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Monzima Haque

INTEGRATING WOMEN IN DEVELOPMENT: UNDERSTANDING THE CONTEXT OF BANGLADESH

Abstract

The global movement for the recognition of women's rights as human rights attempted to identify those rights crucial to the well being of women. The Universal Declaration of Human Rights (1948) and other subsequent assertion of equal rights to men and women in spite of their sexual identity are very crucial in this regard. Conventional wisdom suggests that the progress towards equality for men and women has not been satisfactory in developing countries like Bangladesh where women are subject to exclusion as a result of the 'social-economic-political' as well as ideological privileges of men evident in the patriarchal structure of the society. The paper argues that although women's presence and participation in the development process of Bangladesh have not been adequate, the initiatives at various levels to address this inadequacy and progressive movements of women in diverse sectors of Bangladesh have brought in a number of affirmative changes. With this aim, the paper attempts to review the current status of women in the political, economic and social development of the country and examines the strengths and limitations of integration of women in mainstream development structure.

1. Introduction

'Women hold up half the sky', this Chinese proverb clearly demonstrates the significance of women in all kinds of efforts toward building a better world. Women constitute in most cases, half of workforce that can make significant contribution in the progress towards development of any country. Being human, women are and should be entitled to equal rights. Numerous declarations on human rights proclaim the same rights for women as for men in document, but in practice it lacks visibility. Multilayered issues weaved in discrimination and patriarchy instilled in the socio-cultural, economic and political arenas have convoluted the roles and responsibilities of women.[1] Additionally, the differentiation of public and private spheres increases the vulnerability of women in developing societies like Bangladesh, which promotes traditional gender stereotypes and maintains patriarchal societal structure. This conventional wisdom of the status of women is particularly true on the grounds of the privileges enjoyed by men in the society in Bangladesh.

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[1] Amena Mohsin, "Gendering the Nation and Endangering Gender: Bangladesh National Regimes", *BIISS Journal*, Vol. 30, No. 3, 2009, p. 256.

Drawing on these backgrounds, the central theme of this paper is that, in spite of deep rooted dilemmas, the society in Bangladesh which is embedded in patriarchy has showed marked improvement in its attempts to integrate women in the mainstream development process. According to Gender Equity Index (GEI)[2], Bangladesh ranked top in gender equity in South Asia in 2012.[3] The country has also advanced in ensuring women participation in politics, formal economic activities as well as in standard measures of development like female literacy and maternal health. Women's empowerment and mainstreaming gender concerns in Bangladesh evolved from 'charity' to 'rights' and they have grown to become an intrinsic part of the national development policy and all national strategy documents and frameworks. Therefore, although conventional wisdom suggests that women's presence and participation in development process of Bangladesh have not been adequate; this paper provides that initiatives at various levels to address this inadequacy along with a range of progressive movements of women in diverse sectors of Bangladesh have brought in a number of positive changes. Women participation in vital sectors of development has increased in line with these changes in policy.

This paper attempts to explore the linkages between women and development and reviews the actions and policies put forwarded by the state and international actors in their attempts to integrate women in development. It then tries to look into the situation of women in political, economic and social sectors of Bangladesh. It examines the strengths and limitations of each sector and tries to put forward some suggestions with regard to this. The paper is divided into six sections. Section 1 provides an introduction. Section 2 tries to link the concept of 'development' with 'women'. The legal instruments, programmes and policies adopted by various actors to increase women visibility in the development of Bangladesh are covered in Section 3. Section 4 makes an assessment of women participation and progress in political, economic and social context of Bangladesh. Section 5 makes some recommendations and the final section summarises and concludes the paper.

2.   Linking 'Women' with 'Development': Theoretical Understanding

The concept of 'development' became popular in the 1950s with reference to human societies that were underdeveloped and the need for the transformation of these societies to modern and developed nation was realised.[4] Development needs were referred to the 'economic South' ignoring the vast differences among these Third World countries. This debate of development evident in approaches like 'trickle down policy', 'dependency theory' or 'basic needs approach' demonstrates the contradictory dynamics of developmentality. In spite of these differences, the centrality of the notion lies in its focus on reducing poverty.

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[2] The Gender Equity Index (GEI) is prepared annually by Social Watch, a Manila-based civil society network, which measures the gap between women and men in education, the economy and political empowerment.
[3] "Bangladesh on Top in Gender Equity Ranking in South Asia", *The Financial Express*, 07 March 2012.
[4] Rounaq Jahan, *The Elusive Agenda: Mainstreaming Women in Development*, Dhaka: The University Press Limited, 1995, p. 18.

Tracing the evolution of theories of development little discussion can be found about women. This concept of development was predominantly a masculine idea that sticks to merely economic aspects. Even then, it is the concept of development that brought the need for gender equality to forefront. Till the 1960s, women were, for the most part, linked to the traditional and backward aspects of underdeveloped societies, perceived as 'quiet recipients' and 'passive beneficiaries' of development.[5] Policies were directed towards making women as better mothers. Though the 1948 Universal Declaration entitled equal rights to men and women, distinctions were made when it came to ensuring citizen rights, voting rights, right to ownership and women were generally treated almost as untouchable 'irrational' creatures, less than fully human.[6]

The recognition of women's rights was not achieved overnight. The contribution of feminist thinkers and progressive movements in ensuring women's rights in both public and private spheres and upgrading the status of women from private to public arena is noteworthy. Women's concerns were first integrated into the development agenda in the 1970s by a Washington-based network of female development professionals who argued that modernisation ultimately contributed to the relegation of women's rights and status.[7] Thus, to deal with the missing link between women and development policies, Women-in-Development (WID) framework originated. This approach, proposed by liberal feminists, saw the problem of women subordination as linked with their exclusion from developmental programmes and division of labour based on sex. The approach postulated that disadvantages of women can be eliminated by breaking the stereotyped customary expectations held by men and internalised by women. WID advocates were supported by Esther Boserup's seminal book 'Women's Role in Economic Development', particularly its 'welfare approach'.[8] The WID movement demanded social justice and gender equity for women in the first place. But this approach failed to shed light on 'power relations' between men and women and how it affects women's role and responsibilities.

A related framework, influenced by the rise of dependency theory, was introduced in the late 1970s to address the weaknesses of the WID paradigm. This new perspective, known as Women and Development (WAD), advocated by radical

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[5] Kazuki Iwanaga (ed.), *Women's Political Participation and Representation in Asia: Obstacles and Challenges*, Copenhagen: NIAS Press, 2008, p. 10.

[6] J. Steans, *Gender and International Relations: Issues, Debates and Future Directions,* Cambridge: Polity Press, 2006, p. 12.

[7] Manaslu Gurung, "Women and Development in the Third World", WWF Nepal Program Office, 2004, available at http://awsassets.panda.org/downloads/women_and_development_in_the_third_world.pdf, accessed on 29 September 2013.

[8] The welfare approach considers women as passive beneficiaries rather than active participants in development process. S. Razavi and C. Miller, "From WID to GAD: Conceptual Shifts in the Women and Development Discourse", United Nations Development Programme, available at http://unrisd.org/unrisd/website/document.nsf/ab82a6805797760f80256b4f005da1ab/d9c3fca78d3db32e80256b67005b6ab5/$FILE/opb1.pdf, accessed on 25 September 2013.

feminists, assumes that male-dominated states cannot alter gender inequalities.[9] The new approach inspired a new policy perspective towards development of women that focused on small-scale and 'women-only' projects designed to circumvent male domination.[10] Emphasising on the distinctiveness of women knowledge, work, goals and responsibilities, the approach uphold women as important economic actors in the development process. Nevertheless, it may be noted that WAD fails to observe the heterogeneity among women, particularly the racial and ethnic divisions.

Gender and Development (GAD) is a more recent approach articulated by groups of women in the Third World. The Nairobi Conference (1985) and the formation of Development Alternatives with Women for a New Era (DAWN) subsequently laid the foundation for the emergence of GAD.[11] This approach focuses on the socially constructed roles of both men and women and observes women in their particular societal context. GAD contributed to the newer understanding centred on 'gender', describing it as the process by which the biological categories of individuals become social categories through the acquisition of locally and culturally defined attributes of masculinity and femininity, replacing 'women' as emphasised in WID and WAD approaches. The actions of GAD were directed to empower women by providing greater self-reliance and to promote equitable sustainable development where women and men would be sharing decision-making authority and power.[12] This approach is, however, criticised as being Western-inspired and is unpopular except with the Third World women.

Apart from these three dominant paradigms, an alternative approach to development has been advanced based on experiences and practices at the grassroots level that contributed to empowerment of poor women, especially in rural areas.[13] The local Non-governmental Organisations (NGOs) have played a pioneering role in promoting this alternative view and in tackling Third World problems of integrating women in development structure. These organisations created space for women's voices in participatory processes and challenged the development plans that are biased against women. This view articulates women as 'targets' as well as 'agents' of development.[14] Adoption of this view by NGOs in Bangladesh, and in South Asia, has shown remarkable success in expanding women's role in the social and economic structure of this region. It has ensured access to credit by the poor and asset-less women and contributed in upholding the decision-making power of women in the male-dominated family structures of Bangladesh. This paradigm centres on the need to create a 'pressure from the below' and integrating bottom-up development as the

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[9] *Ibid.*
[10] Manaslu Gurung, *op. cit.*
[11] *Ibid.*
[12] William Massaquoi, "Women and Post-Conflict Development: A Case Study on Liberia", Massachusetts Institute of Technology, available at http://dspace.mit.edu/bitstream/handle/1721.1/42108/226315252.pdf, accessed on 02 October 2013.
[13] S. Razavi and C. Miller, *op. cit.*
[14] Manaslu Gurung, *op. cit.*

powerful way to empower women. Thus, through a number of approaches, the link between 'women' and 'development' evolved and women came to be seen as active participant in the policies of development across the world. The need for challenging unequal power relations, fulfilling the strategic and practical needs of women, dealing with feminisation of poverty and empowering women through the redistribution of power and authority between societies began to get attention.

3.   Introducing Women in Development: Legal Rights and Policy Instruments in Bangladesh

Integrating women's needs and concerns into mainstream development planning is a complex and multilayered process. The necessity of integration lies not only in addressing gender disparity but also in dealing with the poverty of developing countries like Bangladesh. It is still an impoverished country with a large population living below the poverty line; it is a patriarchal society where women are relegated to a subordinate status and thus women in Bangladesh, especially in rural areas, remains poorest among the poor. There are only 962 females for every 1,000 males, which mean, almost three million women as 'missing women'[15] in the country.[16] Culturally and socially, family is still seen as the dominant arena for women and it is within this arena where power relations are often played out.[17]

Although demographically women constitute almost half of the total population of Bangladesh (48.5 per cent), the social, cultural and religious burden limits the utilisation of their authority in ensuring equal rights. Despite constitutional guarantees of gender equality, as the conventional wisdom suggests, women's active participation is not satisfactory in Bangladesh. However, the legislative and other affirmative interventions by state and non-state actors have played an encouraging role in mainstreaming women in Bangladesh. Inspired by advancement of newer approaches to integrate women in development at the international level, Bangladesh has also adopted a number of policies and established a number of bodies to deal with the issue.

Constitutionally, the People's Republic of Bangladesh has guaranteed equal rights to women in participating in all aspects of public life. Article 28 specifies that the state shall not discriminate against any citizen on grounds only of religion, race,

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[15] The concept of 'missing women', developed by Noble Laureate Amartya Sen in the late 1980s, is a way to assess impact of gender bias, insufficient care and discrimination that has led to excess female mortality. It estimates the additional number of females who would have been alive if there had been equal treatment of the sexes and of allocation of survival-related goods. According to Sen, there are near about 100 million missing women worldwide.

[16] Ryan Higgit, "Women's Leadership Building as Poverty Reduction Strategy: Lessons from Bangladesh", *Journal of South Asian Development,* Vol. 6, No. 1, 2011, p. 96.

[17] Naripokkho and Bangladesh Mahila Parishad, "Baseline Report: Violence against Women in Bangladesh", available at http://www.iwraw-ap.org/aboutus/pdf/FPvaw.pdf, accessed on 05 October 2013.

caste, sex or place of birth[18] and therefore, women shall have equal rights with men in all spheres of the state and public life. Besides, articles like 9, 10, 37, and 39 clearly proclaim that steps should be taken to ensure women's participation in all spheres of life, as the key principles of state policy.[19]

In ensuring the constitutional rights of women, the first step towards involving women in development, was taken in 1972 when Bangladesh National Women's Rehabilitation Board was established. Additionally, the declaration of International Women's Year (1975) and the UN Decade for Women (1976-85) that aimed to bring peace, equality and development, created the foundation for advancement of 'goal-oriented programmes' for women's development in Bangladesh. It recognised practical and strategic needs of women thereby, the scope for creation of their rightful place in the society evolved.[20] In reaction to worldwide progress, at the national level, Bangladesh National Women's Association (1976) and the Ministry of Women's Affairs (1978) were established. Bangladesh is one of the few countries to have established a separate ministry for dealing with issues related to women's needs and it is mandated to promote consistent response by all government agencies to the needs and priorities of women. It is generally regarded as the lead government agency to address women's interest and implement the objectives of WID approach in Bangladesh.[21]

The Beijing Conference (1995) is another milestone on mainstreaming gender in state policies.[22] The Fourth World Conference on Women mobilised the Government of Bangladesh to organise local level meetings with NGOs, women's organisations, and other members of civil society. This created a platform for both state and non-state actors to work together for the development of women. In the same year, the National Council for Women Development (1995) was established at the national level to review the development policies and identify the existing gender gaps. The organisation acted as the highest policy making body for women's development. Subsequently, National Plan of Action (1996) was developed, as a follow up of Beijing Conference, aimed at eradicating gender disparities from the society and providing better options to women to ensure their participation in private and public life.[23] The National Action Plan eased implementation of critical policy decisions relating to women's issues and development.[24] To ensure the follow up of the Action Plan, high-

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[18] "Constitution of the People's Republic of Bangladesh", available at http://www1.umn.edu/humanrts/research/bangladesh-constitution.pdf, accessed on 22 September 2013.

[19] *Ibid.*

[20] Amena Mohsin, *op. cit.*

[21] Ryan Higgit, *op. cit.,* p. 101.

[22] "Promoting Gender Equality: Background on Key International Agreements and Declarations", available at http://unfpa.org/gender/rights.htm, accessed on 03 October 2013.

[23] Social Development Division, Economic and Social Commission for the Asia and Pacific, "Bringing the Beijing Platform for Actions to the Grass Roots", Government Series No. 5, United Nations, 1999, available at http://www.unescap.org/sdd/publications/gender/Pub_2016.pdf, accessed on 05 October 2013.

[24] Amena Mohsin, *op. cit.*

powered inter-ministerial task force and needs assessment teams were also set up at the state level.[25]

The government of Bangladesh, till date, has adopted a number of five year plans. The First Five Year Plan (1973-78) focused on integrating women in productive work. The approach was welfare-oriented with a focus on rehabilitating war-affected women and children. The Second (1978-1980) and Third (1985-90) Five Year Plans concentrated on increasing women's employment and efficiency. The objective was to create an atmosphere to facilitate women's participation in development activities through expansion of opportunities for training, skill development, credit and entrepreneurship development. In the Third Five Year Plan, a rural-oriented health service delivery for women was proposed in which maternal and child health care, family planning, nutrition, immunisation services, family health education and environmental sanitation were the major components. In all the plan documents, the government also proposed to take steps to accelerate and expand the educational facilities for women. For employment, the objective was to achieve the equal opportunity for women workers and integrate them with the labour force.

The Fourth Five Year Plan (1990-95), for the first time incorporated the concept of Women in Development (WID) and placed women within the macro framework with multi-sectoral thrust focusing on gender dimensions of poverty and mentioned gender mainstreaming as a strategic objective to reduce gender disparities. The Fifth Five Year Plan (1997-2002) came up with the strategy to mainstream women in the development process by undertaking necessary steps to implement the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), promoting capacity development, poverty reduction, public expenditure, public employment, education, health, legal protection etc. These plans recognised the roles of all sectors in mainstreaming women's development and emphasised advocacy roles of women's ministry. However, it did not discuss the role of WID focal points in the existing ministries or review their capabilities.[26]

The government has also set up certain institutional mechanisms to implement and monitor its programmes.[27] These are – WID Focal Points, Parliamentary Standing Committee on Ministry of Women and Children Affairs (MOWCA) and Women's Development Implementation and Evaluation Committee. The objective of this is to review advice and adjust women's development programmes. WID coordination committee has also been expanded at district and thana level for improved coordination.[28] But, the role of WID focal points has not been clarified in the existing ministries which is a major concern.

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[25] Salma Khan, *The Fifty Percent: Women in Development and Policy in Bangladesh,* Dhaka: The University Press Limited, 1993, p. 45.
[26] Asian Development Bank, "Country Briefing Paper: Women in Bangladesh", August 2001, available at http://www.adb.org/documents/women-bangladesh-country-briefing-paper, accessed on 05 October 2013.
[27] *Ibid.*
[28] Amena Mohsin, *op. cit.*, p. 263.

The most recent contribution to the assurance of women participation in development process came up with the National Women Development Policy in 2011. The government, through this policy, has approved the provision of equal share of opportunity in employment and business.[29] The policy is basically the revival of Women Development Policy of 1997 and upholds the rights of women irrespective of their religion, provides them with full control over their rights to health, education, information, technology and opportunity to earn. The policy also calls for ensuring women's rights in formulation and implementation of economic policies for sectors like trade, currency and tax. The success of this policy is still to be experienced.

These attempts, as a whole, reflect the commitment at the state level to deal with the subordinate status of women, at least at the surface level.[30] Specific laws for the protection of women violence, trafficking and early marriage for girls have been enacted. The principles contained in the constitution impose an affirmative duty on the state to protect the rights of the women. The adoption of policies at various levels is a response to the duty. However, one of the major concerns in terms of gender equality in Bangladesh lies in the fact that the country still holds reservation on a number of articles of CEDAW. Bangladesh has signed and ratified CEDAW, also known as Women's Bill of Rights, back in 1984. There is still reservation on Articles 2 and 16.1C relating to discriminatory laws against women that need to be amended at the national level.[31] The reason cited for reservation is the potentiality of the amendment to go against the religious laws. But placing this reservation is directly denying women their constitutional guarantees. It may be mentioned that initially, Bangladesh also had reservations to Article 13 (a) and 16 (1f) also which was later withdrawn. Such actions also reduce the effectiveness of legal regimes and policy instruments that are already complicated by socio-culturally knotted patriarchal values and patrilineal systems.

4.   Status of Women's Integration in Development in Bangladesh

Integrating women in development, especially in developing countries like Bangladesh, is certainly not a linear process. It is more like a process of progressing towards gender aware policies and practices as well as bringing a transformation in values of the patriarchal structure to ensure women's rights at all levels – political, economic and social. Adoption of various strategies at the state level and the force from the bottom by the women activists have made progress possible, albeit slow. The following section looks into the impact of the above mentioned policies and analyses the status of women's integration in the development process of Bangladesh.

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[29] "Bangladesh Government Okays National Women Development Policy Ahead of International Women's Day", *The Daily Star,* 19 March 2011.
[30] Amena Mohsin, *op. cit.*, p. 269.
[31] *The Daily Star, op. cit.*

4.1   *The Political Participation*

Women's participation in politics is pivotal to democracy and to determine the process of advancement. Nevertheless, the orb of politics has historically been considered as the masculine domain.[32] In addition, division between public and private sphere and designating the former as men's domain and the latter as women's domain have historically contributed to the marginalisation of women's participation in all forms of decision-making as articulated in the CEDAW.

In Bangladesh, women's place in the 'play of power politics' has taken up a new shape. It would be too early to conclude that women have become self-sufficient in voicing their needs and consideration through their presence in politics and policies. But Bangladesh, since 1991, has been able to establish herself as a unique case where both the posts of leader of the ruling party and main opposition political party are occupied by women. Both of them have contested and won seats from multiple constituencies in direct elections. Bangladesh has also elected a woman as the parliament speaker in April 2013 which reflects progress for women's political participation, a milestone for women empowerment.

Table 1: Representation of Women in National Parliament						
Term	Reserved Seats	Directly Elected	Total Female Members of Parliament	Total Female Ministers	Total Represen-tation in Parlia-ment in %	% of Female Minister
1991-96	30	4	34	3	10.3	7.7
1996-2001	30	8	38	4	11.5	9.5
2001-06	45	7	52	3	15.1	5.0
2009-2013	45 (Increased to 50 by fifteenth Amendment)	19	64	5	18.6	15.62
2014-till date[1]	50	20	70	2	19.83	6.89

Source: Compiled from Parliamentary Reports.[33] See also, Amena Mohsin, *op.cit.,* p. 249.

The provision of reserved seats or quota is the major tool used in the country to ensure women's presence in political structures. The aim was to ensure 'protected representation' of female in consideration of uneven political strength in contesting with male in general seats.[34] Article 65 of the Constitution provides for reserved seats for women in legislature and Article 9 provides for special representation of women in

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[32] Kazuki Iwanaga (ed.), *op. cit.,* p. 28.
[33] "List of 10th Parliamentary Members", available at http://www.parliament.gov.bd/index.php/en/mps/members-of-parliament/current-mp-s/list-of-10th-parliament-members-english, accessed on 20 December 2014.
[34] Amena Mohsin, *op. cit.*, p. 246.

local government institutions. Reserved seats for women were only 15 in 1973 which have been increased to 50 by the fifteenth amendment of the Constitution (2011). As presented in Table 1, the percentage of women in parliament has increased to 19.83 per cent in the Tenth Parliament from 10.3 per cent in the Fifth Parliament. In the same time, total female members of the parliament have also doubled. In line with increasing participation of women in successive elections, the percentage of women voters has also considerably increased from 41.23 million (2008) to 45.8 million (2013).[35]

Similarly, with the promulgation of Local Government Ordinance (1976), provisions to include two women members in the Union Council were created. Later, with the aim to integrate more women in local government bodies' decision-making, the Local Government Second Amendment Act (1997) was promulgated where reserved seats were increased to three in each Union Council for women where they could be directly elected from each of the three wards. As a result, number of women candidates as well as the percentage of elected women chairmen and members have drastically increased in recent Union Council elections.

In line with progress, it is also apparent that participation of women in politics of Bangladesh is relatively quantitative than qualitative. The strategy to keep reserved seats has, in effect, complicated women's 'effective participation' since these seats often are viewed as 'ornamental', lacking necessary political strength and importance.[36] Deficit practice of democracy within a political party complicates the rise of women leadership and discourages practice of politics at the grassroots level. Majority of the female politicians enter the political spectrum due to their family ties based on the kin factor. Grooming of leaders who do not have a political elitist background is an urgent necessity to ensure continued participation of women in politics which is crucial to generate gender sensitive policies.

