC take factors other than population into consideration (B. Baloch 2009). In 2009, the government conceded, adopting the following formula: 82 percent weight to population; 10.3 percent to poverty; 2.5 percent to revenue generation; 2.5 percent to revenue collection; and 2.7 percent to area. The Prime Minister's speech announcing the award on December 30, 2009, in Balochistan contained various peaceful overtures toward the population, including an expression of regret at the killing of Nawab Akbar Bugti (B. Baloch 2009).

In September 2009, U.S. senators brought up the issue of Balochistan and the need to address the demands of the province's people with President Zardari (Anon., 'US senators raise Balochistan issue', 2009). International attention for the conflict was the result of reports that the Taliban escaping to Balochsitan from FATA and Afghanistan (see, for example, Anon., 'The Taliban "spillover" into Pakistan's Balochistan', 2009, and Walsh 2009). In addition, as Escobar (2009) points out, troubles in the region could be linked to Iran and the proposed (and controversial) gas pipeline in the region.

The 18th Amendment and Balochistan

In 2009, the government also began negotiations for the 18th Amendment to the 1973 Constitution, which was signed by the President on April 19th, 2010. The introduction to the bill aimed to right all wrongs with regard to Balochistan, promising equitable representation, decision-making power, and an increase in opportunities for the Baloch. However, few concrete changes to the federal structure were included in the act. It has now been almost two years since the 18th Amendment was passed; little, however, has changed in terms of actually empowering the provinces. The Act does abolish the Concurrent List, bringing all subjects not on the Federal List under the purview of the provinces, and empowering the Council of Common Interests to decide on certain subjects (Article 55, 18th Amendment Act). Two crucial demands made by Balochi parties – that the control of sea ports be handed over to the province and that all money bills (such as the budget) require Senate approval since provinces are equally represented – were met with cosmetic measures. Comments on money bills by the Senate will be considered by the National Assembly, but its approval will not be required (Article 25, 18th Amendment Act). Control of the ports has been brought under the jurisdiction of the Council of Common Interests. However, devolving power to the Council is not the same thing as devolving it to provincial governments.

Many opposed the 18th Amendment on varied grounds. The Pakistan Muslim League-Nawaz (PML-N) objected that increased autonomy in education policy would increase disparities amongst the provinces (Wasim 2010). Perhaps the most significant issue is the increasing cost to the provinces of devolving even a small proportion of decision-making power. All of Pakistan's provinces applied for more time before handing over power, as they did not have the resources to take on the extra duties (Ali 2010), not only because the center did not grant them more money, but also because they had not mobilized their own means of generating revenue.

Response to Human Rights Violations

While it seems that the government is making an effort to find solutions and genuinely seems interested in devolving power, the grievances it must address are deep seated and are only growing with the human rights violations being carried out by the security forces. For many in Balochistan, the government's efforts are simply not enough. Bugti's son speaks of a lack of justice over his father's killing (Anon., 'NFC Award meaningless, says Jamil', 2010). Families and victims in Balochistan are routinely prevented by the police from registering a First Information Report ("FIR") (HRW 2011b), which constitutes the first step in the registration of criminal cases. Complaints to politicians or local officials – another channel for redress – rarely lead to the return of the victim. It is concerning but not surprising that the "Baloch people have lost confidence in the judiciary and legislature" (HRW 2011a). The complicity of the state in these activities (or at least the belief of the Baloch that the state is involved) and the lack of central response to the hardships of the province, bring Baloch secessionists and militant groups together against the Pakistani state. The issue that needs to be addressed by the Pakistani government concerns appropriate future courses of action to ensure that the Baloch choose to remain in the federation and away from the influence of the Taliban and extremist groups.

Resolution of conflicts, however, must begin with ending violence and addressing human rights violations in the immediate term. The first step would be to stop human rights violations in the province. Specifically, rights advocates must demand that the Pakistani state (a) halt, with immediate effect, the practice of enforced disappearances and extrajudicial killings by the Pakistani security forces in the province of Balochistan, (b) establish or maintain, with international support, judicial commissions on the subject with the aim of strengthening legal and procedural safeguards against these practices, (c) ratify and sign the International Convention for the Protection of All Persons from Enforced Disappearances, (d) facilitate further investigations into enforced disappearances in Balochistan, and (e) provide justice to victims, in cooperation with civil society groups, and clarify outstanding cases.

The willingness of the present government in Pakistan to act on human rights issues, as evidenced in its acknowledgement of enforced disappearances in Balochistan and its ratification of the International Covenant on Civil and Political Rights (ICCPR) and Convention against Torture, presents an unprecedented opportunity. Such an opening was not possible during the previous military government of Gen. Musharraf, under whom the situation in Balochistan worsened significantly. The experience of human rights groups in Latin America shows that "serious investigation has been possible only after a regime that implemented or tolerated a policy of disappearances has been replaced" (Brody, Reed, and Gonzalez 1997). Additionally, the recent work of the Commission of Inquiry into Missing Persons must be supported. Judicial inquiries into enforced disappearances have been forestalled by the military; for instance, in 2007, Gen. Musharraf dismissed the Chief Justice of the SCP in part because of judicial activism on the part of missing persons (HRC 2009).