Moreover, ministries associated with 'high-politics' are generally not allocated to female leaders. Ministries, such as, Women and Children Affairs, Social Welfare etc., generally termed as 'feminine ministries', are mostly assigned to women ministers. Only the immediate past cabinet had witnessed a deviation from the previous approach of keeping females away from 'high-politics' since Ministry of Foreign Affairs, Ministry of Agriculture, Ministry of Labour and Employment were headed by female ministers. This reflects that irrespective of the impressive records of women serving as head of states, across the political arena, 'women leaders' are rarely found. Moreover, they lack equal rights and opportunities due to the institutional gender insensitiveness and weaknesses. Contesting in reserved position ultimately allows others to question

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[35] Bangladesh Election Commission, available at http://www.ecs.gov.bd/Bangla/MenuTemplate1.php?Parameter_MenuID=70&ByDate=0&Year=, accessed on 02 October 2013.
[36] Kamal Uddin Ahmed, "Women and Politics in Bangladesh"*,* available at http://www.asiaticsociety.org.bd/journals/Golden_jubilee_vol/articles/H_446%20%28Kamal%20Uddin%29.htm, accessed on 02 October 2013.

their credentials and credibility. However, although the two major parties are headed by women, there is inadequacy in the percentage of involvement of female politicians in party hierarchy.[37] Among the fifty Parliamentary Standing Committees, women are heads of only eight committees and in decision making forums of committees of political parties, women's representation varies in between 2.7 per cent to 11.2 per cent.[38]

Even though the progress seems to be more 'numerical' than 'actual', it is pertinent to note that there has been a gradual progress in total representation and increase in responsibilities of female leaders. With regard to direct election in reserved seats, the National Women Development Policy has suggested special arrangements for it which is expected to offer female leaders a chance to contest from their respective constituencies and judge their electability. This would help them to be properly placed in the power loop that would connect them increasingly to mainstream politics and provide required authority and access to power. Decision, although taken, directed towards by maintaining one-third reserved positions for women in all political parties' executive committee positions is yet to be implemented. This would help to strengthen women's political position through gradual selection of them in highest decision making committees which will help break the traditional patriarchal and institutional negative mind-set regarding the capability of women to perform in highest decision making positions.

4.2   *The Economic Participation*

Females are an essential part of the workforce, both formal and informal. According to Labour Force Survey (2000) of Bangladesh Bureau of Statistics, 37.81 per cent of the workforce of Bangladesh is female and this section of the society contributes substantially to their households as well as in the socio-economic development of Bangladesh. Unfortunately, their contribution is often overlooked because the 'non-market/non-monetised' activities of women is said to have no productive economic value. This is inevitable in a society instilled in the idea of 'sexual division of labour' and the understanding that men do all productive work and women live on men's work.[39]

In Bangladesh, in spite of the unfavourable situation, women have greatly contributed and come forward in expanding their roles and participation in economic arena. Women participation in employment and income-generating activities is important since it offers a means to reduce the disparity between male and female.

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[37] M. Rahman Khan and F. Ara, "Women, Participation and Empowerment in Local Government: Bangladesh Union Parishad Perspective", *Asian Affairs,* Vol. 29, No. 1, 2006, p. 23.
[38] "Women's Political Empowerment in Bangladesh: Prospects and Challenges", *Swiss Agency for Cooperation and Development,* available at http://www.steps.org.bd/last/images/Aparajita/29.09.14/brochure-aparajita-29.09.14.pdf, accessed on 20 January 2015.
[39] Salma Khan, *op. cit.,* p. 23.

The promotion of the women's agency role[40] in economic development is significant since it offers a way out of feminisation of poverty by allowing feminisation of labour force.

The participation of women in the formal labour force in Bangladesh has increased almost three folds in recent decades primarily due to their employment in ready-made garments (RMG) sector, non-governmental organisations, health care services, education sectors, export processing zones, services sectors and commercial enterprises. It is a positive trend that has contributed to the feminisation of labour in Bangladesh. Today, almost 85 per cent of labour force in the RMG sector is female. Successive governments have also encouraged increasing women's participation in economic sectors by making development interventions; thus creating provisions for 'women's only' jobs. The government has reserved 10 per cent of the high official posts for women. In the Ministry of Agriculture, some positions of poultry farmers and vegetable croppers have been reserved for women only. In the Ministry of National Health and Family Welfare, female family planning workers are recruited to serve as 'change agents'. Primary and secondary school teachers have mostly been recruited from women. Sixty per cent of the vacant posts at the primary school level are reserved for women.[41] In recognition of the need for greater gender equality of employment in the public sector, the government has also introduced a quota system for women with employment targets of 10 per cent for gazetted posts and 15 per cent for non-gazetted posts.[42] In addition, near about 90 per cent of telephone operator's posts have been reserved for women by the government.[43] At the non-government level, there are also over 1,000 local and national organisations that generate self-employment opportunities for nearly 8 million poor, mostly women, through microcredit and training in literacy, technical skills and legal rights.

Another remarkable change is the emergence of women entrepreneurship in Bangladesh. It has opened up a new platform for women to step up in the business world that is considered a competitive male-dominated arena. This emergence of women entrepreneur class has a number of interlinked outcomes. On the one hand, it has contributed to business and export growth, employment generation and skill development of the country. Thus, it adds to economic growth at the macro level. On the other, it has improved women's living conditions and reduced poverty rates at the household level.[44] It may be mentioned here that Bangladesh Women Chamber of Commerce and Industry has been implementing a project named 'Promoting Women Entrepreneurship through Advocacy (PWEA).[45] It has contributed to the economic

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[40] Agency refers to an individual's or group's ability to make operative choice in different spheres and uses their endowments to transform the choices into outcomes desired by them. The agency role played by women is central to understand the outcomes of gender inequality.

[41] Amena Mohsin, *op. cit.,* p. 246.

[42] Asian Development Bank, *op. cit.*

[43] *Ibid.*

[44] *Ibid.*

[45] Kamal Uddin Ahmed, *op. cit.*

growth at the macro level as well as reduced poverty rates at the household level. Apart from the participation in formal economic activities, there are many women working in informal sectors of the economy. Participation in the workforce has increased the visibility of women and provided them with a desire to achieve autonomy in their life. This has increased their bargaining power in household, earned more respect in the family and the society, thus, reversing their 'invisibility'.

A number of issues still remain unaddressed. Bangladesh still numerically lacks female participation in agricultural activities since in the country only 59 per cent of women are employed in agriculture as compared to other countries of South Asia like India (74 per cent), Pakistan (64 per cent) and Nepal (85 per cent). Moreover, in the agricultural sectors, women contribute vastly as 'unpaid family workers' that makes them economically inactive population understating their contribution. Sometimes the development policies of the state also add to the insecurity of the marginalised section of the society like introduction of mechanised means to agriculture has complicated the livelihood of the female-headed households by displacing the rural poor from this sector. This is primarily because they are not acquainted with the newer technologies and they are largely excluded from capital accumulation process, thus from being economically independent. Even with formal labour market access, women face wage discrimination and harassment that further aggravate women's exclusion in the society and economy of Bangladesh.

4.3   *Women in Social Development*

Decades back, Mary Wollstonecraft, an advocate of women's rights declared, education is a main factor in ensuring gender equality. To add with her, women's access to education and health care facilities, two core issues of social development, are inextricably linked to their development and empowerment. Access to education and health care facilities are also two of the major goals of Millennium Declaration ratified by Bangladesh during UN Millennium Summit in 2000.

The most notable advancement of Bangladesh in the last decade is perhaps the increased access of women to education. According to the Literacy Assessment Survey 2011, published by Bangladesh Bureau of Statistics (BBS), girls' access to education has markedly increased to 50.2 per cent in 2011 from 33.4 per cent in 2001.[46] Notably, female literacy rate is higher than male both in urban and rural areas for population of age 11-14 years, that is, at the primary and secondary levels. The country has already met its target on male-female ratio in primary and secondary education, that is, gender parity in enrolments in primary and secondary schools.[47] A number of factors seem to have contributed to such achievement. Firstly, state policies like compulsory primary education for all children, free education for girls

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[46] Asian Development Bank, *op. cit.*
[47] *Ibid.*

at primary and secondary levels, free books and other educational supplementary material support as well as stipends to female students have given a boost in this increasing interest in female education. Secondly, the economic self-sufficiency of women as a result of their increased participation in the formal labour force has assigned them with greater authority in household decision-making thus, enabling them to decide on whether to send their girl child to school or not. Finally, increase in number of female teachers at the primary and secondary levels has contributed to a change in mindset in countryside regarding the necessity of female education. However, drawbacks remain. The percentage of girls attending school begins to decline in the later secondary level which is definitely a major concern.

Bangladesh, despite its poverty dynamics, has achieved remarkable progress with regard to health care facilities of women particularly maternal health and reproductive rights. The complications of pregnancy and childbirth are two of the major causes of death and disability of women in Bangladesh. But in recent years, Bangladesh has successfully reduced mortality ratio of women from pregnancy related causes to 194 per 100,000 lives from 600 in 1999. The percentage of births attended by skilled personnel was only 13 per cent during 1999. This has dramatically increased to 31 per cent in 2011. The use of contraceptives has also increased which is a clear indication of women's increasing ability to make decision about sexuality and fertility. Even when women get chance to control their fertility, they can also contribute economically, which help to grow their confidence and decision making power. A closer look at the status of MDG will crystallise the progress of women in the social sector of Bangladesh.

Table 2: Status of MDGs of Specific Indicators Related to Women Integration in Bangladesh			
Goals	**Targets**	**Indicators**	**Current Status**
MDG:2 Achieve Universal Primary Education	Increase net enrolment ratio to 100% by 2015	Net enrolment ratio in primary education, %	98.7%
	Reduce primary school dropout rates to 0% by 2015	Pupils of Class 1-5	79.5%
		Adult (15+ years) Literacy Rate	74.9% Women (81.9%) Men (67.8%)
MDG:3 Promote Gender Equality and Empower Women	Eliminate gender disparity in education preferably by 2005 and in all levels of education no later than 2015	Ratio of girls to boys in education target:(1:1) — Primary	1.02
		Secondary	1.13
		Tertiary	0.66
		Share of women in wage employment in non-agricultural sector, %	19.87%
		Proportion of seats held by women in national parliament, %	20%
MDG:5 Improve Maternal Health	Reduce maternal mortality to 143 by 2015	Maternal mortality ratio (deaths per 100,000 live births)	194
	Increase the proportion of births attended by skilled birth personnel to 50% by 2010	Proportion of births attended by skilled health personnel	31.7%

Source: Bangladesh Planning Commission, *The Millennium Development Goals: Bangladesh Progress Report 2012,* General Economic Division, Planning Commission, June 2013.

Women integration at the societal level also needs to give due attention to the dimension of violence. Even with economic independence, women at the lower strata of the society are often subject to violence at their family and workplace resulting mostly from the traditional norms attached to a patriarchal society.

Another important aspect of women's development is linked with migration. Migrants' remittances are more important than official development aid, and despite the global economic crisis, it remains the second largest financial flow to developing countries after foreign direct investment.[48] It is an important tool to reduce poverty and induce development, as it allows rural women to gain autonomy when they move

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[48] "Migration and the Millennium Development Goals", available at http://www.iom.int/jahia/webdav/shared/ shared/mainsite/policy_and_research/policy_documents/policy_brief.pdf, accessed on 24 September 2013.

to urban areas and get paid jobs while international migration allows female migrants to emphasise their productive role in economy and their social status.[49]

5.   The Way Ahead

Lifting the mist of prejudices and understanding the role and significance of women in all kinds of development efforts are urgent requirements to properly integrate them. Bangladesh has achieved a considerable success and established itself as a pioneering country in terms of gender equity and women integration in South Asia. It should also be noted that political commitments to create enabling conditions, policy interventions and institution development are not enough to protect or integrate women. Increasing the number of reserved seats will not make their situation better unless women are properly placed in the power loop that will connect them to mainstream politics by providing the required authority and access to power. What is required for this is to ensure meaningful participation and to train women more capable and robust decision maker. The first and foremost necessity in this regard is educating women and increasing awareness of the prospects of gender sensitiveness at all levels: individual, society and country. This would impact the development of a political culture in the country where women would have both the competence to make their way and people would have the mindset to accept their judgement. Without complementarities, progress is not possible. It is time for women to gradually start to push for direct election that would allow them and others to judge their electability and create an atmosphere of change by increasing the acceptance of women leaders in the society. In addition, to further women's political participation, the political parties also need to show strong commitment as well as provide financial assistance to help women candidates to participate in elections. Thus, the country would be able to create new women leaders with grassroots connections who will eventually rule out the quota system with capacity development. Job description and responsibilities should be properly outlined to widen women's political space. Division between the elite women and the under-represented women should also be addressed. A precise strategy should be worked out to address the rights, needs and concerns of indigenous and marginalised women. It will clearly be a matter of concern if the purpose of political empowerment of the community that constitutes almost half of the population is not served.

Economic development and women participation in labour force are also closely linked with women empowerment. Since women are under-represented at the high-official level, gender based capacity building is required. Social security and work-place environment are crucial factors in deciding the nurturing of a woman and her qualities. A person who stands in a decision-making position must be allowed certain privileges and be provided with support considering the conceptualisation of women as inferior and subordinate to men and the productification of women.

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[49] *Ibid.*

Changes in gender roles are adding even more burden on women's shoulder than before. Therefore, their contribution needs acknowledgement. Addressing the negative mind-set and patriarchal structure requires development activists and gender experts to be included in all project design teams as well as in the implementation phase. This would increase the scope of women to flourish, getting to know their needs in a better way and help themselves.

There is no denying the fact that the gender equality is more than female participation in labour force, political process or improved health and education levels of girls and women. It is necessary to create preconditions for gender-inclusive governance; women's access to credit, entrepreneurship, inheritance and income ownership should be fairly addressed. A sustainable livelihood programme addressing food insecurity and malnutrition among women is necessary. Access to credit is often complicated by corruption and the need to develop 'Development Policy' targeting women entrepreneurs.

Monitoring and evaluation should be participative and gender-inclusive. Further strengthening of non-governmental organisations, particularly in rural areas where most poor women live, is central to enhancing women's leadership and participation in governance structures. Gender-inclusive projects can actively contribute to this by encouraging their participation and building their institutional capacities through various activities. Finally, programmes and policies aimed at integrating women in development should be designed and implemented on the basis of their expected gender-specific social, economic and political roles. This would act as a catalyst and stimulate the process of change at all levels that would contribute in raising the status of women in Bangladeshi society.

6.   Conclusion

Integrating women into development process is not an easy task. It is more a paradoxical phenomenon. Engendering development requires breaking free from conventional, social and psychological barriers since the roots of discrimination are multilayered. Back in 1776, Adam Smith reflected that the unproductive class enables the productive class to produce more efficiently.[50] So, considering women as inferior and treating them with prejudice are not only a humiliation to women, they also result in a huge cost for men and for the society. Even, internationally equal treatment of women and ensuring their participation at all levels are considered as indicators of good governance and social development. Bangladesh, in its journey of mainstreaming women in development, has achieved a lot. Standard measures of development reflect that progresses have been made in increasing women's participation in mainstream politics, in the formal and informal labour force and

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[50] Shamim Hamid, *Why Women Count: Essays on Women in Development in Bangladesh,* Dhaka: The University Press Limited, 1996, p. 1.

in improving women's access to education and health care. Bangladesh has been showing obvious signs of progress in this arena and has been appreciated for its extraordinary development in meeting MDGs of United Nations.

Necessary measures to ensure gender-balance in political, economic or social structures have been adopted. It has resulted in a substantive increase in women participations at all levels. But full integration of women in mainstream development process requires not only programmes or policies. In line with the quantitative increase in participation, it is also necessary to look at the qualitative changes. Success will not result from individual effort; contribution of all actors at all levels matters with equal priority. At the family level, sense of respect and honour for women and creating space for their increased participation in productive work should be encouraged. What is needed, is ensuring empowerment of women - political, social, economic, as well as reducing their dependency on men and creating awareness among all. Women themselves should realise the power of their voices and responsibilities.

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Sandeep Chakravorty

INDIA-BANGLADESH-MYANMAR: ENERGISING SUB-REGIONAL COOPERATION

Abstract

Many sub-regional initiatives are prospering in Asia. As the limits to regional cooperation become evident, particularly in the SAARC context, sub-regional cooperation offers a window of opportunity for India to push through economic integration of India with its South and South East Asian neighbours. Already some examples exist which need to be emulated and expanded upon such as ADB's SASEC programme for some South Asian countries or BIMSTEC involving South and South East Asia. This paper spells out the need and rationale for energising sub-regional cooperation among three major countries straddling the South and South East Asia axis namely India, Bangladesh and Myanmar. It argues that there is sufficient content and context in the three bilateral relationships, which of late have been witnessing upswings, to start working on various trilateral cooperation proposals. This will not only be a win-win formula for all three countries involved but will also propel greater cooperation in some other larger configurations of sub-regional cooperation namely BIMSTEC or BCIM-EC as these three countries form the geographical kernel of other frameworks as well.

1.   Introduction

Just about a decade back, India-Bangladesh-Myanmar sub-regional cooperation (IBM-SRC) had made a most remarkable headway by the conceptualisation of a transnational gas pipeline with very strong possibilities.[1] However, today when one talks of IBM-SRC, the plate is rather empty. Fortunately, misgivings of the past have now almost disappeared and what looked like a possibility in the past is now the harbinger for the future. While bilateral relations e.g. India-Bangladesh, India-Myanmar and Bangladesh-Myanmar are critically important, sub-regional cooperation can potentially yield greater and more optimal results. From the political angle, it reduces insecurities and increases the trust factor and from the economic angle, it reduces costs and enlarges possibilities for making projects viable. In this very specific

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[1] Substantial natural gas reserves have been found in offshore and on-shore structures, including the north eastern blocks of the Bay of Bengal off the coast of Myanmar. In addition, sizeable quantities of natural gas reserves have been found in on-shore structures in the north eastern regions of Bangladesh and India as also on-shore in Myanmar. The speedy implementation of development programmes by all the governments of the region and accelerating economic growth is boosting a huge market for natural gas in the region requiring the regional development of energy sources and infrastructure for the delivery of the gas to consuming centres. In concert with parallel developments in other segments of the power and energy sector, a new era of cooperation is opening up for the countries of the region.

context, all three bilateral relations are flourishing and sub-regional cooperation can only further cement the relationships.

There has been significant forward movement in a sub-regional cooperation with developments being spearheaded by active players like China, the US, the UK and Canada. Both the World Bank and the Asian Development Bank (ADB), especially the latter under the South Asia Sub-regional Economic Cooperation (SASEC) programme, have been working towards economic cooperation in the sub-regional context. Significant developments have also been witnessed in sub-regional transit and connectivity with India allowing the movement of fertilisers between Bangladesh and Nepal through the rail route in 2011. An amendment to the Memorandum of Understanding (MoU) between Bangladesh and India was signed in 2011 to allow the use of Rohanpur-Singabad as an additional route for bulk and container cargo for the Nepalese rail transit traffic. A Standard Operating Procedure (SOP) allowing movement of trucks carrying goods from Nepal and Bhutan to Land Customs Stations in Bangladesh was also finalised in 2011. In February 2015, representatives of Bangladesh, Bhutan, India and Nepal met in Kolkata to finalise the timeline for operationalising a quadrilateral Motor Vehicles Agreement (MVA) for both passenger and cargo vehicles.

The proliferation of multiple frameworks of regional cooperation has generated optimism but there are still critical areas of concern that have impeded regionalism in its true spirit. In coordinated transport development, for instance, there are still gaps in selecting corridors to demarcate physical and non-physical barriers, introduction of multimodal transport operation and logistic services, and facilitation of international traffic. The countries have also not moved fast enough on trans-national oil and gas pipelines which are important builders of interdependence of states and energy security.

Today, Asia in general and South Asia in particular is witnessing a flowering of various sub-regional initiatives. Given the larger framework of India's enhanced Look East Policy (e-LEP), India has to seek new partnerships in the Indo-Pacific region. The recent developments in the bilateral relationships demonstrate many positive developments that have a cumulative effect in preparing the ground for the launching of sub-regional cooperation.

The paper is divided into seven sections including introduction and conclusion. Section 2 discusses sub-regional initiatives like BCIM, BIMSTEC, SASEC, BBIM etc. Section 3 details sub-regional cooperation among India, Bangladesh and Myanmar. Section 4 depicts energy cooperation as a case of sub-regional collaboration. Section 5 focuses on bilateral relations between Bangladesh and Myanmar, India and Bangladesh and then Indian states and sub-regional cooperation. Section 6 points out the diverse grounds for enhancing sub-regional cooperation among India, Bangladesh and Myanmar. Section 7 concludes the paper.

2.   Sub-regional Initiatives in the Region

There has been a surfeit of sub-regional initiatives, growth triangles and quadrangles all over the world to push forward cooperation amongst a small group of like-minded countries. Although there are not too many examples in South Asia so far, there are many examples in the ASEAN region and in East Asia. The China-Japan-South Korea trilateral framework, which used to meet at summit level until very recently, is a good example of structured sub-regional cooperation. In the South Asian context, as SAARC has not been able to make much headway as expected, BIMSTEC and BCIM-EC initiatives are forging ahead. In fact, the SAARC Charter, signed way back in 1985, itself provides for sub-regional cooperation by way of Action Committees. Article VII of the Charter says, "The Standing Committee may set up Action Committees comprising Member States concerned with implementation of projects involving more than two but not all Member States." Some of the sub-regional initiatives in South and South-east Asia are discussed below.

2.1   *BCIM Initiative: Moving from Track II to Track I*

The forum on regional economic cooperation among Bangladesh, China, India and Myanmar (BCIM-EC), formerly the 'Kunming Initiative', is yet another shared idea for regional cooperation with 'Benefit All' as its motto. The BCIM-EC deals with issues of transport, border trade, water management, energy and tourism aimed at forging a true collective identity in the region with common cultural and colonial past. The idea was mooted in Kunming in 1999 where four institutions from BCIM countries - Centre for Policy Dialogue (CPD) in Bangladesh; Yunnan Academy of Social Sciences (YASS) in Kunming, China; the Centre for Policy Research (CPR) in India; and the Ministry of Border Trade of Myanmar first met.

The initiative has moved from track II to track I after the meeting of Premier Li and Prime Minister Manmohan Singh in May 2013 in New Delhi and Beijing in October 2013. The Joint Statements issued at these two meetings have committed the two governments, for the first time to cooperate in making the BCIM envisaged cooperation projects a reality. Each country has constituted Study Groups to prepare detailed reports on how to take forward cooperation. The organisation of the Kunming to Kolkata (K2K) Car Rally is an excellent example of this collaboration and showcases the possibility of the corridor. The second meeting of the Joint Study Group took place in Cox's Bazar, Bangladesh on 17-18 December, 2014 wherein all four countries agreed on a timeline to synthesise and finalise a common report on how to make progress on the Economic Corridor linking the four countries by mid-2015.

2.2   BIMSTEC: Looking Ahead

The Bay of Bengal region countries that include Bangladesh, India, Myanmar, Sri Lanka, Thailand, Bhutan and Nepal form BIMSTEC. There are fourteen priority areas for cooperation which include trade and investment, transport and communication, energy, tourism, technology, fisheries, agriculture, public health, poverty alleviation, counter-terrorism and transnational crime, environment and natural disaster management, culture, people to people contact and climate change. The declaration issued at the BIMSTEC Summit that took place in Nay Pyi Taw, Myanmar on 04 March 2014 reiterated the commitment to BIMSTEC as a regional cooperation group and resolved to move on a regional trade agreement and cooperation in various areas including energy, environment, tourism, movement of people and agriculture. Since July 2014, the BIMSTEC Secretariat has become functional in Dhaka with a full-time Secretary General. The road is now clear for greater intensification of cooperation amongst the BIMSTEC countries. Even in BIMSTEC, the kernel of cooperation for obvious reasons will have to include India, Bangladesh and Myanmar as these three countries straddle the region. Without heightened sub-regional cooperation amongst these three countries, BIMSTEC region-wide cooperation will not prosper. On an encouraging note, the BIMSTEC members who held the 5th meeting of the BIMSTEC Task Force on Trans Power Exchange in March 2015 in Dhaka have finalised an MoU for power inter-connection and power trading. BIMSTEC is also optimistic about a BIMSTEC Free Trade Agreement.

2.3   SASEC: Accelerating Cooperation

The South Asia Sub-regional Economic Cooperation (SASEC) programme is an initiative to promote economic cooperation between Bangladesh, Bhutan, India, and Nepal. In 1996, four of the seven member countries of the South Asian Association for Regional Cooperation (SAARC), namely, Bangladesh, Bhutan, India, and Nepal, formed the South Asian Growth Quadrangle (SAGQ), with the primary objective of accelerating sustainable economic development among these countries. This sub-regional initiative was endorsed at the SAARC summit in Male, Maldives in 1997. Subsequently, these four countries requested ADB's assistance in facilitating their economic cooperation initiative. This request led to the implementation of the SASEC programme. ADB's support for SASEC was undertaken mainly through capacity building and institutional strengthening of the programme, various regional cooperation initiatives, and ADB-financed projects and technical assistance.

Since the inception of SASEC, ADB has informally functioned as its secretariat. The lead activity of the SASEC programme is the identification, prioritisation, and implementation of sub-regional projects which are in the priority areas of energy and power, transport, trade, investment, and private sector. SASEC is also active in information and communications technology (ICT), tourism and environment. Major

outputs of SASEC have been loans for SASEC Tourism Infrastructure Development Project, Bangladesh-India Electrical Interconnection Grid Project and SASEC Information Highway Project.

2.4   *BBIN: A New Initiative*

Classic variable geometry in the European Union (EU) context is seen replicated in this new grouping which has emerged out of the SAARC framework. Bangladesh, Bhutan, India and Nepal (BBIN) have taken the first step in deciding to move together to achieve sub-regional cooperation that has not prospered within SAARC. Officials of the four countries met in Kolkata in February 2015 to finalise the draft of four-nation motor vehicles agreement that will allow free movement of cargo and passenger vehicles within the four countries. It is expected that the agreement and its associated protocols will be finalised in 2015, giving an enormous boost to sub-regional trade and tourism.

3.   **India-Bangladesh-Myanmar Sub-Regional Cooperation (IBM-SRC)**

The economic integration of the region and thereby the sub-regional integration of India, Bangladesh and Myanmar is an imperative and potential is immense for rapid economic progress in Bangladesh and Myanmar. The basis or principles for cooperation could be as follows: cooperation / positive engagement with mutually beneficial and equitable partnership among the countries of the sub-region; partnership / cooperation should focus on bringing economic benefits to each participating country and there should be no political or foreign policy agenda; cooperation should be aimed at enhancing the material welfare, economic prosperity and development of each country; cooperation to proceed at a pace at which all participating countries are comfortable; working methods should be flexible and outcome based; win-win proposition; trying to keep politics out of economics which would not affect the obligations of the parties under existing bilateral agreements between any two member countries; cooperation is aimed at enhancing the material welfare, economic prosperity and sustainable development of each country; and each country make available its strengths or competencies from its area of natural advantage. For example it could be gas, coast, water ways, territory, capital, expertise, human resource etc. Myanmar could be interested in accessing Indian market and India could be interested in easy access to North East India, whereas Bangladesh could be seeking energy security through import of gas or improved infrastructure due to road connectivity between India and Myanmar.

Many experts share the view that enhanced cooperation amongst the three neighbours is the way ahead. According to Dr. Imtiaz Ahmed[2], "India-Bangladesh-Myanmar cooperation holds endless possibilities, but for this to happen new

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[2] Author's interview with Prof. Imtiaz Ahmed, Department of International Relations, University of Dhaka.

structures, including projects related to education, media, culture, etc., ought to be initiated." Ambassador Humayun Kabir of Bangladesh Enterprise Institute states that, "If we (Bangladesh and India) can take Myanmar on board, then we are going to 1935 when Myanmar also was a part of larger South Asian landmass. So if we can reinvent ourselves, rediscover opportunities that existed and reinforce and expand in future ourselves with the same landmass, I am sure that we will have better future to look forward."[3] According to Dr C. Raja Mohan, eminent Indian foreign policy writer, "India should focus on this rather than seeking regional integration only through SAARC which gets complicated by the Pakistan factor... in South Asia and elsewhere, there has been much debate on growth triangles and growth quadrangles that focus on geographic advantages and cut across the purely national framework... many of China's initiatives from the Korean peninsula to Central Asia are focused on sub-regionalism."[4] Dr Khin Zaw Win, Chairman of Tanpadipa Institute, a Myanmar think tank, says, "I am all for engagement and connectivity, especially in the way you put it (i.e., sub-regional cooperation). As you know, there are BIMSTEC and BCIM, but the bilateral angle in these cannot be left out. Burma/Myanmar was one of the first countries to recognise the new state of Bangladesh in 1971 and this even led to Pakistan downgrading relations for a time. However, the Rohingya issue became a thorn in the side of bilateral relations in the 70s and 80s. At one time, there was heightened military tension and India had to mediate behind the scenes, when Indira Gandhi was India's Prime Minister. All along, I would say inter-governmental relations have been correct but not close. If trilateral engagement is to happen, India will have to work hard and use a kind of big brotherly influence in a positive way. You would know there is a rail connection being planned from Bangladesh right up to Kunming, passing through Myanmar. Recently a high-speed railway line from Kunming to Kyaukphyu was cancelled and a presidential adviser tells me it is for financial reasons. But my feeling is that there are other reasons too. Will a railway linking Myanmar and Bangladesh help ease the communal conflict or make it worse? Nobody is going to take that risk in the foreseeable future." On the thorny Rohingya issue, Dr Win says, "the Union government in Myanmar has little influence, since Rakhine (and Buddhist) nationalism are so strong and assertive. So any trilateral engagement will have to at least consult the Rakhine stakeholders". Considering the experts' opinions, the point to deliberate upon is whether sub-regional cooperation can bring the two countries together.

4.   Learning from History

It is important to examine a case where sub-regional cooperation failed to take off due to lack of bilateral trust and resulted in a lose-lose outcome for atleast India and Bangladesh, if not Myanmar. The case of Myanmar-Bangladesh-India (MBI) gas pipeline project is worth examining. Some analysts say that the primary reason

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[3] As conveyed to the author.
[4] As conveyed to the author.

for the failure of the 2005 pipeline negotiations between India and Bangladesh was the lack of convergence in the energy policies of the two countries – India's energy policies then pointed naturally towards the pipeline while Bangladesh's policies did not feature it. With an estimated reserve of 2 trillion cubic metres of gas the government of Bangladesh did not see the salience of the pipeline in 2005. This was because while India was able to recognise the importance of gas imports to meet domestic demand, Bangladesh seemed to feel that it had adequate domestic reserves and planners did not realise an impending crisis in its regional energy security in the form of depletion of gas reserves.

Throughout the early 2000s, Bangladesh's energy policies emphasised new investment into its domestic energy complex while considerations of substantial gas imports remained a fringe issue. For this reason, even though Bangladesh was promised an annual transit fee as well as the option to import gas from the pipeline during the 2005 negotiations, the proposition did not meet Bangladesh's energy policy requirements. The Bangladesh government was, thus, not prepared to be part of the project in the absence of additional incentives. It placed additional conditions during these bilateral negotiations – the facilitation of importing hydroelectricity from Bhutan being one of them (which incidentally was in line with the then policy of diversifying energy sources beyond gas) and in addition to the reduction of tariff barriers and its trade deficit as other preconditions. Sreeradha Dutta opines that, "with the discovery of substantial gas in Myanmar's Sittwe region in the Rakhine state, India was keen to acquire gas from some of the new finds in the Shwe gas field, divided in several blocks of which A-1 and A-2 blocks were closer to India and also estimated to have the best recoverable reserves given the geographical location, overland pipelines transiting through Bangladesh are the most cost-effective way of getting gas from Myanmar to India. Despite its initial enthusiasm, Bangladesh back-tracked from its earlier willingness to be a partner to the tripartite pipeline. Dhaka tied its support for the project to India accepting its many existing demands in other areas. India's lack of understanding of the Bangladeshi domestic compulsions delayed the finalising of the pipeline routes — one of the main reasons that eventually led to other countries walking away with the contract of the A-1 block. Given the prevalent differences, India should have sorted out its bilateral issues with Bangladesh before venturing into long-term energy deals with a third country."[5]

This kind of environment is now largely absent as India has taken several steps to address Bangladesh's requirements such as quota free and tariff free access to Bangladeshi products. India is, as part of the Framework Agreement, committed to sub-regional cooperation in the water and power sectors involving Bangladesh, Nepal and Bhutan.

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[5] Sreeradha Dutta, "Bangladesh Factor in the Indo-Myanmarese Gas Deal", *Journal of Strategic Analysis*, Vol. 2, No. 1, 2008.

5.   Bilateral Relations and Sub-regional Cooperation

It is obvious that sub-regional cooperation shall prosper on the bedrock of the bilateral relationships. The health of the two relations in this context i.e., the India-Bangladesh and the Bangladesh-Myanmar relations are the key determinants of how sub-regional cooperation evolves and progresses. However, it does not necessarily mean that there exists a direct cause and effect relationship between bilateral relationship and a sub-regional or multilateral relationship. In fact, on occasions, nations prefer to operate out of a bilateral context to award concessions or take benefits to avoid domestic criticism. Also, a non-bilateral context allows sidelining of irritants present in the bilateral relationship. In this specific case, the India-Bangladesh relationship has made significant headway in the recent years and even provides for a policy framework for spearheading sub-regional cooperation which is examined in detail later.

5.1   *Bangladesh-Myanmar Relations*

Bangladesh-Myanmar relations have also acquired an upward trajectory despite the persistence of the Rohingya issue. Sub-regional cooperation cannot supplant bilateral relations but a larger framework gives confidence to partners and there may be that little willingness to stick one's neck out or make that little concession which in the bilateral context could be seen as sell-out. According to an analyst, "while Bangladesh's official and non-official interactions with India are both intensive and extensive, the relationship between Bangladesh and Myanmar cannot be characterised as such."[6] For Bangladesh, the incentive to good relations with Myanmar is that the relatively small land border with Myanmar, of only 280 km as compared to 4096 with India, provides Bangladesh with only window to Southeast Asia. As suggested by another analyst, "except the Rohingya issue there are not any significant irritants in the bilateral relationship and given the growing importance of the Bay of Bengal and Indo-Pacific space, both countries are well poised to intensify their cooperation."[7]

Even on the Rohingya issue, there are signs that both sides are keen on working out a solution and the desire is not to let the issue spoil the bilateral relationship. It is noteworthy that Bangladesh and Myanmar have been successful in containing the negative effects of the Rohingya issue although there is divergence between the two on the subject. It is believed that the narrowing down of differences will arise out of working closely together on other areas. "The Rohingya issue and India-Bangladesh-Myanmar sub-regional cooperation ought to be de-linked. In fact,

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[6] Md. Humayun Kabir, "Bangladesh-Myanmar Relations: Imperative for Greater Cooperation", paper presented at an International Seminar on Contemporary Thoughts on Enhancing Bangladesh-Myanmar Relations, Bangladesh Institute of International and Strategic Studies (BIISS), May 2014, Dhaka.

[7] M. Jashimuddin, "Prospects for Attaining a New Height in Bangladesh-Myanmar Relations: Bangladesh Perspective", *BIISS Journal*, Vol. 35, No. 1, January 2014.

progress made on the latter would be an incentive to resolve the former. UNHCR officials assured us that there has been some movement in counting the Rohingya population within Myanmar and giving them some form of recognition. Myanmar too wants to resolve this problem, mainly to attract investments in the Arakan region. But for this pressure from regional and international community is required. This paper suggests that an international conference be convened to discuss the timeline and the modalities to be taken to resolve the issue. It can be hoped that some movements on this could be seen soon. Some form of signal from India would also help in resolving the Rohingya problem. Stability in the Arakan region would certainly help the developmental agenda both within the Arakan region and the bordering areas of India and Bangladesh."[8]

In the 8th round of Bangladesh-Myanmar Foreign Office Consultations held on 01 September 2014 in Dhaka, both sides agreed to start working towards repatriation of verified Myanmar nationals within two months. According to Md. Shahidul Haque, Foreign Secretary of Bangladesh who met with his counterpart Thant Kyaw, Deputy Minister for Foreign Affairs, the process, starting with a small number of 2,415 out of over 32,000 registered Myanmar citizens, is a major breakthrough. The Foreign Secretary said, "It is clear that Myanmar wants to take the relations with Bangladesh to a newer height." The Energy Advisor to the Prime Minister of Bangladesh, Tawfiq-e-Elahi Chowdhury visited Myanmar in February 2015 heading a six-member delegation. Bangladesh has proposed to Myanmar that it wants to import gas from Myanmar and export electricity to Myanmar. Bangladesh officials say that the Government of Myanmar has, in principle, agreed to a proposal put forward by Bangladesh. They say that this energy swap deal that ensures a win-win outcome for both sides.

Another interesting development of the Bangladesh-Myanmar meeting that augurs well for sub-regional cooperation is that Bangladesh has floated the idea of bringing in all the aspects of Bangladesh-Myanmar bilateral relations under an umbrella agreement for better understanding and discussion. The Bangladesh Foreign Secretary said that Bangladesh felt that all the aspects should be brought under an umbrella framework and proposed signing of a Framework Arrangement on Trust and Cooperation for Development between Bangladesh and Myanmar. He said that it contains eight components - strengthening the trust or enhancing the trust, security and cooperation dialogue, trade and connectivity, energy, environment and natural disaster, agricultural and rural development, education, health and culture, sub-regional cooperation and collaboration in the Bay of Bengal. Bangladesh even handed over a draft agreement which Myanmar agreed to discuss in the Joint Commission meeting to take place in 2015 in Dhaka during the visit of the Myanmar Foreign Minister. Such a Framework Agreement, similar to the India-Bangladesh Framework Agreement discussed below, will thus provide among others, a valid framework to take sub-regional cooperation forward.

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[8] Author's interview with Prof. Imtiaz Ahmed, *op. cit*.

5.2   *India-Bangladesh Relations: Policy Framework and Drivers*

As far as India is concerned, one can easily discern a paradigm shift in the policy praxis. In the past, there may have been reluctance to engage in this format. The India-Bangladesh Joint Statement of January 2010 and the India-Bangladesh Framework Agreement of September 2011 are indeed path breaking and remarkable documents which provides the policy framework for breaking new ground in sub-regional cooperation. The Framework Agreement is an outstanding document that certainly lays the ground for substantial sub-regional cooperation.

It may be mentioned that Nepal and Bhutan already are in cooperation with India and Bangladesh for access to ports and agreements for cargo movement through India to the ports in Bangladesh are already in place. Bangladesh is increasingly becoming a base for Indian and other multi-national corporations (MNCs) which are looking at a combined market of Bangladesh and Myanmar. During the visit of Sushma Swaraj, External Affairs Minister of India, to Bangladesh in June 2014, Bangladesh agreed to an India-specific Special Economic Zone (SEZ) to further attract and channelise Indian investments.

India-Bangladesh-Myanmar as a sub-region has tremendous benefits to reap by integrating into the larger region of South and East Asia and providing the vital link between them. These countries have geographic proximity to ASEAN countries and China. On the other hand, borders are relatively peaceful and settled. People-to-People contact is expanding. Democratic change in Myanmar has opened up new possibilities. Bilateral trade and investment are growing. Bilateral trade between India and Bangladesh in FY 2012-13 was US$ 5.34 billion. Bangladesh imports from India increased to US$ 4.776 billion (0.69 per cent increase over the previous year). Bangladesh's exports to India stood at US$ 563.96 million (13.5 per cent increased over the previous year). Bangladesh's imports from Myanmar stood at US$ 84 million (28.73 per cent increased over previous fiscal). Bangladesh's exports to Myanmar stood at US$ 13.67 million (1.6 per cent increased over previous fiscal year). In FY 2012-13, trade between India and Myanmar was US$ 1.96 billion with Myanmar exports to India at US$ 1,412.69 million and Myanmar imports from India at US$ 544.66 million. Bangladesh-Myanmar settlement of the maritime boundary in 2012 has opened the door for immense possibilities. Both countries have been able to project the settlement as a win-win proposition. The India-Bangladesh Maritime Arbitration Award announced in July 2014 has also been positively received by both India and Bangladesh.[9] Abul Hassan Mahmood Ali, Foreign Minister of Bangladesh,

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[9] It is worthwhile to note the reactions of both the governments to the arbitral award. The official spokesperson of the Indian Ministry of External Affairs in response to a question on the award of the Tribunal on the Maritime Boundary Arbitration between India and Bangladesh said in New Delhi on 08 July 2014: "The Arbitration Tribunal for Delimitation of Maritime Boundary between Bangladesh and India, established under Annex VII of the UN Convention of Law of the Sea (UNCLOS), rendered its award on 07July 2014. We respect the verdict of the Tribunal and are in the process of studying the award and its full implications. We believe that the settlement of the maritime boundary will further enhance mutual

after reviewing the tribunal's award declared that it is a victory for both states, it is the victory of friendship and a win-win situation for the peoples of Bangladesh and India because it finally resolves peacefully and according to international law, a problem that had hampered the economic development of both states for more than three decades. Bangladesh commended India for its willingness to resolve this matter peacefully by legal means and for its acceptance of the tribunal's judgement. At the same time, the Foreign Minister underscored that the judgement was a step forward for Bangladesh as well as for India. He observed that by finally resolving a problem that had been an issue in the side of bilateral relations for so long and by doing so peacefully and according to international law, the award enables both sides to move forward confidently into a new future and to build a new era of understanding and cooperation in the maritime sector.[10]

Such constructive reaction to the Arbitration Award by both India and Bangladesh sets a new template for amicable resolution of maritime disputes. This paves the way for a win-win proposition for both countries. Bangladesh and Myanmar have moved quickly to exploit the offshore resources in the Bay of Bengal. Today, both the countries have big offshore exploration and production plans in the Bay and foreign companies including India's Oil and Natural Gas Corporation Limited (ONGC) are actively involved. While ONGC has been present for some time in Myanmar, the company is set to begin its operations in Bangladesh for which it has already established an office in Dhaka. In February 2014, ONGC signed contracts for two shallow sea offshore blocks.

5.3   *Indian States and Sub-regional Cooperation*

Five Indian states namely West Bengal, Assam, Meghalaya, Tripura and Mizoram share the 4,096 km long border with Bangladesh. It is interesting to note that the erstwhile Sylhet district (now Sylhet division) of Bangladesh is so uniquely located that it borders three Indian states namely Assam, Meghalaya and Tripura. Similarly, the 1,640 km India-Myanmar has the Indian states of Mizoram, Manipur, Nagaland and Arunachal Pradesh bordering Myanmar. The eastern frontier of India has two tri-junctions, Arunachal Pradesh-Myanmar-China in the north and Mizoram-Bangladesh-Myanmar in the south. If IBM-SRC takes off, all these frontier states of India will stand to benefit.

Some Indian states are already sensitive and enthusiastic about trans-border economic cooperation and connectivity. Tripura is a good example as it realises that its economic destiny is linked to Bangladesh.[11] It is no wonder that Mr. Manik Sarkar,

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understanding and goodwill between India and Bangladesh by bringing to closure a long pending issue. This paves the way for the economic development of this part of the Bay of Bengal, which will be beneficial to both countries."

[10] Press Statement by Bangladesh Ministry of Foreign Affairs, Dhaka, 08 July 2014.

[11] Subir Bhaumik, "The Agartala Doctrine", *Tripura Infoway*, 09 July, 2014.

Tripura Chief Minister has been so eager to supply power from the Palatana Power Plant to Bangladesh, fully aware that without Bangladesh's support the power plant wouldn't have been built. It may not be an exaggeration to say that Tripura has been pushing the envelope on India-Bangladesh relations as the geographical isolation of the state can be mitigated through better connectivity with Bangladesh. No wonder there is already talk of an Agartala Doctrine of bordering states taking initiative on regional cooperation and connectivity.

Another good example is shown by Mizoram. The World Bank has agreed to provide a credit of US$ 107 million to India to establish the road linkage among India, Bangladesh and Myanmar.[12] An agreement was signed involving Government of India, the State Government of Mizoram and the World Bank on 30 August for the proposed Mizoram State Roads II — Regional Transport Connectivity Project. The link to the border with Myanmar will facilitate connectivity with that country and the rest of East Asia and beyond. The impact on trade and employment will be felt at two levels — intra-state and between Mizoram and neighbouring states and countries, namely Bangladesh and Myanmar. According to Nilaya Mitash, Joint Secretary, Department of Economic Affairs, Government of India, "the project will enhance Mizoram's connectivity with Bangladesh and Myanmar and also facilitate trade". Onno Ruhl, World Bank's India Country Director says, "Being strategically located between Myanmar and Bangladesh, a better connected Mizoram can open up huge trade potential for the entire north-eastern region of India with South and East Asian countries. These countries will be able to export and import goods cheaper and faster. Consumers will also benefit from better pricing and choices."[13] The project will fund 91 km of roads that are design-ready. Roads that will be widened or strengthened include a 22-km section of Lunglei-Tlabung-Kawrpuichhuah road on the border with Bangladesh, the 27.5-km Champhai-Zokhawthar road on the border with Myanmar, and the 41.7-km Chhumkhum-Chawngte North-South alignment connecting the border roads with Bangladesh to the west and Myanmar to the south. Several initiatives are also afoot in strengthening connectivity between Manipur and Myanmar with the State Government of Manipur announcing plans for an Imphal-Mandalay bus service.

6.   Time is Ripe for IBM-SRC

In addition to the above examples abound of trans-border cooperation in recent years which can lay the ground for sub-regional cooperation, the following can also be considered:

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[12] World Bank Press Release, 28 August 2014, New Delhi.
[13] World Bank Press Release, "$107 Million World Bank Project to Connect Mizoram with Bangladesh and Myanmar via Roads", 12 June 2014.