Institutional Reforms and Alternative Structures

In the long term, institutional changes that address the grievances of the Baloch are required. Numerous scholars have presented theories for resolving conflicts similar to those in Pakistan. The most popular of these is power sharing, defined as “formal institutional rules, which give multiple political elites a stake in the decision-making process” (Norris 2008, 23). Two forms of power sharing are dominant – federalism and consociationalism. Lijphart’s consociationalism has four definitive characteristics: “grand coalition, mutual veto, proportionality, and segmental autonomy” (1979, 500). As Norris (2008, 26) points out, Lijphart’s theory emerged in opposition to majoritarian regimes, such as Pakistan’s. However, Norris (2008, 26) argues that the use of power sharing makes little sense in a divided society (like Pakistan’s), which lacks the ‘trust and social tolerance’ she deems necessary for such a system to work. Implementing it in Balochistan would, therefore, be problematic considering that it is a society flooded by refugees, and divided by tribal and sectarian ties.

Consociational methods themselves have numerous critics. Roeder and Rothschild (2005, 9), for example, argue that practically speaking, power sharing methods “encourage[s] ethnic elites to escalate their claims” to power by actually putting them in the dominant position. As a result, though power-sharing methods may lead to the end of violence, they may not result in “peace and democracy” (Roeder and Rothschild, 2005, 12). Horowitz (2002, 20-21) raises a number of very valid practical concerns, asking why ethnic leaders would decide to power share in the first place, when doing so could lead to the rise of “counter-elites” and worsen an ethnic group’s position internally and with respect to other groups. In Norris’s (2008, 30-31) opinion, realistically speaking, regimes that centralize power would be preferable in regions where conflict has raged for many years, as it has in Balochistan. It is a society where the writ of the state is weak, there is no rule of law, and weapons are freely available to individuals (Paracha, 2010). Furthermore, primordial ties (tribe, sect, ethnicity) are strong in Balochistan, and often lead to violence (Anon., ‘Troubled Province’, 2010); therefore, installing a power sharing regime with even one of Lijphart’s four elements could actually stall decision-making processes, further alienate the population, institutionalize ethnic divisions, and lead to more violence.

With specific regard to Pakistan, though, an important consideration is the regime’s institutional inertia. Even if the government theoretically agreed to greater federal autonomy for Balochistan, the road blocks in the implementation and realization of this autonomy would be enormous, specifically on the part of the bureaucracy that would have control over the process. Adeney (2009a, 93) argues “proportionality of representation in the core institutions of the state would have alleviated many of the tensions in Pakistan’s federation—because the disparities between the resources allocated and perceptions of the nature of the state would not have taken on an ethnic flavor if the Pakistan army and bureaucracy were truly national institutions.” As discussed earlier, however, military and bureaucratic recruitment figures have varied little since the 1970s. To bring about the kind of change Adeney (2009a) thinks is necessary would require

years of development work in Balochistan to improve education, a change in recruitment formulas, and a population census, to ensure that recruitment processes actually recruit Balochis rather than Pashtuns or Afghans living in the province. It seems that before trying to implement any of these theoretical systems, certain intervening steps are necessary to prepare the state, the provinces, and the citizenry for the changes that power-sharing would bring.

Perhaps a more constructive approach is to compare Pakistan to other federal states in the region. Intuitively, the best comparison to make is with India. Adeney (2007a, 78) highlights one particular difference – whereas India organized its federation along linguistic lines within a few years of partition, Pakistan never made that concession for the substantial linguistic groups in its territory. It imposed Urdu, a language spoken only by the Mohajirs, as the national language (Adeney, 2007a, 101). Therefore, the centralization of the Pakistani state combined with the dominance of Punjabis and Mohajirs to structurally and administratively exclude other ethnic and linguistic groups (Adeney, 2007a, 79).

Comparing the Pakistani federal system to Malaysia's is instructive as well. Though the Malaysian system is not perfect, and despite the alliances that function to keep the Malaysian federal system intact, Case (2007, 130) notes that it is a strength of the system that opposition parties can "win state assembly elections, form state-level governments and, notwithstanding the hurdles that they face, raise some revenues and initiate new policy directions." By allowing this to happen unhindered, the central government wins legitimacy and can easily claim that "voters can make choices and turnover can take place" (Case 2007, 130). Periods of democracy in Pakistan reflect a similar dynamic in terms of the relations between the center and provinces, but are complicated by the problem of over-centralization, as discussed above, and frequent military takeovers.