The Behrampur-Bheramara Grid Interconnection and HVDC Substation is a shining example of what can be achieved. 500 MW of electricity has started flowing into India. The whole project was conceptualised and implemented in about three years. Already there is agreement by both sides to increase the capacity to 1000 MW. An India-Bangladesh grid connection is also being established in eastern Bangladesh to obtain 100 MW of power from the Palatana power plant in Tripura. The India-Bangladesh Joint Technical Team (JTT) on power connectivity have recommended work on some more interconnections which will allow power being developed in India's North East (NE) to flow into Bangladesh and thereafter can be possibly evacuated to other parts of India. Bangladesh has agreed to allow evacuation of power from NE India's upcoming hydro power stations through its territory with several tapping points for supply for power to Bangladesh. Work now needs to progress on these connections. India and Bangladesh are conducting a feasibility study for building a pipeline from Siliguri in India to Parbatipur in Bangladesh to transport gasoil (High Speed Diesel). The source of gasoil will be the Numaligarh Refinery in Assam. Supplying gasoil to Bangladesh is part of NRL's expansion plans. Initiative has been taken on the India-Bhutan-Bangladesh sub-regional cooperation on water and power. First meeting has already been held in April 2013.

India-Bangladesh-Bhutan sub-regional cooperation in transit and connectivity is also being worked out. India has given duty-free quota-free access to all but 25 Bangladesh tariff items. Concerted efforts are now on to reduce other barriers to trade. Bangladesh exports to India showing increasing trend particularly in readymade garments (RMGs) which is Bangladesh's main export item.

There are no shipping links between India-Bangladesh-Myanmar. Both India and Bangladesh and Bangladesh and Myanmar are negotiating bilateral coastal shipping agreements. These could also be taken up in a trilateral framework. Ships can ply between ports on India's eastern seaboard to Bangladeshi ports of Mongla and Chittagong and onward to Myanmar. The port at Sittwe can be used for this purpose. The Kaladan Multi-Modal Transit Transport Project envisages connectivity between Indian ports on the eastern sea coast and Sittwe port in Myanmar and then through riverine transport and by road to Mizoram. Work is at an advanced stage of completion. India is to build a modern inland river port at Ashuganj on the river Meghna. This could be used by River Sea Vessels (RSVs) from Myanmar.

Comprehensive energy cooperation includes the flagship MBI Pipeline Project. Myanmar is rich in gas, thermal and hydro-energy. India-Bangladesh electricity trade has already commenced. There is need for gas in Bangladesh. The domestic gas reserves have been steadily depleting. For example as late as 2009-10, the share of gas for electricity generation was 89 per cent while the share of oil and coal was 5 per cent and 3.5 per cent respectively. With gas reserve decreasing and gas supply unable to keep pace with increasing demand, the government adopted a

rescue strategy by increasing the share of costly imported oil to fuel the power plants. Thus, the share of oil (mostly diesel and furnace oil) in power generation jumped to 21 per cent in 2013 from 5 per cent in 2010. The oil import bill increased from Tk.16, 789 crore in 2009-10 to Tk. 38,036 crore in 2011-12. The economic fallout of using such costly oil has been enormous. In Myanmar as well there has been a flurry of activities with regard to onshore and offshore blocks. Although it is understood that all gas available at the moment is committed, there are exciting developments with regard to new explorations and discoveries. Now is the time to move on a new initiative for a Myanmar-Bangladesh-India gas pipeline. Both Bangladesh and India need gas and Myanmar is likely to have surplus. The concerns of the past with regard to India-Bangladesh bilateral issues have been addressed.

The ground is fertile for sub-regional cooperation in the energy sector. With both Myanmar and Bangladesh going in for offshore exploration and production, gas availability in the region is bound to increase in the coming years. Now is the time to put in place an acceptable framework for establishing a trans-national pipeline. Since 2005 there have been significant discoveries of gas in Tripura. India and Bangladesh cooperated in the setting up of a gas based power plant in Palatana, Tripura which has become functional. ONGC is now setting up a gas based urea plant in Tripura. There could be possibilities in the future of the need to evacuate surplus gas from Tripura to other parts of India. The MBI pipeline can fulfill this need. India's Energy Policy seeks to diversify its energy sources. In this context India has been negotiating several trans-national pipeline projects namely TAPI (Turkmenistan-Afghanistan-Pakistan-India) and IPI (Iran-Pakistan-India) as well as the MBI pipelines. Among the three cross-border pipelines that India has been considering, the Myanmar-Bangladesh-India (MBI) pipeline is least prone to security risks. A comparative analysis of the existing pipeline project proposals in South Asia goes to show that the MBI project would have been a better bet for India and would have ensured a more secure way of meeting India's burgeoning energy demands in an economically viable manner, with minimal external pressure and security concerns.

Regarding connectivity under BCIM, already discussions are on for the Kunming to Kolkata Highway (K2K). Other roads connecting Myanmar, Bangladesh and India through both the northern and southern routes need to be considered. Maritime Cooperation in the Bay of Bengal, Trans Asian Rail Network, Asian Highway Network and flight connectivity is still limited. After many years, direct Dhaka-Yangon flights have resumed. There is also a Kolkata-Yangon air connection. Imphal-Mandalay flight connection has also started. The transit regime has to be simple and flexible. It needs to be kept in mind that transporters will use a facility only when it is economically viable. A truck from India to Myanmar will use Bangladesh territory only if the costs are lower than the alternative routes.

Security cooperation is also needed. Insurgents and terrorists find safe havens in each other's countries. A large part of our contiguous areas, near the tri-junction are hilly and forested. Cooperation between our border guarding forces will work to our mutual benefit. Bangladesh has concerns regarding the drug Phensedyl coming from India and Yaba coming from Myanmar. India has concerns on opiates coming into India from Myanmar. This is an area where trilateral cooperation amongst the three countries can result in benefits for all and is a low hanging fruit to pluck. Coordination on the Rohingya issue, cooperation in tourism, education, culture meet, cross-border public health challenges, people-to-people contact, liberal visa regimes, visa on arrival for tourists are also issues to be considered.

7.   Conclusion

Considering existing bilateral cooperation between India and Bangladesh, Bangladesh and Myanmar and India and Myanmar, this is the most appropriate time to advance the concept of IBM sub-regional cooperation. Not only energy and trade, but also physical connectivity, security, education, culture and people-to-people contact are important grounds for enhancing such sub-regional cooperation. To energise the cooperation, both Track I and Track II initiatives are required. On Track I, a positive development in India is the creation of the new Division in the Indian Ministry of External Affairs called the Bangladesh Myanmar Division in end 2013. This Division is now well placed not only to further the respective bilateral relationships but also be in the right position to promote sub-regional cooperation amongst these three countries. Track II dialogue on this subject needs to be initiated. IBM-SRC will succeed if initiatives come from Myanmar and Bangladesh.

ANNEX

Framework Agreement on Cooperation for Development between India and Bangladesh

The Republic of India (hereinafter Government of India) and the Government of the People's Republic of Bangladesh (hereinafter Government of Bangladesh)

RECALLING the two countries' shared bonds of history, culture and common values;

DESIRIOUS of living in peace and harmony with each other and fostering good neighbourly relations based on sovereign equality, non-interference in each other's internal affairs, and mutual respect and mutual benefit;

INSPIRED by an abiding faith in and total commitment to democracy, development, pluralism and peaceful co-existence;

REITERATING their common objective of eradicating poverty, hunger, illiteracy and disease and promoting social justice and inclusive growth with a view to enabling their peoples to realize their potential to the full;

DESIROUS of promoting trans-border cooperation in the management of shared water resources, hydropower potentials and eco-systems and in the areas of connectivity and trade and economic cooperation;

CONVINCED that cooperation at the bilateral, sub-regional and regional levels will accelerate development and enable the two countries to realise their developmental aspirations, shared destiny and common vision of a peaceful and prosperous South Asia;

HAVE AGREED as under:

ARTICLE 1

To promote trade, investment and economic cooperation, which is balanced, sustainable and builds prosperity in both countries. Both Parties shall take steps to narrow trade imbalances, remove progressively tariff and non-tariff barriers and facilitate trade, by road, rail, inland waterways, air and shipping. Both Parties will encourage the development of appropriate infrastructure, use of sea ports, multi-modal transportation and standardization of means of transport for bilateral as well as sub-regional use.

ARTICLE 2

To enhance cooperation in sharing of the waters of common rivers, both Parties will explore the possibilities of common basin management of common rivers for mutual benefit. The Parties will cooperate in flood forecasting and control. They will cooperate and provide necessary assistance to each other to enhance navigability and accessibility of river routes and ports.

ARTICLE 3

To develop mechanisms for technical cooperation and exchange of advance information with respect to natural disasters. The Parties shall also promote training and capacity building initiatives and cooperation between respective disaster management authorities, with a view to upgrading response mechanism.

ARTICLE 4

To establish arrangements for cooperation in generation, transmission, and distribution of electricity, including electricity from renewable or other sources. The Parties also agree to use power grid connectivity to promote power exchanges to mutual economic advantage.

ARTICLE 5

To promote scientific, educational, cultural and people to people exchanges and cooperation between the two countries. These shall be implemented through programmes and joint initiatives in areas such as agriculture, education and culture, health, tourism, sports, science & technology and any other area that the Parties may agree. The Parties shall cooperate by means of exchange of data, scientific knowledge, collaborative research, training, common programmes and in any other manner as may be agreed between the two Parties.

ARTICLE 6

To develop and implement programmes for environmental protection and responding to the challenges of climate change through adaptation. The Parties shall collaborate on projects of mutual interest to preserve common eco-systems and, as far as practicable, coordinate their response in international fora.

ARTICLE 7

To harness the advantages of sub-regional cooperation in the power sector, water resources management, physical connectivity, environment and sustainable development for mutual advantage, including jointly developing and financing projects.

ARTICLE 8

To cooperate closely on issues relating to their national interests. Both parties shall work together to create a peaceful environment conducive for inclusive economic growth and development.

ARTICLE 9

To cooperate on security issues of concern to each other while fully respecting each other's sovereignty. Neither party shall allow the use of its territory for activities harmful to the other.

ARTICLE 10

To establish a Joint Consultative Commission for effective and smooth implementation of this Agreement that shall meet once a year.

ARTICLE 11

The Agreement may be amended by mutual consent in order to enhance, deepen and widen the scope of cooperation, including regional / sub-regional expansion.

ARTICLE 12

This Agreement shall come into force on the date of its signing by the two Parties and shall remain in force until terminated by mutual consent in accordance with Para 2 of this Article.

Either Party may seek termination of this Agreement by giving a written notice to the other Party providing the reasons for seeking such termination. Before this Agreement is terminated, the Parties shall consider the relevant circumstances and hold consultations to address the reasons cited by the Party seeking termination in the Joint Consultative Commission.

Actions taken or agreements reached pursuant to this Agreement shall not be affected by its expiry or termination.

Done in Dhaka on the Sixth day of September, 2011, in two originals in English Language.

biiss Journal

Amit Ranjan

WATER CONFLICTS IN SOUTH ASIA: INDIA'S TRANSBOUNDARY RIVER WATER CONFLICTS WITH PAKISTAN, BANGLADESH AND NEPAL

Abstract

Water conflict in South Asia is one of the critical challenges for the region. The unitary irrigation system constructed since Mughal period was divided in 1947, when the sub-continent was partitioned into India and Pakistan. Not enthusiastic to break the then existing hydrological, railway and port systems, Sir Cyril Radcliffe took 'other factors' also into consideration and not only religion as a sole determinant to partition the sub-continent. Despite his efforts, the water bodies were divided between the two arch enemies. Soon after the partition, the conflicts over shared water bodies started and have been graduated over the decades. The political animosities among the South Asian neighbours have inflamed the water conflicts further. As a result, arrangements, agreements and treaties seeking cooperation over shared water resources have failed to address water related grievances of each country. One common allegation the neighbouring countries have is that India exploits their resources for its own use. This allegation helps the radical elements from those countries to espouse the causes and raise the cries of water nationalism. Not only in those countries, the feeling of 'sovereign' rivers is also strong in India. The political tensions over water are duly aided by the growing supply-demand gap, phenomenon of climate change and predominant use of supply-side management system. Though the water conflicts are bilateral, it has regional implications. Realising this fact, in most of the regions, the regional organisations have taken steps to mitigate differences among the riparian states and have helped them to enter into a cooperative arrangement. In South Asia, this is difficult to attain because the South Asia Association for Regional Cooperation (SAARC) is not a very effective body.

1. Introduction

Rivers flow freely, but the state-centric theories (realism, neo-realism, liberalism and neo-liberalism) have trapped them within a specific territorial boundary. This trapping of water leads to competition, disputes and conflicts among the co-riparian states. To address any such conflicts and promote cooperation among the riparian states, the first step is to promote 'deterritorialised' view of water resources, which constructivists do support.[1] As the South Asian states, like many others,

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[1] Inga M. Jacobs, *The Politics of Water in Africa: Norms, Environmental Regions and Transboundary Cooperation in the Orange-Senqu and Nile Rivers*, London and New York: Continuum, 2012, p. 41.

have conceptually transformed the 'shared' river waters into 'sovereign' river waters, consistent hostility over sharing them is a natural act. Once conflicts generate over the shared water resources, cooperation between sovereign actors is difficult (though not impossible) to attain. The difficulty multiplies in South Asia because of the level of political animosity the riparian states share with their defined others.[2] Usually, countries having cordial bilateral relationship do make calculated adjustments and do not shy away from making compromises to seek cooperation over transboundary rivers water. This does not mean that all cooperative river water arrangements are results of mutual cooperation between or among the riparian states. They are not. Quite often, politically and militarily weaker riparian states are being compelled to enter into a cooperative arrangement by the powerful riparian or the rival co-riparian states because of mediation by powerful international actor(s). This leads to a situation where though treaties are there to cooperate, conflicts remain intact.[3] In this paper, an attempt is being made to address the following research questions. How did the water conflicts in South Asia begin? Why are India's neighbouring countries engaged in water conflicts with it? Why did the South Asia's regional organisation fail to address or even discuss these conflicts?

This paper is divided into five sections including introduction and conclusion. In section 2, the partition of hydrological constructions in 1947 and the political and physical reasons for the conflicts have been discussed. In section 3, India's water conflicts with Pakistan, Bangladesh and Nepal have been explained. The reasons for why the treaties to manage the bilateral conflicts with India have not succeeded and why the conflicts still exist have also been focused upon. The author has discussed interaction among the states so the rivers talked about are 'sovereign' and not free flowing 'deterritorialised' rivers. Lastly, minimal cooperation among the South Asian states have been considered, and linked as a reason for continuation of water conflicts in the region. Section 5 ends with a conclusion.

2.   Water Conflicts in South Asia

Water conflicts among South Asian states have their genesis in religion based partition[4] of India in 1947. But while demarcating border between India and

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[2] In South Asia, the idea of nationalism is based on the imagination of fear and hatred from the 'other'. India and Pakistan constructed and defined their 'other' in 1947, since then as their relationship has not substantially changed, so has their perception about each other. The partition of India was demanded because of differences between two groups of people. But, in 1947 the communal differences turned into communal hatred, due to partition related violence committed by people from both communities on the others. The feeling still exists, and is a reason for intermittent political cum military tensions between the two nuclear rivals. On the basis of this mutual hatred their idea of nationalism is being defined and constructed. In 1971, Bangladesh came into existence and defined its 'other'. Though Nepal is not a part of partition related memories, it has other reasons like size or power asymmetry etc. to remain in fear. In these countries, this fear unites the people sharing different primordial identities and engages in constant violence against each other.

[3] Amit Ranjan, "India-China Water Disputes", *Journal of Asian Politics and History,* No. 5, 2014, pp. 11-26.

[4] One of the major reasons for partition was the perception that Hindus and Muslims belong to two different nations, so they cannot live together. This perception has its beginning in writings and speeches

Pakistan (including present Bangladesh), "other factors" like water canals, railway communication lines etc. too were taken into consideration by the head of Boundary Commission (BC) Sir Cyril Radcliffe. It became an important denominator after Sikh legislators, realising the fact that strictly communal based division would go against their economic interests, urged to consider 'other factors' too. They pointed out their economic interests and contribution to the economy of the Lahore and Jullundur divisions, and the Montgomery and Lyallpur districts, where the Sikhs were on unassailable ground.[5] If Radcliffe would have taken their line, Lahore would have been included in India, but it did not happen. The BC took into consideration 'other factors' because Radcliffe wanted little disturbance to a well integrated hydrological system, railways and ports. In many cases, the BC discussed canals, canal head work roads, railways and ports before turning to population factors.[6] In some cases explicitly stated in his award, Radcliffe gave these considerations more importance than what he gave to the determinants of contiguous religious minorities.[7] For instance, to preserve the unity of Sutlej Valley Project, Ferozepur district was awarded to India, entirely in consideration of 'other factors'.[8] Muhammad Munir, one of the judges representing Muslim League, independently recalled that "the preservation of the present (1947) irrigation system was an obsession with Sir Cyril".[9] He expected India and Pakistan to come to an arrangement over canal waters themselves, after partition. "I think it is only right to express the hope", he wrote in his final report to the Viceroy on his boundary award, "that where the drawing of a boundary line cannot avoid disrupting such unitary services as canal irrigation, railways and electric power transmission, a solution may be found by agreement between the two states for some joint control of what has hitherto been a valuable common service."[10] In the final award, rivers were divided and at some places in Bengal, turned into a demarcating line between the two sovereign countries. Though in Punjab, flow of the rivers helped in partition, Radcliffe was careful to specify that the relevant administrative boundaries, not the course of Ujh, Sutlej or the Ravi, constituted the new international boundary.[11] He tried to make the hydrological complexity clear in Bhawalpur and Montgomery districts but the

of Sir Syed Ahmed Khan in the twentieth century. Hindu Mahasabha leader Veer Savarkar too evoked similar sentiments through his writings. There were many reasons for the emergence of such feeling. See, B. R. Ambedkar, *Pakistan or Partition of India,* Bombay: Thacker and Company Limited Rampart Row, 1945; Mushirul Hasan (ed.), *Gender, Politics and the Partition of India*, New Delhi: Oxford University Press, 2000; Kaushik Roy (ed.), *Partition of India: Why 1947?*, New Delhi: Oxford University Press, 2012; Yasmin Khan, *The Great Partition: The Making of India and Pakistan,* New Delhi: Penguin India, 2013.

[5] Alloys Arthur Michel, *The Indus Rivers: A Study of the Effects of Partition,* New Haven and London: Yale University Press, 1967, p. 173.

[6] Lucy P. Chester, *Borders and Conflicts in South Asia: The Radcliffe Boundary Committee and Partition of Punjab*, Manchester: Manchester University Press, 2009, p. 80.

[7] *Ibid.*

[8] Alloys Arthur Michel, *op. cit*., p. 178.

[9] Lucy P. Chester, *op. cit*.

[10] Cited in Daniel Haines, "Disputed Rivers: Sovereignty, Territory and State-Making in South Asia, 1948-1951", *Geopolitics*, Vol. 19, No. 3, 2014, pp. 632-655.

[11] Lucy P. Chester, "The 1947 Partition: Drawing the Indo-Pakistani Boundary", available at http://www.unc.edu/depts/diplomat/archives roll/2002 01-03/chester partition/ chester partition.html, accessed on 18 December 2014.

actual delimitation at Suleinmanke resulted from armed clashes between India and Pakistani forces, leaving part of the upstream training works on the left bank in Indian hands, rather than from the logic laid down by Radcliffe.[12]

In Bengal, the "other factors" made Radcliffe to recommend the transfer of almost 6000 square miles from East to West Bengal, and the districts of Murshidabad, Nadia, Jessore, Malda and Dinajpur were accordingly demarcated. The loss, thus, made was compensated by assigning the sparsely populated district of Chittagong Hill Tracts (CHT) with a Buddhist majority to East Pakistan.[13] This demonstrates a similar concern with maintaining "railway communications and river systems", as well as preserving the relationship of the Nadia and Kulti river systems with the port of Calcutta (now Kolkata).[14]

After the two sovereign countries – India and Pakistan - came into existence, their border problems aggravated, instead of settling down, because of irredentist and anti-irredentist factors.[15] To settle down the border disputes in the last sixty eight years, India and Pakistan have fought three total wars, one limited war and engaged in number of political-cum-military tensions. In 1971, East Pakistan was liberated and Bangladesh came into existence. It was then thought that India-Bangladesh disputes would be resolved, but it did not happen. Over the years, many tensions have emerged between India and Bangladesh. These inter-state political animosities have implications on transboundary rivers and influence the respective state's decisions over water sharing from common rivers. As a result, water conflicts in South Asia brew intermittently. Apart from this, the following can be counted as reasons for water conflicts in South Asia.

2.1   *Water Stress*

'Water stress'[16] leads to human insecurity and underdevelopment. In South Asia, 1.3 billion people depend on a few river systems for their water needs.[17] Due to

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[12] Alloys Arthur Michel, *op. cit.*, p. 177.

[13] Bidyut Chakrabarty, *The Partition of Bengal and Assam, 1932-1947: Contour of Freedom,* London: Routledge Curzon, 2004, p. 168.

[14] Lucy P. Chester, *op. cit*.

[15] India, Pakistan and Bangladesh are engaged in border disputes since 1947. Kashmir issue is mother of all land boundary related disputes between India and Pakistan. Kashmir is not only a territory but also considered to be an ideological symbol which the two countries claim to represent. After 1971, when Bangladesh was liberated, India and Bangladesh tried to settle down their border disputes but have not yet succeeded.

[16] A term used by Malin Falkenmark who developed Water Stress Index (WSI), which is calculated by dividing the volume of available freshwater resources in a country with population. By factoring in water requirements for food self-sufficiency, the index treated the countries with 1,666 cubic metres of water per capita or less were said to be chronically water stressed. Countries with less than 1,000 cubic metres of water per capita were said to be chronically water stressed, or in a state of water scarcity. Mallin Fallkenmark, "Global Water Issues Confronting Humanity," *Journal of Peace Research*, Vol. 27, No. 2, May 1990, pp.177-190.

[17] S. Ayub Qutub and Umesh Parajuli, *Water Conflicts in South Asia: Managing Water Resource Disputes Within and Between Countries of the Region,* Project Implemented by Global Environment and Energy in the 21st Century (GEE-21) and the School of Advanced International Studies, Johns Hopkins University (SAIS), Sponsored by the Carnegie Corporation of New York, 2004.

increasing population and phenomenon of climate change, annual water availability in South Asia has plummeted by nearly 70 per cent, since 1950. It has reached from around 21,000 cubic metres in 1960s to approximately 8000 cubic metres in 2005.[18] By 2025, it is being estimated that the combined population of four largest countries - India, Pakistan, China and Bangladesh - depending upon South Asian rivers is going to be about 3.470 billion.[19] If the present water patterns continue, the region could face 'widespread water scarcity' (that is per capita water availability under 1,000 cubic metres) by 2025.[20] At present, per capita water availability in India is 1,631 cubic metre, in Pakistan it is 1000 cubic metre, in Nepal it is 8,500 and Bangladesh it is 7320. By 2030, according to this report it would be 1,240 cubic metre for India, 877 cubic metre for Pakistan (by 2020), 5,500 cubic metre for Nepal and 5,700 for Bangladesh.[21]

2.2   *Floods and Droughts*

The phenomenon of climate change is also adding to water woes in South Asia. According to a 2008 International Panel on Climate Change (IPCC) report, "On an average Asian glaciers are melting at a rate that has been constant since the 1960." Retreating glaciers and changing snow-melt patterns related to climate change will impact regional water issue.[22] Due to climate change, floods and droughts are being experienced by the same region, at different period of time. Both create tensions among the riparian states. To secure its own interests the upper riparian state releases the non-wanted non-seasonal rain water to the lower riparian states, and during summer time it stops releasing the required amount of water to them. In South Asia, almost all countries accuse their upper riparian state about practicing such water behaviour.

2.3   *Political Construction of Conflicts*

Many times, at many places, for different reasons water stress or water scarcity is being 'constructed' by various stakeholders to stop any form of cooperation among the riparian states. As water issues are related with 'other' differences among the South Asian riparian states, it becomes easy to inflame conflicts over transboundary rivers. This does not mean that conflicts do not exists or the above-mentioned processes are not taking place; rather such things are happening but not as they are being narrated and projected. The rise of 'water nationalism'[23] makes any opportunity of cooperation

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[18] Michael Kugelman, "Safeguarding South Asia's Water Security", *Seminar*, Issue 626, October 2011, pp. 15-22.
[19] Robert G. Wirsing, Daniel C. Stoll and Christopher Jasparro, *International Conflict over Water Resources in Himalayan Asia,* New York: Palgrave MacMillan, 2013, p. 16.
[20] As cited in Michael Kugelman, *op. cit*.
[21] "Himalayan Challenge: Water Security in Emerging Asia", available at www.strategicforesight.com, accessed on 22 January 2012; "Population Growth will Reduce Water Availability", *Xinhua*, 28 June 2010.
[22] Robert G. Wirsing, Daniel C. Stoll and Christopher Jasparro, *op. cit*., p. 25.
[23] See Jayanta Bandhopadhyay, "Water System Management in South Asia", *Economic and Political Weekly,* Vol. 42 (10), 10-16 March 2007, pp. 863-873.

between the riparian states difficult. The rise of water nationalism in India calls for cancellation of its treaty with Pakistan, while in Pakistan the ideologically similar group calls for carrying out 'water jihad' against India. This phenomenon is present also in India-Bangladesh and India-Nepal water relations.

2.4   *Predominant Supply-Side Management*

Since the colonial days, South Asian water bureaucracy has relied more on supply-side management of water resources, instead of demand-side. This predominance of technical, supply-side orientation in the centralised institutions entrusted with water management, often with an unabashed urban bias has ruinous social or economic consequences.[24] The structures for supply-side management of river water resources cause conflict between riparian states.

Besides these four, the reasons mentioned by the Human Development Report in its 2006 report titled *Beyond Scarcity* too apply to South Asia.[25]

2.5   *Competing Claims and Perceived National Sovereignty Imperatives*

Many countries remain deeply divided in the way they view shared water. India sees the flow of the Brahmaputra and Ganges rivers as a national resource. Bangladesh sees the same water as a resource that it has claim to on the grounds of prior use patterns and needs. The differences are more than doctrinal. They relate directly to claims that both countries see as legitimate and necessary to their national development strategies.

2.6   *Weak Political Leadership*

Political leaders are accountable to domestic constituencies, not to basin-sharing communities and the governments that represent them. In countries where water features prominently on the political agenda, domestic factors can create disincentives for water sharing and associated benefits; more equitable water sharing might be good for human development in a basin, but it might be a vote loser at home. There are also time-horizon problems. The domestic benefits of sharing are unlikely to come on stream during the term of office of any one government. Incentives for cooperation are strengthened when leaders can see some immediate political gains.

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[24] Dipak Gyawali, "Water Beyond the State: Resolving Conflicts with Institutional Pluralism", in P. Sahadevan (ed.), *Conflicts and Peacemaking in South Asia*, New Delhi: Lancers Publication, 2002, pp. 396-416.
[25] Human Development Report, *Beyond Scarcity: Power, Poverty and the Global Water Crisis*, New York: UNDP, 2006, p. 223.

2.7   *Asymmetries of Power*

Rivers flow through countries marked by large disparities in wealth, power and negotiating capacity. It would be unrealistic to assume that these disparities do not shape the willingness to cooperate, negotiate and share benefits. There is also stark asymmetry across many shared water sources, in some cases with one overwhelmingly dominant actor: Egypt in the Nile Basin, India in the Ganges catchment area, Israel on the Jordan River, South Africa in the Incomti Basin and Turkey in the Tigris-Euphrates watershed. Unequal power relationships can have the effect of undermining trust. The weak countries allege their powerful neighbour of bullying them to enter into water cooperation arrangement favouring the latter.

2.8   *Non-participation in Basin Initiatives*

Perceptions of the benefits of participating in multilateral basin wide initiatives are influenced by membership. That China is not a party to the Mekong River Commission is seen by some parties as a source of potential weakness of the Commission. Downstream countries such as Cambodia and Vietnam see upstream dams constructed by China as a threat to the "flood pulse" of the river and the livelihoods it sustains. The Mekong Commission is not useful forum for negotiating on the problem because of China's absence. The idea of basin is absent in South Asia. The countries feel that they are the sole owners of the shared rivers.

3.   Bilateral Water Conflicts

As India shares its border with all South Asian countries[26], most of them are engaged in water conflicts with India. India is an upper riparian to Pakistan and Bangladesh while a lower riparian to Nepal. The topographical location does not determine the pitch of conflicts; the allegations remain same because of power asymmetry. Primarily, the South Asian countries are highly dependent on agriculture economy, so, often conflicts on common river waters take centre stage. In the past, treaties have been signed to manage their conflicts, discussions have taken place, yet most of the conflicts erupt or remain unaddressed. As mentioned above, their bilateral relationship may not be the only reason for it, but it acts as a catalyst to the water conflicts.

3.1   *Water Conflicts between India and Pakistan*

The territorial division of British India lay at the heart of the Indus water dispute. The international border that the British drew down in the middle of Punjab province between India and Pakistan cut the Indus basin into two, leaving much

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[26] This includes land and maritime boundary.

greater potential to control water flow in the hands of India, the upstream country.[27] It also destroyed the unitary canal system, whose foundation was laid during the Mughal period (1526-1857), and developed by the British since 1880.

Soon after the partition of India in 1947, the water conflicts between Indian Punjab and Pakistan side of Punjab started. Ad hoc arrangement was made to resolve the conflicts but problem of water sharing re-emerged after the end of that period. Availability of water was cited as a reason but also violence witnessed during the partition-related genocide committed by people from both sides of the border had generated hatred towards each other. This mutual hatred failed the arrangements to share river water, and was also a reason for any sort of cooperation over shared rivers.[28] To continue hydrological supply, the representatives of India and Pakistan met in Delhi on 04 May 1948 and signed an agreement to share water. According to it, Pakistan agreed to pay seigniorage charges to India.[29] This agreement came into a trouble because it could not be recognised and registered. As India and Pakistan were members of the Commonwealth, they were not a 'foreign' territory to each other. This problem was solved by the United Nations (UN) which has recognised both of them as separate countries, thus 'foreign' to each other. In May 1950, the UN duly registered not only 04 May agreement on canal water, but also several India-Pakistan agreements dating between 1948 and 1950 on monetary arrangements, banking and foreign exchange transactions.[30]

The arrangements made in 1948 could not resolve their water conflicts, and rift between them began to develop. In 1951, David Lilienthal, former chairman of Tennessee Valley Authority and the United States Atomic Energy Commission, visited the Indus catchment areas and wrote an article in American magazine *Colliers*. In that, one of his suggestions was that the basin be treated, developed and exploited as a single unit.[31] As obvious, this was rejected by both countries. But it made Eugene Black, the then President of the World Bank, to offer help of the World Bank to resolve their water conflict. India, reluctantly, but Pakistan, enthusiastically, accepted the proposal, and the process towards the signing of the Indus Water Treaty began.[32] After eight years of talks, Indus Water Treaty (IWT) was signed between the two countries on 20 September 1960 at Karachi.[33]

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[27] Daniel Haines, "Disputed Rivers: Sovereignty, Territory and State-Making in South Asia, 1948-1951", *Geopolitics,* Vol. 19, No. 3, 2014, pp. 632-655.

[28] Chaudhary Muhammad Ali, *The Emergence of Pakistan*, New York: Columbia University Press, 1967.

[29] Daniel Haines, *op. cit.*

[30] *Ibid.*

[31] M. A Salman and Kishor Uprety, *Conflicts and Cooperation on South Asia's International Rivers: A Legal Perspective,* Washington D.C.: The World Bank, 2002.

[32] *Ibid.*

[33] N. D. Gulhati, *Indus Water Treaty*, New Delhi: Allied Publishers, 1973.

The treaty allocates the three western rivers to Pakistan - Indus, Jhelum and Chenab plus Kabul - barring some limited uses for India in Jammu and Kashmir (J&K).[34] India got the entire waters from three rivers (Ravi, Beas and Sutlej), less some minor irrigation uses for Pakistan from four *nullahs* that joins the river Ravi.[35] India was also permitted to develop additional irrigation of 1.34 million acres in J&K against which only 642,477 acres have been achieved so far, leaving a balance of over half a million acres. Further, India is allowed 3.60 million acre feet (MAF) of storage (0.40 MAF on the Indus, 1.50 MAF on the Jhelum and 1.70 MAF on the Chenab). Sector wise allocation was 2.85 MAF for conservation storage (divided into 1.25 MAF for "general storage" and 1.60 for "power storage") and an additional 0.75 MAF for "flood storage".[36] India got 3 MAF water for additional use while Pakistan got altogether 35 MAF.[37]

In the final reckoning, Pakistan got 80 per cent of the Indus, and India 20 per cent. India has limited rights on the western rivers and cannot undertake projects on those rivers without providing all the details to Pakistan and dealing with Pakistan's objections. Why did India put itself in that position?[38] The answer is that if Pakistan got the near exclusive allocation of the three western rivers, India for its part got the eastern rivers. This was important from the point of view of the Indian negotiators, because the water needs of Punjab and Rajasthan weighed heavily with them in seeking an adequate allocation of Indus waters for India.[39]

Despite having such a treaty, the two countries have engaged in a number of water-related conflicts. Pakistan accuses India for diverting the rivers allocated to it by constructing multi-purpose projects in Indian side of J&K. India opposes this and cites the treaty which gives it right to construct run-of-the-river projects over those rivers. The IWT mandates broad Pakistani approval for Indian works on the western rivers in J&K, which has led to considerable delays in progressing Sallal, Uri, Dul Hasti, and Baglihar,[40] all run-of-the-river hydel schemes with diurnal peaking "pondage" to drive the turbines, but no "storage".[41] In 2007, the design objections to Baglihar, finally cleared.[42] Due to improved political relations, in 2010, Pakistan gave green signal to India's project – Uri-II and Chutak (run-of-the-river project on river Suru, tributary of

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[34] B. G. Verghese, "From Indus I to Indus-II", *Journal of Peace Studies,* New Delhi, Vol. 13, Issue 1, January -March 2006, pp. 9-20.

[35] Ramaswamy R. Iyer, "Indus Treaty: A Different View" *Economic and Political Weekly*, 15 July, 2005, pp. 3140-3144.

[36] Ministry of Water Resources, Government of India, *Indus Water Treaty 1960,* New Delhi, available at www.mowr.gov.in, accessed on 20 July 2011; B. G. Verghese, *op. cit.*

[37] "Conclusion of the Treaty", *The Hindu,* 21 September 1960.

[38] Ramaswamy R. Iyer, *op. cit*.

[39] *Ibid.*

[40] Salal, Dul Hasti and Baglihar are on river Chenab, Uri on Jhelum, Dul Hasti while Kishan Ganga and Baglihar are on river Jhelum. These projects are run-of-the–river dam multipurpose projects. Technically, according to the treaty India can build dams over them. Pakistan fears that these projects can tap their share of water and help it to regulate Pakistan's agriculture based economy.

[41] B. G. Verghese, "Do Pakistan's Claim over the Indus hold Water?", *Indian Express*, 12 March 2010.

[42] *Ibid.*

river Indus, in Kargil). Both governments also concurred that Baglihar dispute had been definitively resolved.[43] But the impasse over Kishanjanga project is still maintained. In 2010, the legality of project was challenged by Pakistan in the Court of Arbitration.

Pakistan alleges that through these projects India regulates the cross border waters. Writing in *Times of India* dated 17 May 2010, former cabinet minister, Sherry Rehman, blames both India and Pakistan for the IWT crisis. She wrote, "India can technically remain right side of the IWT, if it builds hydropower dams on the rivers Chenab and Jhelum, but it is not allowed to use storage, timing to render downstream farmers destitute, nor to divert tributaries as indicated by the Kishanjanga plan."[44] She even blames Pakistan for wasting 35 per cent of allocated Indus River System (IRS) water due to mismanagement. Professor John Briscoe claims that the dams India is building will give it "the ability to choke off water if it wanted to pressure its neighbour." He has suggested that India should provide water flow data to Pakistan. He has also warned Pakistan against the heated rhetoric on water issue and slipping the issue in the hands of terrorist groups.[45] Briscoe's claim may be correct but it cannot be generalised. In 2010, India allowed Pakistan to inspect several under-construction Indian hydropower projects on the western rivers. The two countries have also agreed to set up a telemetry system to measure river flows.[46]

As India and Pakistan are at constant tensions, since 1947, during times of conflict, water becomes a highly contested arena for negotiation even though it may not be a proximate cause of the conflict.[47] In 2014, there was a heavy flood in both sides of J&K. At the time of deluge, instead of cooperation the two were engaged in cross border firings. Though there is no specific provision in the IWT to mange floods, a few provisions in Article IV and Article VII etc. can be exploited for a common purpose.[48] As a norm developed due to engagements between Indus Water Commissioners from both countries, since 1989 flood related information during the monsoon season has been shared with Pakistan. But this practice too suffers due to their bilateral relationship. Continuation of such practice is possible only when the two countries have at least a working relationship. Few days before that flood, India cancelled the anxiously awaited foreign secretary level talks with Pakistan for not so convincing reasons.

Due to their bilateral relations, once again in 2015 during the annual talks between Indus Water Commissioners, a year-and-half after India started working on an 850 mw hydropower project at Drabshala village on Chenab river, Pakistan

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[43] "Differences Resolved over Baglihar, Uri-II, Chutak", *The Daily Excelsior,* 02 June 2010.

[44] Sherry Rehman, "Peace Needs Working On", *The Times of India,* 17 May 2010.

[45] John Briscoe, "Troubled Waters: Can a Bridge be Built over River Indus", *Economic and Political Weekly*, Vol. XIV, No. 50, 11-17 December, 2010, pp. 28-32.

[46] Michael Kugelman, *op. cit.*

[47] Undala Z. Alam, "Questioning the Water War Rationale", *The Geographical Journal*, Vol. 168, No. 6, December 2002, pp. 341-353.

[48] Amit Ranjan, "Flood and Related Politics", *Daily Times,* 11 September 2014.

objected the "design of the dam", and said it was not in conformity with the Indus Water Treaty of 1960. The Indian side had been asked by their Pakistan counterparts to "address" their concerns or else, they would move for "third-party arbitration".[49]

3.2   *Water Conflicts between India and Bangladesh*

Fifty-four rivers, including the three large ones, the Ganges, Brahmaputra and Meghna (GBM), are shared between India and Bangladesh. The total catchment area of the GBM river system is 1.75 million sq.kms of which Bangladesh accounts for 7 per cent, Bhutan 3 per cent, India 63 per cent, Nepal 9 per cent and Tibet (China) 19 per cent.[50] Of the three large river basins that are shared, the Ganges River has been the most contentious. This is also one of the most densely populated basins in the world, with a total dependent population of about 600 million, almost one-tenth of the world population.[51]

The disputes over the Ganges erupted as a result of India's decision to construct a barrage in West Bengal, known as the Farakka Barrage, about 11 miles from the borders with Bangladesh which was the then East Pakistan.[52] The decision for it was first mooted by the British engineers in the nineteenth century.[53] Before Farakka, to supply water to Calcutta (Kolkata) port, Sir Arthur Cotton suggested for construction of a barrage on the Ganges at Rajmahal in Bihar.[54] To facilitate the project, after independence in 1947, the Government of India constituted a Committee under the Chairmanship of Shri Man Singh to examine matters relating to the improvement of headwater supply of the river Hooghly. The report was submitted in October 1952. It fixed the discharge of the feeder canal from the Ganges at 20,000 cusecs.[55] In 1960, the sanctioned project was approved by the Ministry of Transport and Shipping. But it created controversy in Bihar and Uttar Pradesh because it was assumed that it would disturb the water flow in these two states.[56] Despite it, in 1971 this project was completed. The barrage is about 2,240 metres long. The feeder canal from the barrage, which is about 25 miles long, was completed in 1975 and the barrage came into operation on 21 April 1975.[57] The purpose of the barrage was to ensure that the port of Calcutta (Kolkata) situated on the lower Hoogly at a distance of 126 miles from

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[49] "Pakistan Objects to Design of Power Project on Chenab", *Indian Express,* 04 February 2015.

[50] Qazi Kholiquzzaman Ahmad, "India-Bangladesh Co-operation on Transboundary Rivers: Revisiting the Unrealized Opportunities and Unmitigated Challenges" in Salman Haider (ed.), *India-Bangladesh: Strengthening the Relationship*, Chandigarh: Centre for Research in Rural and Industrial Development, 2005.

[51] *Ibid.*

[52] Harun Ur Rashid, *Indo-Bangladesh Relations: An Insider View*, New Delhi: Har-Anand Publications, 2002.

[53] Ramaswamy R. Iyer, "Three Waters Treaty", in P. Sahadevan, (ed.), *Conflicts and Peacemaking in South Asia*, New Delhi: Lancers Publication, 2002, pp. 365-395.

[54] Avtar Singh Bhasin, *India-Bangladesh Relations Documents-1971-2002,* Vol. II, New Delhi: Geetika Publishers, 2003, p. 625.

[55] *Ibid.*

[56] *Ibid.*

[57] M. A. Salman and Kishor Uprety, *op. cit*., p. 136.

the sea would receive, however low the flow of the Ganges may be, up to 40,000 cubic feet per second (cusecs) of water diverted from the Ganges.[58] That was contested by Bangladesh to secure its own water interests.

This project had been contested by Pakistan in 1950s and 1960s and after 1971 by Bangladesh. Pakistan tried different diplomatic channels to stop its construction. Talks between India and Pakistan over the Farakka Barrage took place, but no serious discussion or negotiations at high level were conducted. India maintained for much of the dispute that the Ganges is not an 'international river'. This claim was based on the fact that 80 per cent of the Ganges Basin area lies in India.[59] After Bangladesh came into existence in 1971, India and Bangladesh took steps to amicably address their bilateral disputes. Indo-Bangladesh Joint Rivers Commission was set up under the agreement arrived at between the Prime Ministers of India and Bangladesh.[60] But the commission failed to manage the water conflicts between the two countries.

Bangladesh used various international platforms to raise India's water hegemony. The seventh Islamic Foreign Ministers' Conference, which was held in Istanbul, Turkey, expressed its deep concern over the problem of sharing equitably the distribution of the waters of the (international) river Ganges. A joint communiqué issued at the end of four day meeting (12 May to 15 May 1976) stated that the problem arising out of India's unilateral withdrawal of Ganges waters only resulted in the aggravation of economic hardship and the retardation of the process of national reconstruction in Bangladesh, a riverine country.[61]

In Bangladesh, anti-Indian sentiment built up over the operation of Farakka Barrage. On 13 May 1976, the then High Commissioner of Bangladesh, Shamsur Rahman was told of the Government of India's regret and concern at the anti-Indian sentiment in Bangladesh over Farakka.[62] The High Commissioner was also told that the Bangladesh government has a responsibility to control such sentiments.[63] The situation became grave after Maulana Mohammad Abdul Hamid Khan Bhashani threatened to lead a march on 16 May to 'demolish' Farakka. The situation was quelled after a letter was sent by Indian Prime Minister Indira Gandhi to Maulana Bhashani.[64]

Bangladesh decided to take up its dispute with India over Farakka Barrage to the United Nations (UN) on 21 August 1976. Both sides prepared their own White Papers to respond each other in the UN.[65] Before it, in his statement, Rear Admiral Mosharraf Hossain Khan, Deputy Chief Martial Law Administrator of Bangladesh said

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[58] Avtar Singh Bhasin, *India-Bangladesh Relations Documents -1971-2002,* Volume II, *op. cit*.
[59] M. A Salman and Kishor Uprety, *op. cit*.
[60] Avtar Singh Bhasin, *op. cit*.
[61] Z. A. Khan, *Basic Documents on Farakka Conspiracy*, Dacca: Khoshroz Kitab Mahal, 1976, p. 152.
[62] Avtar Singh Bhasin, *op. cit.,* p. 667.
[63] *Ibid*.
[64] *Ibid*., pp. 668-669.
[65] Harun Ur Rashid, *op. cit*., p. 58.

that "the withdrawal of water continued even after the expiry of the stipulated time of 41 days" and added that "the observers from the Bangladesh side were not allowed to see what amount of water were being diverted at Farakka".[66] About the Bangladesh decision to raise the issue before the forthcoming session of the United Nations General Assembly Rear Admiral Khan said that the "world opinion would judge it. Bangladesh would get wide support from the fellow members of the United Nations and truth shall prevail".[67] However, Bangladesh was not able to muster enough support in favour of its resolution. Ergo, a Consensus Statement was adopted on 26 November 1976.[68]

The Consensus Statement was a sort of an embarrassment for India, and led to the signing of India-Bangladesh Water Agreement in 1977 for a period of five years. After it expired in 1982, various ad hoc arrangements were made to share the transboundary river water. In 1996, after engagements at various levels, India-Bangladesh Water Sharing Treaty was signed. This treaty was result of the then Minister for External Affairs of India, I. K. Gujral's policy of extending stretched friendly arm towards the neighbours and the role played by the then Chief Minister of West Bengal Jyoti Basu. This was the first time an agreement on the Ganges between India and Bangladesh was called a treaty; the previous agreements were called "Partial Accord," "Agreement" and "Memorandum of Understanding (MoU)". The choice of the term "Treaty" is seen as implying a stronger political commitment on the part of the signatories. Moreover, whereas the 1977 Agreement and the two MoUs of 1982 and 1985 were signed by ministers, either of irrigation or foreign affairs, the treaty was signed by the two Prime Ministers.[69] In addition, the treaty was to remain in force for a period of thirty years, and "……..shall be renewable on the basis of mutual consent".[70] This treaty addressed the two concerns – Farakka and the idea of 'augmentation'. The Indian proposal was for the augmentation of the water-short Ganges from the water-surplus Brahmaputra through a huge link canal from Jogighopa to Farakka, running right across Bangladesh. The Bangladesh proposal was for the augmentation from within the Ganges system by storing its monsoon flows behind seven high dams in Nepal. Each side had serious reservations on the other's proposal and endless discussions produced no agreement. This disagreement was addressed by the 1996 water-sharing treaty between the two countries.[71]

On the dark side, though Jyoti Basu has rejected the theory that the Indo-Bangladesh agreement on sharing of the Ganges water would be detrimental to the West Bengal's interests, he said that the treaty was not absolute. "Let us see for the first

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[66] Avtar Singh Bhasin, *op. cit.*, p. 680.
[67] *Ibid.*
[68] *Ibid.*
[69] M. A. Salman and Kishor Uprety, *op. cit.*
[70] Ramaswamy R. Iyer, *op. cit.*; Ministry of Water Resources (1996), Government of India, *Indo-Bangladesh Water Treaty,* New Delhi, available at www.mowr.gov.in, accessed on 30 June 2011.
[71] Punam Pandey, "Revisiting the Politics of Ganga Water Dispute between India and Bangladesh", *India Quarterly,* Vol. 68, No. 3, 2012, pp. 268-281.

two years….. let us see how the problem of Calcutta port is resolved".[72] This statement was taken as a critic and the Bangladesh Nationalist Party (BNP) criticised the water sharing treaty. Allegations were made about "secret clause" and "trade off". This was denied by India. The Indian External Affairs Minister I. K. Gujral, in his interview on 14 December 1996 to *Daily Star* said that there is "no secret clause" in the water accord and there has been "no trade off of any kind" between two countries.[73] Discrepancies occurred in the treaty, soon after. Since then, the Joint River Commission (JRC) has met many times to look into them.