In both Bangladesh and Pakistan, a "single-member plurality system concentrates seats" (Norris, 2008, 183) amongst a few parties. Just as in the United Kingdom, the majoritarian electoral system in Pakistan and Bangladesh "exaggerate[s] the share of seats for the leading party in order to produce an effective working parliamentary majority for the government, while simultaneously penalizing minor parties" (Norris 1997, 299-301). The situation is made worse in both Bangladesh and Pakistan because "[t]he two major parties remain in confrontational mode under dynastic leaders, gaining power from patron-clientilistic relationships" (Norris 2008, 183). Unlike Bangladesh, where the development of an "electoral base" for regional parties is further hindered by the lack of state legislatures (Norris 2008, 183), Pakistan's provinces do have legislatures. It is in this forum that regional parties such as the BNP win seats and garner avenues for policy discourse; their powers are limited, however, in such a centralized system. More importantly, disputes amongst various factions of Pakistani regional parties prevent them from garnering broad support (Adeney 2009a, 149). All of these factors coalesce to ensure that smaller parties such as the BNP are unable to command effective decision-making powers and influence policymaking at the center.

Conclusions

Analyses of the structural barriers to minority participation and comparisons with India, Malaysia, and Bangladesh suggest that greater democratic representation – no matter how flawed the democratic system may be – is the way forward for Pakistan. While theoretical and comparative considerations on how to achieve stability are instructive, the Pakistani system is idiosyncratic due to the dominance of what is known as the ‘bureaucratic-military oligarchy’ (Alavi 1972) on the one hand and patronage-based political relationships on the other. Power, in this asymmetric relationship, is not fully vested in the hands of politicians.

The Pakistani state must balance—in instituting structures, procedures, and institutions that further democratic participation—the imperative of safeguarding territorial sovereignty and keeping the country intact. The increasing violence in Balochistan could be considered an opportunity for the state to make concessions to provincial governments and ensure stability. One suggestion is that Pakistan needs a leader – preferably democratic – who will ally with the bureaucracy and military, and make tough decisions, because the cost of not doing so could be the disintegration of Pakistan at the hands of militant groups and secessionists.

Despite Pakistan’s current situation, dramatic and sudden changes, if feasible, may not be in the best interest of either the Baloch or the central state. Instead, Norris’s (2002, 235) suggestions for accommodation of minorities within majoritarian electoral systems are worth considering: reserved seats, over representation for specific regions, and quotas for minority candidates in constituencies. Some important steps the government can take are to actually implement constitutional provisions on resource royalties, hold a population census and adjust recruitment percentages for the military, bureaucracy, and perhaps even the proportions in the lower house of the parliament. Under the 18th Amendment, devolution of power to the provinces has already begun, but it must be accompanied by fiscal devolution as well, enabling the provinces to take on new responsibilities. Over the longer term, a proportional representation electoral system may also be considered.

With regard to human rights violations in Balochistan, Amnesty International (1994) notes, “ending impunity is fundamentally a matter of political will.” In the case of Pakistan, however, raising the political will of the civilian government only partly addresses the issue of human rights violations. The history of the conflict in Balochistan, as well as the dominance of the politics by the military and bureaucratic elite, show that the security forces that commit human rights violations usually act without orders from the Interior Ministry or the Prime Minister, to which they are legally accountable. International organizations must pressure the civilian authorities in Pakistan to introduce accountability and end structural impunity.

The current situation is an opportune moment for the government to take the steps outlined above. Pakistan is caught in a vicious cycle where peace requires dramatic changes that cannot be brought about in the unstable conditions that exist in the country today.

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Appendix 1

Pakistan Elections 2008

Party/Legislature	NA	PP	PS	PB	PF
PPPP	87	78	65	7	17
PML(N)	66	101	0	0	5
PML(Q)	38	66	9	17	6
MQM	19	0	38	0	0
ANP	10	0	2	1	31
MMA	3	2	0	6	9
PML F	4	3	7	0	0
BNP(A)	1	0	0	5	0
PPP(S)	1	0	0	0	5
NPP	2	0	3	0	0
Independents	27	35	1	10	18
Total Results	259	285	125	46	91
Seats Contested	268	293	130	51	96

Source : Pakistan Elections (<http://www.elections.com.pk/summary.php>). More detailed data available at Election Commission of Pakistan - <http://www2.ecp.gov.pk/vsite/ElectionResult/AllResults.aspx?assemblyid=NA>

Key

NA - National Assembly/Majlis-e-Shura/Parliament

PP - Province of Punjab

PS - Province of Sindh

PB - Province of Balochistan

PF - Province of the Frontier/North West Frontier Province (NWFP)/Khyber Pakhtunkhwa