The tensions between India and Bangladesh erupted again over sharing of water from river Teesta. The sharing is according to Article IX of the Ganges Water Sharing Treaty of 1996. In its Thirty-Second Meeting held at Dhaka on 19-20 July, JRC set up a Joint Committee of Experts (JCE) headed by the Secretaries of Water Resources of the Governments of India and Bangladesh to work out arrangements for long term/permanent sharing of the waters of common rivers between the two countries in phases. The Commission accorded priority to the sharing of the Teesta water and directed the JCE to hold its First Meeting within one month. In 2000, Bangladesh presented the draft of agreement.[74] During his visit to Bangladesh in September 2011, the then Indian Prime Minister, Dr. Manmohan Singh was all set to sign a treaty on sharing of water from the river Teesta[75] but could not because West Bengal Chief Minister Mamta Banerjee refused to release that much water to Bangladesh, while Chief Ministers from other riparian areas - Sikkim, Tripura and Meghalaya - had no problem.[76] During her visit to Bangladesh in 2014, the new External Affairs Minister of India, Sushma Swaraj too could not move ahead over the Teesta River issue. Another irritant in India-Bangladesh river dispute is over construction of 163 metres, run-of-the-river, and multi-purpose project - Tipaimukh dam over the river Barak. This project was first discussed in 1972, then in 2005 and since 2011 there is wide opposition to it in Bangladesh where it is felt that with the help of this project, India will divert water flow.[77]

3.3   *Water Conflicts between India and Nepal*

Nepal is small, but rich in water-resources, and upper riparian to all Indo-Nepalese transboundary rivers. It is estimated that these Nepalese rivers could generate up to 83,000 MW of hydroelectric power, which is more than the combined total hydroelectric power produced by the USA, Canada and Mexico.[78] To harness the hydro-power, India and Nepal have concluded various water-sharing treaties. The

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[72] Avtar Singh Bhasin, *op. cit*., p. 1108.

[73] *Ibid.*, p. 1109.

[74] *Ibid.*, p. 1222.

[75] This treaty would have raised the share of Teesta River to Bangladesh from 36 to about 50 per cent.

[76] S. Chandershekhran, "Bangladesh-India: The Teesta Mess: Way Forward", *South Asia Analysis Group*, Paper No. 4846, 08 January 2012, available at www.saag.org, accessed on 11 January 2014.

[77] *The Hindu*, 21 November 2011.

[78] Surya P. Subedi, *Dynamics of Foreign Policy and Law: A Study of Indo-Nepal Relations*, New Delhi: Oxford University Press, 2005.

public opinion in Nepal has always been very critical of Kosi (1954) and Gandak (1966) agreements. It is being maintained that as the barrages were constructed quite close to the Indian border, Nepal was unable to benefit from them. Had the projects been located further up in Nepal, it could have received a fair share of waters for irrigation from them.[79]

The most controversial treaty between India and Nepal is Mahakali River treaty, which was signed in February 1996. The Mahakali River begins where two rivers, the Kali originating in the Taklakot area in the east and the Kuthi-Yanki originating in the Zanskar range of the Himalayas meet at Kawa Malla in the Darchula District in Nepal. Both merge to form Mahakali River and flow southwest, where it makes numerous oxbow lakes and is joined by many tributaries, the largest of which are the Chamlia River and the Chavandigad River.[80] The efforts towards exploitation of the Mahakali River waters began before India's independence from Britain. The colonial government formalised with its Nepalese counterpart in 1920, the negotiations of the Sarda Treaty in the form of an Exchange of Letters. The treaty provided for the construction of a barrage on the Mahakali River (which is known as the Sarda River in India) at Banbassa bordering the present Mahendra Nagar in Nepal.[81] Nepal had objections with this treaty and it constantly tried to renew this treaty but it could not and the treaty continued for 76 years, from 1920 to 1996, when it was replaced by the Mahakali Treaty.[82]

Before the treaty was signed, Tankapur Agreement was reached on 6 December 1991. The Agreement provided for the construction of the left afflux bund (the retaining wall) on Nepalese territory for which the Nepalese provided 2.9 hectares of land (MoU on Tanakpur Barrage Project, 1991). This MoU is being considered as a hasty decision and lopsided one in favour of India, so it is highly criticised. It is considered that the then Nepalese Government, led by Girija Prasad Koirala did not appreciate the legal, socio-economic and political ramifications involved in the issue, or decided to overlook them to appease India. The deal, which relinquished 2.9 hectares of land to India to build a dam and a 120 megawatt power station in return for a share of the water and power, was criticised by most of the political parties of Nepal.[83] The issue raised in the objections dealt primarily with a concern for the Nepalese territorial sovereignty and a belief that Nepal had not benefited from the project as much as India had. Those opposing the agreement argued that because the agreement dealt with natural resources it fell under the articles of the constitution and required ratification by a two-third majority of Parliament. A writ petition was filed in the Supreme Court, with the Prime Minister as one of the respondents, challenging the

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[79] *Ibid.*
[80] *Ibid.*
[81] Ministry of Water Resources (1997), Government of India, *Mahakali Treaty and Pancheshwar Multipurpose Project*, New Delhi, available at www.mowr.gov.in, accessed on 23 December 2009.
[82] *Ibid.*
[83] Ramaswamy R. Iyer, *op. cit*.

validity of the Tanakpur Agreement. The Supreme Court issued its verdict in December 1992 and concluded that the Tanakpur Agreement was indeed a treaty that required ratification by the Parliament and was not a mere MoU.[84] Under the treaty, Nepal's rights over Mahakali have been limited to as low as four per cent, it is quite clear that much has been lost in this agreement. To hide their failure, the political parties passed a stricture on the treaty through *sankalpa prastav* in Parliament.[85]

Post-Mahakali treaty, Nepal has raised various objections over it, due to which the project is yet to start. The Maoists even demand for re-visiting the treaty. After this Nepal always shies away from entering any new arrangements over transboundary river water, though it has not raised serious qualms over continuation of old agreements and projects. In February 2012, in the first meeting of Joint Ministerial Commission on Water Resources in New Delhi, the move was made to set up Pancheshwar Development Authority to break the deadlock over construction of the multipurpose 6000 MW Pancheshwar dam. The two sides agreed to fast track completion of the Detailed Project Report of Sapta Kosi High dam and the Sun Kosi Storage-cum-Diversion scheme by February 2013. India would also "study" the demand for compensation sought of crops and damage to land for water resources projects. India also responded positively to Nepal's request for power from India. It was agreed to expedite the process for implementation of medium-term strengthening works for additional power supply to Nepal.[86]

India's Nepal policy is also keeping China into consideration. As a sovereign country, Nepal has maintained relationship with both countries and never hesitates to welcome any proposal from China which is beneficial to it. This is not a new development rather is in practice since late 1960s. Over water issue as early as in 1978, Nepalese Prime Minister Kirtnidhi Bista in New Delhi in a Joint Communiqué on 17 April 1978 said that Nepal would be happy if China could participate in the regional development of water resources and could spare some finances for such development.[87] But to keep India in line regarding the Bangladesh proposal to augment the Ganges flows, he said, "we will consider any proposal only when jointly approached by India and Bangladesh and the advantage that Nepal will get out of it".[88] This stance is still maintained by Nepal.

In 2014, during the Indian Prime Minister Narendra Modi's visit to Nepal, the two countries signed hydropower treaties. On Arun-III, the two countries signed Project Development Agreement. Pancheshwar and Upper Karnali projects too were pushed up.[89] There were minor dissensions against the deal from Communist Party

[84] *Ibid.*

[85] Dipak Gyawali, *Water in Nepal*, Kathmandu: Himal Books, 2007, p. 54.

[86] *The Hindu*, 17 February, 2012.

[87] Avtar Singh Bhasin, *Nepal-India, Nepal-China Relations,* Vol. 1, New Delhi: Geetika Press, 2005, p. 696.

[88] *Ibid.*

[89] India-Nepal Inks Nine Deals: Modi Inaugurates Bus Service, Gifts Helicopter, available at http://timesofindia.indiatimes.com/india/India-Nepal-ink-9-deals-Modi-inaugurates-bus-service-gifts-

of Nepal-Maoist and Communist Party of Nepal-United Marxist Leninist.[90] Not only the two parties but many political groups and people too, after 1996, have expressed reservations against the signing of any water treaty with India.

4.   Minimal Regional Cooperation

Water conflicts intertwined with other existing reasons for disputes have given rise to water nationalism among the South Asian riparian states.[91] This is on the rise in both upper and lower riparian states. Situations may aggravate after the River Linking Project (RLP) would come into operation because many rivers, which are part of the project, cross the border of India.[92]

An inference can be drawn, from above discussion, that the South Asian riparian states due to their political relationship cannot manage water-related bilateral disputes. In such situation, the regional organisations can mediate. A strong tendency for cooperation among the riparian states on international river basins is found where a prior history of cooperation exists.[93] But it is not the case always, as picnic table talk between Jordan and Israel to manage Jordan River took place in 1960s.[94] Unfortunately, post-1947 South Asian states do not have such history. Due to this, South Asian Association for Regional Cooperation (SAARC) since its formation in 1985 has not been a very effective organisation. In 2008, in its fifteenth summit held at Dhaka, provision on basin management was adopted by the SAARC leaders but has not been effectively operationalised.[95] Unlike SAARC, in many other regions where successful basin management system is active, regional organisations like European Union (EU) have played a key role. In cases where regional organisations have not shown any interests, the riparian states have taken initiatives. Nile River Basin Initiative (NBI) in North Africa and Mekong River Commission (MRC) in Southeast Asia are two examples.

Any such cooperation in South Asia is possible when there is a peace, which can be attained only if the intrusion of power politics is checked, national sovereignty adjusted, and efforts made toward material unity in an increasingly interdependent world.[96] As political situation is just opposite, where the South Asian states are marred

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helicopter/articleshow/45274649.cms, accessed on 09 February 2014.
[90] Pramod Jaiswal, "India-Nepal Hydroelectricity Deal: Making it Count", available at http://www.ipcs.org/article/south-asia/india-nepal-hydroelectricity-deal-making-it-count-4652.html, accessed on 20 December 2014.
[91] Jayanta Bandhopadhyay, "Water System Management in South Asia", *Economic and Political Weekly, op. cit.*
[92] To know about the RLP, see Jayanta Bandhopadhyay and Shama Parveen, in Yoginder K. Alagh, Ganesh Pangare and Biksham Gujja (eds.), *Interlinking of Rivers in India: Overview and Ken-Betwa Link,* New Delhi: Academic Foundation, 2006, pp. 23-52.
[93] K. Conca, Wu F and Mei C, "Is there a Global Rivers Regime? Trends in the Principled Content of International River Agreements", *International Studies Quarterly*, Vol. 50, 2006, pp. 263-285.
[94] Aron T. Wolf, "Healing the Enlightenment Rift: Rationality, Spirituality and Shared Waters", *Journal of International Affairs,* Vol. 61, No. 2, 2008, pp. 51-73.
[95] Available at www.saarc-sec.org, accessed on 20 December 2014.
[96] David Mitrany, *A Working Peace System*, Chicago: Quadrangle Books, 1966, pp. 26-27.

into various conflicts, it is not appropriate to think about treating the river as a single unit and not a sovereign property of a particular state. Due to existing political tensions, water sharing related norms have not been developed in South Asia. There is a lack of imagination over benefits sharing paradigm[97] due to cooperation over transboundary river water. One of the major benefits can be de-escalation of political tensions by reaping economic benefits. Another one is as most of the major South Asian rivers originate in Tibet in China which in future may be diverted or used to satisfy water demands of the Chinese people.[98] In such situation, if the South Asian states cooperate, they can present their grievances as a united force, and not as an individual country. The former would be an easier way to bargain with China.

Despite all, the South Asian countries are little expected to cooperate over water issue. Technically, Ramaswamy R. Iyer finds following problems on the application of regionalism instead bilateralism over South Asia's water issue:[99] *First,* in South Asia there is no agreement on what constitutes a basin. *Secondly,* the idea of planning for a basin or sub-basin as a whole has not made much headway even within India, so how come it participates in similar formulation with other country(ies). *Thirdly,* the commitment of Nepal and Bangladesh to the idea of basin-wide planning is imperfect. *Fourthly,* the language of 'integrated, basin wide planning' seems to carry implications of centralised technology driven planning, and 'regional co-operation' usually implies at the governmental or technocratic levels. Both these terms are needed to interpret in a wider sense so as to cover co-operation at the level of peoples, and for purpose beyond engineering and technological reasons.

In many cases, the bilateral solutions to water disputes have been easier to reach at, but not always. Some rivers have their presence in third country also. For example, Brahmaputra which starts from Tibet in China, flows in India before going to Bangladesh, similarly river Karnali, Sutlej etc. too start from Tibet. In such situations, any sort of water security in future cannot be conceptualised without taking into consideration the water interests of the country of its origin, despite having many international norms supporting the water rights of the other riparian states and of historical users.

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[97] In the transboundary water resources sense, benefit-sharing refers to a paradigm or policy tool that identifies the gains of interstate cooperation beyond merely the sharing of water, but incorporates the sharing of opportunities that water brings to a country, a basin and a region. See, Inga M Jacobs, *op. cit.,* p. 207.

[98] The signs are visible. China is in the process of constructing big multi-purpose projects to divert water from Tibet to Chinese mainland. This affects the flow of not only Brahmaputra, shared between India and Bangladesh, but also IRS.

[99] Ramaswamy R. Iyer, *op. cit*.

5.   Conclusion

In this paper it has been discussed that the historical memories related to partition, communal divide and intermittent wars have bittered the political relationship between India-Pakistan and India-Bangladesh.[100] This sort of relationship influences decisions related to water. Though the people to people contacts are being encouraged to promote cooperation between the states, the practice has little impact on their bilateral relationship. There is absence of epistemetic community which can influence water-related decisions, at present, though it played a significant role in signing of the 1996 India-Bangladesh Ganges River Water Sharing Treaty.

As mentioned in this paper, SAARC is not a very effective organisation. According to its Charter, the member states are prohibited from raising bilateral disputes on its platform. This makes the SAARC to play no role in addressing any sort of bilateral conflicts, despite having regional implications and repercussions. On the contrary, almost all regional organisations have played important role in diluting and resolving bilateral disputes among the member states. Any move to make SAARC to do so requires an amendment in its constitution, which leading member states do not want because present arrangement serves their interests better. Hence, in the given situation, one cannot expect a lot from SAARC.

Finally, since multi-purpose water projects are reasons for most of the water-related conflicts between India and its neighbours, there is a need to establish cooperation over such projects or to promote demand-side management of water to manage the bilateral water conflicts. Allegations against the upper riparian for 'water theft', causing floods or droughts in lower riparian etc. are quite usual. Though the upper riparian state may not have an intention to regulate water of lower riparian states, the state-centric theories guide the former to do so in its 'interest' for 'security' or due to 'being a rational actor'.

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[100] On India-Bangladesh post-1971 developments like 'illegal' migration, which creates tensions in bordering states play a role in India's relationship with Bangladesh. See, Antara Datta, *Refugees and Borders in South Asia: The Great Exodus of 1971,* New Delhi: Routledge, 2013.

Naeem Ahmed

PAKISTAN: IN SEARCH OF COUNTERTERRORISM STRATEGY?

Abstract

This paper critically examines the counterterrorism strategy of Pakistan, which it adopted after the 9/11 incident, by arguing that so far, it has proved ineffective and counter-productive in uprooting the terrorist network of Pakistan-based militant Jihadi and extremist groups that also have links with Al-Qaeda. In this respect, the paper, besides defining and assessing Pakistan's counterterrorism strategy, also analyses various factors which have contributed to the inefficacy of the country's counterterrorism strategy. In the concluding analysis, the paper emphasises upon the need for formulating an effective counterterrorism strategy of Pakistan.

1.   Introduction

On 14 August 2012, General Ashfaq Pervez Kayani, the then Pakistan's Chief of Army Staff (COAS), in his Independence Day speech at the Kakul Academy firmly declared that the fight against extremism and terrorism was Pakistan's own war and no state could afford a parallel system of governance and armed militias. He also called for national unity to fight this 'just war' against the rising militancy in the country.[1] General Kayani's remarks reveal the gravity of the threat, which Pakistan has been facing amid the rising spectre of militancy in the country in the form of a persistent wave of anti-state terrorism[2] and sectarian violence,[3] including suicide terrorism, and growing apprehensions across the international community over Pakistan's seriousness to root out terrorist network, as "many, if not most, of the Islamist terrorist conspiracies disrupted or executed in Europe (as well in the US) have had linkages in Pakistan's tribal belt."[4]

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[1] For full text of General Kayani's speech, see ISPR Press Release No. PR179/2012-ISPR, Rawalpindi, 14 August 2012, available at http://www.ispr.gov.pk/front/main.asp?o=t-press_release&date=2012/8/14, accessed on 10 March 2013.

[2] Although terrorism is one of the most controversial terms in the contemporary world, the anti-state terrorism mainly refers to the terrorism committed by non-state actors against the 'established authority' or government.

[3] Sectarian violence is mainly perpetrated by extremist Sunni Deobandi groups against the Shiites, who are the largest minority sect, comprising 15 to 20 per cent of the total 180 million population of Pakistan.

[4] C. Christine Fair, "Pakistan's Own War on Terror: What the Pakistani Public Thinks", *Journal of International Affairs*, Vol. 63, No. 1, Fall/Winter 2009, p. 39.

In order to dismantle the home-grown terrorist network of militant Jihadi and sectarian groups, Pakistan has adopted several counterterrorism measures, including the launching of various military operations in its Federally Administered Tribal Areas (FATA) and Provincially Administered Tribal Areas (PATA),[5] the signing of peace agreements with the militants, and introduction of various anti-terrorism laws. However, all these measures have remained half-hearted and inconsistent, making Pakistan's counterterrorism strategy ineffective and counter-productive to yield significant results.

Although General Kayani's speech exhibited a solemn resolve of the military to combat terrorism, the lackluster track record of Pakistan's counterterrorism strategy adopted since its joining of the US-led "war on terror" in the wake of the 9/11 incident, is rampant with intrinsic ambivalence, wedged between a commitment to combat the home-grown Taliban militants and at the same time collaborating with some to deal with the external threat from India and at times from Afghanistan. This policy is subjected to three different but interrelated factors, *viz*. Pakistan's multiple strategic requirements in the region, particularly in India and Afghanistan; the long-running civilian-military strife, often resulted in military's favour; and the lack of popular consensus in the Pakistani society on the ownership of the "war on terror", questioning the legitimacy to fight the Taliban militancy.

While Pakistan's counterterrorism strategy has so far remained incapable of eliminating the home-grown terrorist network, its success largely depends upon a major shift in its national security policy. At best, the military-defined India-centric security paradigm, which defines the country as a national security state, needs to be replaced with a civilian-dominated alternative path, which embarks upon making the country a strong democratic and welfare state, ending support for militant Jihadi groups, and promoting peaceful relations with neighbours by respecting the sanctity of their sovereignty. The need to craft an effective counterterrorism strategy in order to address the Taliban militancy is far more necessary than ever to save Pakistan from being a failed state.

Against this background, the paper critically examines Pakistan's current counterterrorism strategy, by arguing that unless Pakistan's military reinterprets its security narrative *vis-à-vis* its neighbours, particularly eastern and western and accepts the supremacy of civilian forces, an effective strategy to uproot home-grown terrorist network will remain a pipedream. This paper is organised as follows: first, the paper gives a brief overview of militant Jihadi and sectarian groups operating in

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[5] According to Article 246 of the 1973 Constitution of Pakistan the areas included in FATA are tribal areas adjoining the districts of Peshawar, Kohat, Bannu, Lakki Marwat, Dera Ismail Khan, Tank, and seven tribal agencies of Bajaur, Orakzai, Mohmand, Khyber, Kurram, North Waziristan and South Waziristan. Similarly, the PATA comprises the districts of Chitral, Dir and Swat (which includes Kalam), [Kohistan district], Malakand, the tribal area adjoining Mansehra district and the former state of Amb; Zhob district, Loralai district (excluding Duki Tehsil), Dalbandis Tehsil of Chagai district, and Marri and Bugti areas.

Pakistan in order to understand the country's militant landscape. It is then followed by an overview of Pakistan's counterterrorism strategy and its assessment by analysing various drawbacks in it and reasons for them. The paper concludes with the need for some practical approaches to formulate an effective and concrete counterterrorism strategy of Pakistan.

2.   Domestic Militant Landscape of Pakistan

Pakistan has been an abode of numerous militant extremist and Jihadi groups, which have operated for decades. Some of these groups have traditionally operated in Kashmir and Afghanistan, while there are other Pakistan-based extremist groups which have conventionally focused on military and civilian targets, mainly Shiites. However, these groups have "close operational links with the Afghan Taliban and Al-Qaeda as well as with each other."[6]

There are four categories of militant extremist and Jihadi groups, which operate inside Pakistan: the sectarian groups; the Pakistani Taliban; the anti-Indian militant Jihadi groups; and the Afghan Taliban, represented by the Haqqani network.

The first set of militant groups comprises the domestic sectarian groups, such as the Sunni-Deobandi Sipah-e-Sahaba Pakistan (force of the companions of the Holy Prophet – SSP) and Lashkar-e-Jhangavi (force of Jhangavi-LJ), which have traditionally focused on targeting the Shiites.

The second category of the militant groups comprises the Pakistani Taliban, which are represented by the Tehrik-e-Taliban Pakistan (TTP), an umbrella organisation of various Pashtun militant groups, based in Pakistan's tribal areas, and the breakaway factions of militant Jihadi and sectarian groups. Established by Baitullah Mehsud in South Waziristan in December 2007, and currently led by Mullah Fazlullah, who was appointed its Amir after the killing of Hakimullah Mehsud in a US drone strike in North Waziristan on 01 November 2013, the TTP aims "to enforce Shariah and to unite against the NATO forces in Afghanistan and do defensive jihad against the Pakistan army."[7] Recently, the TTP splits into two factions after a major group, based in South Waziristan and led by Khalid Mehsud alias Sajna, broke away by accusing the TTP leadership for involvement in criminal activities.[8] One of the important groups, which is associated with the TTP and has a long history of battling Pakistani State for the implementation of Shariah, is the Tehrik Nifaz Shariat-i-Mohammadi (TNSM), which succeeded in getting Shariah implemented in Malakand district of North West Frontier Province, now Khyber Pakhtunkhwa (KPK), first in May 1994, and then in February 2009 under the Nizam-e-Adl Agreement.

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[6] Ayesha Siddiqa, "Jihadism in Pakistan: The Expanding Frontier", *Journal of International Affairs*, Vol. 63, No. 1, Fall/Winter 2009, p. 64.
[7] "Tribal Areas under Centralized Control", *Daily Times*, 16 December 2007.
[8] Sailab Mehsud, "Key Group Breaks away from TTP", *Dawn*, 29 May 2014.

The third set of militant groups consists of the anti-Indian militant Jihadi groups, which are commonly known as the 'Kashmiri groups', such as, the Deobandi outfits of Jaish-e-Mohammad (JeM) and Harkat-ul-Mujahideen (HuM); the Ahl-e-Hadith groups, such as, Lashkar-e-Taiba (LeT); and Jama'at-e-Islami-linked organisations of Hizbul Mujahideen (HM) and Al-Badr.[9] And the fourth group comprises the Afghan Taliban, mainly represented by the Haqqani Network, led by an Afghan war veteran Jalaluddin Haqqani, based in North Waziristan, and the Quetta Shura of Mullah Omar.

Pakistan's military has been denoting the first two categories as 'bad Taliban', because they perpetrate terrorism inside the country against the military installations, security forces and the civilians, and the last two categories are considered as strategic assets and termed as 'good Taliban', as they carry out its geo-strategic interests in Afghanistan and India. However, a marked change took place in Pakistan's strategic thinking, particularly after the Army Public School incident on 16 December 2014. In this fierce terrorist attack, more than 150 people, including 130 children, lost their lives.[10] The TTP took the responsibility of the attack.[11] Reiterating his firm resolve, the Prime Minister Nawaz Sharif, while addressing the Parliamentary leaders in Peshawar after the incident, said that no discrimination would be made between 'good Taliban' and 'bad Taliban.'[12] In this context, Pakistan's across-the-board military operation in North Waziristan targets all the militant groups. This is also evidenced when the Pakistan military, which until recently has not been interested in preventing those Pakistani Taliban groups, such as Hafiz Gul Bahadur's group[13] in North Waziristan that had signed peace deals with it and pledged not to conduct their militancy in Pakistan, has launched massive operation against the group.

Besides these home-grown militant groups, Pakistan is also home to several foreign militants such as Arabs, Uzbeks, Chinese Uighurs and Chechens. These militants came to Pakistan's FATA region during the Afghan war of 1979 and settled there. Presently, they are in alliance with the Pakistani Taliban and use the tribal areas as their sanctuaries.

In order to deal with these militant Jihadi and extremist groups, Pakistan had to formulate a counterterrorism strategy after the 9/11 incident as per the requirement of its commitment to the US-led "war on terror". The following section will deal with the evolution of Pakistan's counterterrorism strategy by giving a brief overview and assessment of both military and non-military options which it has so far adopted to exterminate the home-grown terrorist outfits.

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[9] Christine Fair, "Pakistan's Own War on Terror", *op. cit.*, p. 40.
[10] "Terror Jolts Pakistan", *The News International*, 17 December 2014.
[11] *Ibid*.
[12] "No Discrimination be Done between 'good Taliban', 'bad Taliban': PM", *The Nation*, 17 December 2014.
[13] Hafiz Gul Bahadur signed the peace deal with the Military in September 2006, and pulled out of the deal in May 2014 amid government's decision of launching 'operation Zarb-e-Azb.'

3.   Evolution of Pakistan's Counterterrorism Strategy

Although the US-led military campaign in Afghanistan in October 2001 dislodged the Taliban regime, it expanded the threat well into Pakistan. Most of the Al-Qaeda and Taliban leaders and cadre slipped into Pakistan's tribal areas bordering Afghanistan. Initially, they had concentrated in South Waziristan and then expanded their support base in other areas of the FATA. By 2003, a loose alliance of tribal militant groups, known as the Pakistani Taliban, under the leadership of Nek Mohammad Wazir had begun to emerge in South Waziristan. It soon established links with other Pakistan-based militant sectarian outfits - the Afghan Taliban and Al-Qaeda - and launched guerrilla operations not only against the western troops in Afghanistan, but also the security forces and the people of Pakistan in the tribal areas and big cities.

In order to combat the menace of terrorism, Pakistan needed an effective counterterrorism strategy. Although it is difficult to define the concept of counterterrorism, which, like terrorism, is a very complex issue, Paul Wilkinson argues that "there is no universally accepted counterterrorism policy [because] every conflict involving terrorism has its own unique characteristics."[14] However, counterterrorism strategy can be viewed as "a set of measures that states apply in response to acts of terrorism."[15] The Oxford English Dictionary defines counterterrorism as, "political or military actions or measures intended to combat, prevent, or deter terrorism, sometimes (in early use) with the implication that the methods utilised resemble those of the terrorists."[16]

In case of Pakistan's counterterrorism strategy, it has so far employed both the military and the non-military options to deal with the threat of terrorism. The military options included the heavy-handed security operations against militants in the tribal areas, and the low intensity swift operations in the settled areas, particularly in the major cities to apprehend various leaders of Al-Qaeda and the Taliban. In addition, non-military options comprise both engagement and legislative aspects. As of engagement policy, Pakistan signed various peace deals with the militants. Under legislative aspects, different governments in Pakistan since 9/11 have introduced various anti-terrorism legislations in the form of various presidential acts and parliamentary laws as well as banned many militant groups in various phases.

3.1   *Military Options*

Since 9/11, Pakistan's security forces have conducted a number of small and large military operations against the militant groups in the tribal areas of FATA and

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[14] Paul Wilkinson, *Terrorism Versus Democracy: The Liberal State Response*, New York: Routledge, 2006.
[15] Tatyana Kelman, "Definition and Dimensions of Counterterrorism", in Frank Shanty (ed.), *Counterterrorism: From the Cold War to the War on Terror*, California: Praeger, 2012, pp. 12-13.
[16] *Ibid*.

PATA.[17] These security operations can be divided into two phases: pre-and-post-May 2009. The pre-May 2009 security operations in FATA and PATA were intermittent and simultaneously followed by peace agreements, though short-lived, with militants. However, it was after the deepening of law and order situation in Swat and the adjacent settled areas of Buner that the Pakistan Military thought of seriously taking on militants by launching major security operations in Swat in May 2009, and then moved into South Waziristan in October 2009.

Although Pakistan's support to the US-led 'Operation Enduring Freedom' in Afghanistan required it to stop the infiltration of militants into its tribal areas, the security forces of Pakistan conducted the first major military operation, called al-Mizan (Justice), in South Waziristan, against Al-Qaeda and the Taliban militants in 2002. With an objective of clearing the area of militants, particularly foreign militants that threatened Pakistan government, it deployed around 70,000 to 80,000 forces in FATA, including army aviation units, artillery, transportation and logistics units as well as Special Services Group and command units to conduct operations.[18] Failing to drive foreign militants out of the area amid strong resistance from tribesmen, the government in December 2003 announced an amnesty for foreigners.[19]

However, the security situation in South Waziristan deteriorated when in January 2004 militants attacked an Army camp in Wana. With intelligence information of the presence of Al-Qaeda militants in Wana, Pakistan's security forces launched a major 'search-and-destroy' operation, known as 'Operation Kalosha', in March 2004 with the same objective of clearing the area of the foreign militants.[20] The 13-day operation could not dislocate the foreign militants, contrary to the claim made by Pakistan Army.[21] However, the killing of eight soldiers on the same day indicated that the operation had backfired.[22]

As the security situation in South Waziristan continued to worsen with the rising of Pakistan Military's casualties, the then Pervez Musharraf's regime abandoned the military operations and opted for an appeasement policy by signing peace deals with the local militants. One of such deals was the 'Shakai Agreement', which was signed between the Military and militant commander Nek Mohammad on 24 April 2004. The deal offered the local militants a general amnesty and monetary incentives

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[17] According to the official website of Pakistan Army, until 2012, the Military has conducted 251 major and 735 minor operations in the war on terror. See 'The Summary of War on Terror in 2012', available at http://www.pakistanarmy.gov.pk/, accessed on 12 July 2013.
[18] Quoted in Seth G. Jones and C. Christine Fair, *Counterinsurgency in Pakistan*, Washington: RAND Corporation, 2010, p. 46.
[19] International Crisis Group, *Pakistan's Tribal Areas: Appeasing the Militants,* Asia Report No. 125, Brussels, 11 December 2006, p. 14.
[20] *Ibid*.
[21] "8 Missing Soldiers Found Dead in Wana", *Daily Times*, 27 March 2004.
[22] *Ibid*. These soldiers had been missing since their convoy was ambushed on the main Tank-Wana Highway on 22 March, 2004.

in return for their pledge of good behaviour and loyalty to the Pakistani state by renouncing militancy. The militants were also asked to handover or register foreign militants with the authorities and ensure that they would not use Pakistani territory for cross-border attacks.[23] However, with the killing of Nek Mohammad in a US drone strike in June 2004, the agreement collapsed.[24]

Another peace deal which the Military signed with the local militants, then led by Baitullah Mehsud, who succeeded Nek Mohammad, was 'Sararogha Agreement' in February 2005. Under the six-point agreement, Baitullah and his associates were given amnesty by the government, and in return they not only pledged loyalty to the Pakistani state, but also agreed to call off attacks on Pakistan's security forces as well as refrain from sheltering and assisting Al-Qaeda and foreign terrorists.[25] Moreover, the government also agreed to remove troops from the Mehsud-controlled areas and compensate militants for homes razed or damaged during military operations.[26]

Ironically, the militants were not required to surrender foreign militants and lay down their arms. However, the peace deal remained short-lived, and finally ended in early August 2007 because of three reasons: firstly, the abduction of 200 Pakistani security forces in South Waziristan in August 2007 by Baitullah group had increased tension between the group and the Military[27]; secondly, the Military's covert support to Taliban commander, Maulvi Nazir, in an attempt to evacuate foreign militants, particularly the Uzbeks from South Waziristan further deteriorated trust between the Military and Baitullah group;[28] and finally, the Red Mosque operation, known as 'Operation Silence', in Islamabad in July 2007, in which hundreds of militants were killed and injured, also enraged the Taliban militants, who not only started "a relentless suicide bombing campaign in cooperation with allied Pashtun and Punjabi militants,"[29] but also decided to join hands together to ensure their survival. As a result, they formed the TTP in December 2007 under the leadership of Baitullah Mehsud.

The security situation further deteriorated when in January 2008 the militants took control of Sararogha Fort in South Waziristan and killed seven Pakistani security forces, as claimed by the Military.[30] Consequently, Pakistan Army's 14th Division launched a full-fledged security operation, 'Zalzala' (Earthquake), against Baitullah's hideouts in South Waziristan. Besides employing infantry, artillery, tanks and fighter jets, the Army also used electronic jamming devices to obstruct improvised explosive

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[23] "Army Embraces Wanted Tribesmen", *Daily Times*, 25 April 2004.
[24] Iqbal Khattak, "Nek Killed in Missile Strike", *Daily Times*, 19 June 2004.
[25] *Ibid*.
[26] *Ibid*.
[27] Mushtaq Yusufzai and Sailab Mehsud, "Over 200 Soldiers in Captivity of Militants", *The News International*, 01 September 2007.
[28] Jones and Fair, "Counterinsurgency in Pakistan", *op. cit*., p. 57.
[29] *Ibid*., p. 58.
[30] "Operation to Retake Sararogha Fort Soon", *Daily Times*, 18 January 2008.

devices (IEDs) and remote-controlled roadside bombs within a 100 meters radius.[31] By May 2008, the Army cleared most of the area and began to withdraw after claiming the victory.[32]

After a limited success in South Waziristan operation, the military then moved into Khyber Agency, which not only had emerged as a center of sectarian conflict, but also the major hub of the militancy of the Taliban militants.[33] As the sectarian clashes between Barelvi Ansar-ul-Islam and Deobandi Lashkar-e-Islami (LI) became fierce by mid-2008, the military launched an operation, code named Sirat-e-Mustaqeem (Right Path), in June 2008, against the militants. However, the operation could not dislodge the militants. Rather, the military brokered a deal between the two rival groups in July 2008, which collapsed within a year. In the meantime, the Hakimullah-led TTP also made its inroads into the Agency, particularly after the killing of Haji Namdar in August 2008 in a US drone strike.[34]

In September 2008, security forces entered Bajaur and launched an operation, known as 'Operation Sher Dil' (Lion Heart), against the militant networks led by Faqir Mohammad and Zia-ur-Rehman, both of whom were believed to have links with Al-Qaeda.[35] Despite employing ground and aerial forces, including a brigade, four infantry battalions, one squadron, the Bajaur Scouts, and seven Frontier Corps wings,[36] the military engaged for several years in clearing several villages of the militants and succeeded in taking control of important arteries, particularly the main north-south corridor.[37] After the operation, the military signed a covert peace deal with Faqir Mohammad, who ensured not to attack Pakistan's military and civilians in return of being spared from an assault by the Pakistani security forces.

After Bajaur, the military then turned to Mohmand Agency for additional security operations. Mohmand witnessed violence when the militants took over a

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[31] Iqbal Khattak, "Army in Waziristan Better Equipped, More Relaxed", *Daily Times*, 21 May 2008.

[32] Jones and Fair, "Counterinsurgency in Pakistan", *op. cit*., p. 60.

[33] Khyber Agency witnessed a wave of religious militancy in 2003 when a Saudi-Arabia returned local resident Haji Namdar established a Taliban-styled rule. Using Tirah Valley area for attacks on NATO and ISAF forces in Afghanistan, Namdar quickly attracted the other Taliban militants to the area. Later on, Mangal Bagh emerged as a major figure in the Agency. Belonged to Sunni-Deobandi school of thought and heading a radical militant group, Lahkar-e-Islami, Bagh not only established his own Shariah courts and prisons, but also issued calls for Jihad against the West, the Pakistani state, and religious and sectarian minorities through illegal FM channels. He also claimed no allegiance to the TTP; instead identifying with the rival Muqami Tehriki- Taliban (Local Taliban Movement). See, International Crisis Group, *Pakistan: Countering Militancy in FATA*, Asia Report No. 242, Brussels, 15 January 2013, p. 6.

[34] "Pakistan: Backgrounder on Khyber Agency Militancy", *IRIN News*, 30 May 2011, available at http://www.irinnews.org/report/92847/pakistan-backgrounder-on-khyber-agency-militancy, accessed on 06 June, 2013.

[35] Daud Khattak, "Evaluating Pakistan's Offensives in Swat and FATA", *CTC Sentinel*, Vol. 4, Issue 10, 31 October, 2011, p. 10, available at http://www.ctc.usma.edu/posts/evaluating-pakistan%E2%80%99s-offensives-in-swat-and-fata, accessed on 25 July 2013.

[36] Jones and Fair, "Counterinsurgency in Pakistan", *op. cit*., p. 64.

[37] *Ibid*., p. 65.

mosque in Lakaro in July 2007. In order to isolate the militants, the military signed various peace deals with the tribal elders, who pledged to deny safe havens to the local militants and foreign fighters in the Agency.[38] However, the peace deals collapsed within a year when militants fleeing the military operations in Bajaur were given sanctuary in Mohmand, and as a result, Pakistan's security forces resumed their military operations in the Agency and cleared the area, they claimed, by March 2009.[39]

Another region where the military launched security operations was the Swat Valley of Malakand Division in PATA. A beautiful tourist spot, Swat became a hub of militancy and political power of Sufi Mohammad and Maulvi Fazlullah, who had adopted a violent path to implement Islamic Shariah. In order to dislodge the Swat Taliban, the military launched a series of security operations, 'Rah-e-Haq' (True Path) from 2007 to 2009.[40] However, amid continued attacks on security forces, the military not only had to withdraw from the area, but also agree to militants' demand of implementing the Shariah in Malakand Division, by signing the controversial Nizam-e-Adl Agreement with the defunct TNSM in February 2009. The Agreement in effect ceded control over the territory to the TNSM by imposing Shariah through Qazi courts.[41]

3.1.1   *A Shift in Direction*

The imposition of harsh policies of the TNSM-led Shariah government in Swat not only had disenchanted the local population with the Taliban, but also brought a vivid change in the attitudes of the people across the country towards the militants. The public flogging of a young girl also created a severe uproar at the domestic level, as well a worldwide condemnation of such an inhuman and barbaric act. As a result, the military decided to launch a large-scale decisive security operation, the 'Rah-e-Rast' (Just Path), in May 2009, to flush out the Swat militants.

Three important factors contributed to the military's change of mind. First, huge political support played a major role in convincing the military to conduct the security operation in Swat. The All Parties Conference (APC), which was convened by the then ruling Pakistan Peoples' Party on 18 May 2009, passed a unanimous resolution for the military operation in Swat.[42] Second, the TNSM militants' advancement into Swat's neighbouring district of Buner also perturbed the military.[43] Seizing control of the district for three weeks before retreating back into Swat, the militants established a Shariah-based government. Moreover, in his speech on 19 April 2009, Sufi Mohammad not only challenged the Constitution of Pakistan, but also renounced democracy by

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[38] International Crisis Group, *Pakistan: Countering Militancy in FATA*, Asia Report No. 242, *op. cit.*, p. 6.
[39] *Ibid*.
[40] Rah-e-Haq-I in November 2007; Rah-e-Haq-II in July 2008; and Rah-e-Haq-III in January 2009.
[41] International Crisis Group, *Pakistan: Countering Militancy in FATA*, Asia Report No. 242, *op. cit.,* p. 1.
[42] "Nation Speaks with One Voice: Crush Militants", *The News International*, 19 May 2009.
[43] Buner is around 70 miles away from the capital, Islamabad.

calling it an infidel system incompatible with Islam, had compelled the military to sternly deal with the militants. Last, the TNSM's violation of Nizam-e-Adl agreement by refusing to lay down weapons and its continuous attacks on security forces in areas under its control provided enough justification to the military for commencing an all-out security operation against them.[44] By using an intensified air and ground offensive,[45] the Army had been able to vacate the area from the militants by June 2009 and establish the writ of the state. The TTP-Swat leader Fazlullah fled to Afghanistan's Nuristan province.[46]

The relatively successful military operation in Swat also encouraged the military to conduct a decisive operation in South Waziristan and other tribal agencies of FATA. The security forces launched 'Operation Rah-e-Nijat' (Path of Salvation) against the Hakimullah-led TTP faction and foreign terrorists in South Waziristan in mid-October 2009, by deputing two divisions of Army, and using fighter-jets and gunship helicopters to target the militants' hideouts.[47] After fierce fighting with the militants and bearing heavy casualties, the military, as it claimed, cleared the area by June 2013, and drove the TTP out from South Waziristan to North Waziristan. However, the gruesome security situation bound the security forces to continue their stay in the Agency.

In addition, the military launched the 'Operation Koh-e-Sufaid' (White Mountain) in Kurram Agency on 04 July 2011 against the Taliban militants, who had occupied the Thall-Parachinar road, the main artery that connects the Agency to Peshawar, in order to besiege the local Shiite population of the Central Kurram.[48] With the employment of 4,000 troops, heavy artillery and air power, the operation culminated in June 2013, and the military regained the control of the area as claimed by it.[49] Moreover, by June the military also succeeded in taking over the Khyber Agency by clearing the Maidan area of Tirah Valley, a stronghold of the TTP, after launching a full-blown security operation on 05 April 2013.[50]

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[44] According to the ISPR, between the period from the signing of the peace deal and the launching of the military operation in May 2009, more than 30 security personnel were killed in four suicide attacks and seven ambush acts on Military convoys. Similarly, two schools, one grid station and three police stations were also destroyed by the Taliban. See, ISPR Press Release No. PR124/2009-ISPR, dated 08 May 2009, available at http://www.ispr.gov.pk/front/main.asp?o=t-press_release&id=630, accessed on 13 June 2013.
[45] Jones and Fair, "Counterinsurgency in Pakistan", *op. cit.*, p. 67.
[46] International Crisis Group, *Drones: Myths and Reality in Pakistan,* Asia Report No. 247, Brussels, 21 May 2013, p. ii.
[47] Jones and Fair, "Counterinsurgency in Pakistan", *op. cit.*, p. 67.
[48] Home of a significant number of Shiite population, who control the Upper Kurram, the Agency witnessed a severe level of sectarian violence in 2007 when the Sunni-Taliban militants entered the Agency and backed the Sunni tribesmen against the Shiites.
[49] Delawar Jan, "Officials Say 50,000 Kurram IDPs Repatriation to Complete before Ramazan", *The News International*, 02 July 2013.
[50] See, ISPR Press Release No. PR108/2013-ISPR, Rawalpindi – 20 June 2013, available at http://www.ispr.gov.pk/front/main.asp?o=t-press_release&id=2334, accessed on 27 June 2013.

On 15 June 2014, the military commenced a much-awaited security operation in North Waziristan. By using F-16s against the suspected militant hideouts, the military, as it claimed, launched a comprehensive large-scale security operation, known as, 'Zarb-e-Azb' (name of Holy Prophet's sword), against local and foreign militants in North Waziristan. The decision to launch an all-out military operation in North Waziristan came after the ferocious terrorist attack on the Jinnah International Airport, Karachi, on 08 June 2014.[51]

The military operation in North Waziristan continued. However, despite full-scale vigorous military operations and the military's claiming success in other tribal agencies, the militant network has not been completely eliminated. Not only are the pitched battles between the militants and security forces in the tribal areas still going on, but major cities of the country continuously witnessing the scourge of terrorism. The success of the on-going military operation in North Waziristan, where the main leadership of the TTP has been centred, and using the territory for terrorist activities in Pakistan as well as inside Afghanistan, has yet to be seen.

Besides military operations, both small and large, in the tribal areas of FATA and PATA, Pakistan's intelligence agencies with the help of Rangers and Police also carried out various swift manhunt operations in major cities of Pakistan to apprehend the leadership of Al-Qaeda and the Taliban, although their top leadership has never been captured.[52] However, the security forces only succeeded in arresting the second and third-tier leadership of Al-Qaeda and the Taliban.[53]

Besides the use of force in the form of launching military operations against the militants, various Pakistani governments also tried non-military options in order to curb terrorism in the country. The section below gives an overview of Pakistan's legislative and legal responses to terrorism.

3.2   *Non-Military Options*

Since the 9/11 incident, Pakistan has promulgated several amendments in the already existing legal frameworks, dealing with terrorism, such as the Anti-Terrorism

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[51] "All-out Military Operation Launched in North Waziristan", *Dawn*, 16 June 2014.

[52] Bin Laden was killed in a covert military action by the American Seals in Pakistan's garrison city of Abbottabad on 02 May 2011. On the other hand, Ayman Al-Zawahiri, Al-Qaeda's current command after bin Laden, and Mullah Omar, the supreme leader of the Taliban, are still at large.

[53] Some of the key Al-Qaeda and Taliban leaders who have been arrested either in joint operations carried out by the intelligence agencies of Pakistan and the US, or in an operation singularly conducted by Pakistan's law enforcement agencies are: Ramzi Binalshibh, a Yemeni citizen and the key facilitator of the 9/11 attacks, was arrested in Karachi on 11 September 2002; Khalid Shaikh Mohammad, the mastermind of 9/11 attacks, was arrested in Rawalpindi in March 2003; the Taliban ambassador to Pakistan, Mullah Abdus Salam Zaeef, was arrested from Islamabad in January 2003; Maulvi Noor Mohammad Saqib, Taliban's former chief justice, and Maulvi Abdul Rehman Zahid, deputy foreign minister, were arrested from Quetta on 30 January 2002; and Mullah Baradar, the Second-in-Command of the Taliban movement in Afghanistan and the Deputy of Mullah Omar, was arrested in Karachi in February 2010. Notably, Baradar was released in September 2013.

Act (ATA) of 1997,[54] as well as introduced new legislations to make the anti-terrorism regime more stringent. In January 2002, the government promulgated the 'Anti-Terrorism (Amendment) Ordinance 2002', which called for targeting the entire terrorist network with severe punishment, including death penalty to the people involved in aiding and abetting terrorism. The ordinance included the military personnel, not below the rank of Lieutenant Colonel, as one of the three ATC members of the bench to ensure speedy trials.[55] In November 2002, another amendment was made in the Ordinance 2002, which authorised the police to hold a suspect for up to 12 months without filing any criminal charges.[56] The accused could only be released on presenting one or more sureties to prove his innocence; otherwise to be presented before the court within 24 hours. Another amendment in November 2004 gave right of the appeal to the victims or the legal heirs of the victim against the judgement of the ATC in the High Court within 30 days of the decision.[57] Moreover, Anti-Terrorism (Second Amendment) Act 2004, promulgated in January 2005, incorporated further modifications in the ATA 1997. According to it, the word '14-years' was replaced by 'imprisonment for life' as far as the maximum jail term for the militants was concerned. In order to hear the appeals of the victims or heirs of the victim, the Act also called for establishing 'Special Benches' of High Courts, consisted of not less than two judges. The Act also enhanced the powers of the ATCs for trying offences related to the abduction or kidnapping for ransom as well as use of fire-arms or explosives by any device, including bomb blast, in a place of worship or court premises.[58]

The military operations in Swat and South Waziristan in May and October 2009 respectively, compelled the government to re-examine the ATC infrastructure. The operations caused a severe backlash from the Pakistani Taliban, who carried out attacks on armed forces, civil armed forces and law enforcement agencies. The extraordinary security situation demanded more stringent laws to ensure severe punishment for the terrorists in order to deter terrorism. This required further amendments in the ATA 1997. On 01 October 2009, the government issued Anti-Terrorism (Amendment) Ordinance, which permitted the extra-judicial confession

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[54] The ATA of 1997 was promulgated in the wake of the severe sectarian terrorism in the country during 1990s. Under the Act, Anti-Terrorism Courts (ATCs) were created to ensure speedy trials within seven days. Charles Kennedy, "The Creation and Development of Pakistan's Anti-Terrorism Regime, 1997-2002", in Satu Limaye *et al.* (eds.), *Religious Radicalism and Security in South Asia*, Honolulu: Asia-Pacific Center for Security Studies, 2002, pp. 391-392.

[55] "Army Officers to be Part of New ATCs: Law Amended to Expedite Terrorism Cases", *Dawn*, 01 February 2002.

[56] For details see, Anti-Terrorism (Amendment) Ordinance 2002' on 16 November 2002, available at https://www.unodc.org/tldb/showDocument.do?documentUid=2300&node=docs&cmd=add&country=PAK, accessed on 02 July 2013.

[57] Anti-Terrorism (Amendment) Act, 2004, Gazette of Pakistan, Extraordinary, Part I, 30 November 2004, available at https://www.unodc.org/tldb/showDocument.do?documentUid=9929&node=docs&cmd=add&country=PAK, accessed on 25 July 2013.

[58] Anti-Terrorism (Second Amendment) Act, 2004, Gazette of Pakistan, Extraordinary, Part II, 11 January 2005, available at https://www.unodc.org/tldb/showDocument.do?documentUid=9928&q=anti terrorism%20 legislation%20in%20Pakistan&edit_btn=SEARCH, accessed on 25 July 2013.

before the responsible investigative security personnel in the ATCs. Moreover, the remand period was extended from 30 to 90 days, and the burden of proof had been shifted to the accused.[59] The government, through a special presidential order, also extended the ordinance to the PATA, and established new ATCs in Peshawar and the Malakand region.[60]

In the wake of worsening security situation, the government, in June 2011, promulgated the Regulations Action in Aid of Civil Powers – 2011 for FATA and PATA, which not only authorised the armed forces to imprison a suspect till the continuation of action in aid of the civil power, but also provided that a statement or deposition by any member of the armed forces, or any officer authorised on his behalf, would be sufficient for convicting an accused. Moreover, the regulations also gave "a set of offences, punishable with death penalty or imprisonment for life or up to 10 years along with fine and forfeiture of property."[61] Under Section 14, an oversight board comprising two civilians and two military officers was established to review cases of each person interned within a period of time not exceeding four months, from the issuance of the order of internment. The laws also allowed the authority to set up notified internment centers, which were established near the Pak-Afghan border at Landi Kotal to detain persons accused of terrorism.[62]

On 20 December 2012, Pakistan's National Assembly passed the "Investigation for Fair Trial Bill, 2012", which authorised the government to intercept private communications of an individual, who is likely to or suspected of engaging in preparations to conduct an act of crime or terror.[63] In March 2013, the Parliament passed the Anti-Terrorism (Amendment) Bill 2013, which empowered the government to seize property of any person involved in financing terrorism.[64] It also extended the definition of terrorism through an amendment in Section 6 of ATA 1997, according to which the threat of terrorism would now include, "intimidating and terrorizing the public, social sectors, business community and preparing or attacking the civilians, media persons, government officials, installations, security forces or law enforcement agencies."[65] It also prohibits the issuance of passport, arms licenses and credit cards to the activists of banned outfits as well as bars the leaders of the outlawed groups from travelling abroad.[66]

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[59] Khalid Kheshgi, "Anti-terror Ordinance may be Extended to Malakand", *The News International*, 06 November 2009.
[60] Huma Yusuf, "Pakistan's Anti-Terrorism Courts", *CTC Sentinel*, Vol. 3, Issue 3, March 2010, p. 23, available at https://www.ctc.usma.edu/v2/wp-content/uploads/2010/08/CTCSentinel-Vol.3Iss3-art1.pdf, accessed on 25 January 2013.
[61] "New Regulations Give Legal Cover to Detentions in Tribal Areas", *Dawn*, 12 July 2011.
[62] Nasir Iqbal, "Swat Taliban, Afghan Govt. Nexus May Give Rise to Terrorism, SC told", *Dawn*, 26 March 2013.
[63] "Agencies Get Sweeping Powers: National Assembly Adopts Investigation for Fair Trial Bill", *The Business Recorder*, 21 December 2012.
[64] "Senate Passes Anti-Terrorism Amendment Bill", *Dawn*, 05 March 2013.
[65] "Senate Passes Anti-terrorism Second Amendment Bill 2013", *Pakistan Today*, 14 March 2013.
[66] "NA Adopts Anti-Terrorism Amendment Bill 2013", *The News International*, 13 March 2013.

Moreover, in March 2013, the Parliament passed a bill for the formation of a new independent body, National Counter-Terrorism Authority (NACTA), with functions 'to receive and collate data/information/intelligence, and disseminate and coordinate between all relevant stakeholders to formulate threat assessments; to formulate comprehensive counterterrorism and counter-extremism strategies; and to establish links with the international entities for facilitating cooperation in areas related to terrorism and extremism.'[67] Headed by the Prime Minister, the authority would comprise Chief Ministers of all the provinces including Gilgit-Baltistan, the Prime Minister of Azad Jammu and Kashmir, the Minister for Law and Justice, one senator to be recommended by the Chairman of the Senate, one Member of National Assembly to be recommended by the Speaker of the National Assembly, the Secretary Ministry of Interior, the Director General Inter-Services Intelligence (ISI), the Director General Intelligence Bureau (IB), the Director General Military Intelligence (MI), the National Co-coordinator, the Director General Federal Investigation Agency (FIA) and the Inspector Generals of Police of all provinces, AJK and Gilgit-Baltistan.[68]

On 02 July 2014, the National Assembly passed the Protection of Pakistan Bill, which was previously promulgated as an ordinance by the President Mamnoon Hussain in October 2013. The Senate unanimously passed the bill on 30 June 2014. The bill aims to give law enforcement agencies more power to counter terrorism and with legal backing to increase conviction. The bill designates a person an 'enemy alien' if his identity is not ascertained and is involved in waging of war or insurrection against Pakistan depredation on its territory. An amendment to the bill authorises a law enforcement official, not below the grade 15, to shoot-on-sight a terror suspect, to search any premises and make non-bailable arrest, without any warrant, a person who has committed or is likely to commit a scheduled offence,[69] which is punishable with imprisonment for up to ten years. The bill also empowers the law enforcement agencies to keep the suspect under preventive detention for up to two months without presenting him before the court for trial. An accused facing the charge of a scheduled offence would have the obligation to prove his innocence. An appeal against the final judgement of a special court shall lie to the High Court.[70]

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[67] See National Counter-Terrorism Authority Act 2013, available at http://www.senate.gov.pk/uploads/documents/1363071845_127.pdf, accessed on 30 July 2013.
[68] *Ibid*.
[69] Scheduled offences include: waging war or threatening the security of Pakistan; crimes against ethnic, religious and political groups or minorities, including offences based on discrimination, hatred, creed and race; use of arson, fire-bombs, suicide bombs, biological weapons, chemical weapons, nuclear arms, plastic explosives on public places, government premises, historical places, business concerns; killing, kidnapping, extortion, assault or attack of members of Parliament, judiciary, executive, media, and government employees, including the armed forces and law enforcement agencies, foreigners or internationally protected persons, welfare workers; attack on communication and interaction lines, energy facilities, aircrafts, airports, flight crew, gas or oil pipelines, national defense installations; cyber crimes; attack on mass transport systems, maritime navigation; hostage taking; and violence transcending national boundaries. See, Protection of Pakistan Ordinance 2013, Gazette of Pakistan, Extraordinary, Part-I, 31 October 2013.
[70] Available at http://www.na.gov.pk/uploads/documents/1391322775_795.pdf, accessed on 03 July 2014.

As an immediate response, the government not only ended the moratorium on death penalty in terror-related cases[71] and executed several terrorists, but also launched a National Action Plan (NAP), which was announced by the Prime Minister, Nawaz Sharif, in his televised speech to the nation on 25 December 2014.[72] The main aspects of the 20-point NAP include the establishment of military courts,[73] to be headed by Military officers; the setting up of a special anti-terrorism force; prohibition of the armed organisation and disallowing to operate the banned groups under another name; and strengthening and activation of National Counter-Terrorism Authority (NACTA).[74] In order to give legal cover to the military courts, the Parliament, on 06 January 2015, unanimously passed the 21st Constitutional Amendment Bill.[75]

As far as banning terrorist groups is concerned, since 9/11 Pakistan has outlawed 45 militant organisations in different phases. To begin with, the Musharraf regime banned JeM, LeT, SSP, Tehrik-e-Ja'afaria Pakistan (TJP), TNSM and Tehrik-e-Islami on 14 January 2002 in the wake of regional and international pressure after the terrorist attack on the Indian Parliament in December 2001. Al-Qaeda was outlawed on 17 March 2003 followed by Millat-i-Islamia Pakistan (former SSP), Khuddam-ul-Islam (former JeM) and Islami Tehrik-e-Pakistan (former TJP) on 15 November 2003. In 2008, the government banned Lashkar-e-Islami, Ansar-ul-Islam, Haji Namdar Group and TTP. In 2012, the government banned Ahl-e-Sunnat Wal Jama'at (former SSP).[76] Interestingly, the government has not yet proscribed Jama'at-ud-Dawa (JuD – former LeT), despite its alleged involvement in Mumbai incident in 2008.

Although the anti-terrorism legislation in Pakistan (since 1997) is a "bold departure from the normal legal system",[77] it has proved insignificant to prevent terrorism. Not only has it failed to undertake speedy trials of the suspect terrorists, but also remained less successful to ensure the enforcement of the ban on the militant groups, which have resurfaced with new names, exposing the weakness of the state to establish its writ.

The following section assesses Pakistan's counterterrorism strategy by analysing various factors, which have impeded its effectual functioning.

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[71] "Ban on Death Penalty in Terror Cases Lifted", *The News International*, 18 December 2014.

[72] For details see, "Special Courts led by Military Officers to be Set Up", *The News International*, 25 December 2014.

[73] It must be noted that the military courts were banned in Pakistan by the Supreme Court in February 1999

[74] Headed by the Prime Minister, the function of NACTA is 'to receive and collate data/information/intelligence, and disseminate and coordinate between all relevant stakeholders to formulate threat assessments; to formulate comprehensive counter-terrorism and counter-extremism strategies; and to establish links with the international entities for facilitating cooperation in areas related to terrorism and extremism.' See National Counter-Terrorism Authority Act 2013, available at http://www.senate.gov.pk/uploads/documents/1363071845_127.pdf, accessed on 15 November 2015.

[75] "Parliament Approves Military Courts to Try Terrorists", *The News International*, 07 January 2015.

[76] "45 Organisations Banned in 11 years", *Dawn*, 10 September 2012.

[77] Kennedy, "The Creation and Development of Pakistan's Anti-terrorism Regime", *op. cit.*, p. 390.

4.   An Assessment of Pakistan's Counterterrorism Strategy

It is noted that Pakistan's counterterrorism strategy has been swinging between two extremes – either the use of military force against the terrorists or the policy of appeasement towards them. There is no grey area where a policy could be devised to formulate an effective counterterrorism strategy, which could result in curbing terrorism. The military operations not only have remained inconclusive and incomplete, followed by negotiations and ceasefires with the militants, but also discriminatory as they singled out those elements of the TTP (Fazlullah-led faction), which fight against Pakistan's security forces; while sparing those groups (such as Haqqani network) which have pledged not to carry out attacks on Pakistan's security forces, but have focused on the NATO/ISAF forces in Afghanistan. In other words, Pakistan is satisfied as long as the militant groups carry out terrorist activities in Afghanistan, ignoring the fact that it has a blowback affect on Pakistan's security as the largest and the most powerful TTP faction (now led by Fazlullah) is also in alliance with the other Taliban groups for carrying out attacks in Afghanistan. The formation of the Shura-e-Murakeba (Observation Council) is an example of such an alliance of Taliban groups.[78]

With reference to the appeasement policy, the government's signing of peace deals with the militants significantly failed to end militancy and establish long-lasting peace in the tribal areas as well as across the country. According to Marvin Weinbaum, "Pakistan's approach to finding a political solution had one basic fallacy: all the agreements were reached from a position of government weakness rather than strength."[79] Under the agreements, "the government released militants, returned their weapons, disbanded security check posts and agreed to allow foreign terrorists to stay if they gave up violence.[80] Also, the terms of the agreements did not establish any mechanism, which could bind the militants to lay down arms and renounce militancy as well as handover the foreign militants to the government authorities. Amid huge trust deficit and mutual suspicion on both sides, there were only verbal commitments to implement the terms of the agreements. In addition, peace deals brought the militants on equal footing with the military, and allowed them to establish a Taliban-style parallel policing and court systems in the Waziristans as well as in Swat, thus, challenging the writ of the state. This accommodation facilitated the "growth of militancy and attacks both in Pakistan and Afghanistan by giving pro-Taliban elements a free hand to recruit, train and arm."[81]

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[78] Established on 02 January, 2012, the Observation Council is an alliance of five Pakistani and Afghan militant organisations – the TTP; Afghan Taliban, led by Mullah Omar; the Haqqani Network; and the militant outfits of Hafiz Gul Bahadur and Mullah Nazir. According to Amir Mir, "The militant circles in Pakistan say the moving spirit behind the formation of the Observation Council was Mullah Omar with a view to resolve differences among various factions of the Pakistani and Afghan Taliban and garner support for the ongoing battle against the US-led forces in Afghanistan." See, Amir Mir, "Siraj Haqqani Exposes Military-Militants Peace Deal", *The News International*, 14 February 2012.

[79] Marvin Weinbaum, "Hard Choices in Countering Insurgency and Terrorism along Pakistan's North-West Frontier", *Journal of International Affair*, Vol. 63, No. 1, 2009, pp. 73-88.

[80] International Crisis Group, Asia Report No. 125, *op. cit.*, p. i.

[81] *Ibid*.

Pakistan's tedious performance to uproot the terrorist network of militant Jihadi and extremist groups by using both the military and non-military options reflects ineffectiveness in its counterterrorism strategy. There are three different but interrelated factors which have contributed towards the inefficacy of Pakistan's counterterrorism strategy to strictly sort out the home-grown terrorism. These are: Pakistan's strategic interests in the region; skewed civil-military relations; and lack of national consensus on the ownership of the "war on terror".

First, Pakistan's counterterrorism strategy is preoccupied with its strategic interests in the region, particularly in India and Afghanistan. In the case of India, Pakistan's strategic interests rest mainly in Kashmir,[82] which the latter considers an 'unfinished agenda' of the Partition Plan of June 1947. Pakistan's failure to achieve Kashmir's independence from India through wars and bilateral negotiations compelled the former to adopt the policy of engaging the latter in a low intensity conflict by using militant Jihadi groups as its proxies. It is true that Pakistan has dealt with the domestic sectarian terrorist groups, such as SSP and LJ, heavy-handedly "through arrests, targeted assassinations, and aggravated intergroup massacres"[83], several members and leaders of these outlawed Deobandi sectarian outfits have escaped the wrath of the state as they also enjoy the overlapping membership of "Pakistan-friendly" militant groups, which are fighting in the Indian-held Kashmir and are considered as 'strategic assets' by Pakistan's Military. They also use the same training camps, resources and to a large extent same ideological inspiration.[84] These multiple linkages have made the government's task difficult to identify the enemy.

As far as Afghanistan is concerned, Pakistan embarks upon the policy of establishing a pliable government in Kabul, which would fulfill twin tasks of its security policy. First, such a government in Kabul may not raise the issues of Durand Line[85] and Pakhtunistan,[86] thus, help secure Pakistan's western borders. Second, such a government would also deter the growing Indian influence in Afghanistan, which is a major concern of Pakistan. Pakistan's vulnerabilities enhanced when India signed 'Strategic Partnership Pact' with Afghanistan in October 2011.[87] Pakistan's security

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[82] Water is also the most pressing threat between India and Pakistan as reiterated by General Kayani during his interaction with media persons in February 2010. According to him, "A reality will not change in any significant way until the Kashmir issue and water disputes are resolved", quoted in Cyril Almeida, "Kayani Spells out Threat Posed by Indian Doctrine", *Dawn*, 04 February 2010.

[83] Ashley J. Tellis, "Pakistan's Record on terrorism: Conflicted Goals, Compromised Performance", *The Washington Quarterly*, Vol. 31, No. 2, Spring 2008, p. 9.

[84] Amir Mir, "Sectarian Monster", *South Asia Intelligence Review* Vol. 3, No. 47, 06 June 2005, available at http://www.ict.org.il/Article.aspx?ID=920, accessed on 12 December 2012.

[85] Established in 1893 under an agreement between the British India and the Amir of Afghanistan, Abdul Rehman Khan, the Durand Line is a porous international border between Pakistan and Afghanistan.

[86] The issue has been related to setting up of an autonomous Pakhtun state of the Pushto-speaking tribes in northwestern Pakistan.

[87] The Pact, which is Afghanistan's first with any country, outlined areas of common concern including trade, economic expansion, education, security and politics. Moreover, under the Pact, India also trained the Afghan National Army.

agencies view that the growing Indian "influence can only be neutralized by building links with elements that encounter India-friendly Kabul."[88] In order to achieve these goals, Pakistan has been yearning on the policy of supporting friendly groups, which would ensure its strategic interests in the future Afghan political set up, particularly after the scheduled withdrawal of American and NATO forces. For this purpose, the military has avoided targeting the Afghan Taliban, particularly the Haqqani Network, during the security operations in the FATA region, despite intense American pressure.

Second, the skewed civil-military relations in Pakistan have also undermined the efficacy of Pakistan's counterterrorism strategy. It must be noted that Pakistan's political history is rife with a continuous tussle for supremacy between the military and civilian forces, where most of the time, not always, the balance of power has remained in favour of the former. Therefore, it is the military which defines Pakistan's national security policy, and whenever the civilian forces have tried to act independently, the former has pushed the latter back very hardly. This resulted in the civil-military standoff, as could be seen in the cases of Kerry-Lugar Bill in October 2009,[89] the memo-gate scandal in 2012,[90] and until recently the formation of NACTA.[91]

Similarly, in case of formulating Pakistan's counterterrorism strategy, it is also the civil-military strife which has made the task of devising an effective strategy very difficult. Both actors, civilian forces and the military, have different perspectives on making policies to counter terrorism. The civilians link the formulation of counterterrorism strategy with the country's law and order problem, particularly to deal with the sectarian violence, which occurred mainly in the civilian domain. In civilians' view, this could be handled through administrative measures (Pakistan's anti-terrorism laws can be seen in this context). The military, on the contrary, sees formulation of the strategy from the country's national security problem, which is India-centric, and for which it needs proxies. It is because of this Indian-obsessed security approach that the military has continuously followed the policy of raising and supporting those groups which accomplish its strategic objectives in India and Afghanistan.

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[88] Ayesha Siddiqa, "Jihadism in Pakistan", *op. cit.*, p. 69.

[89] The bill was a non-military aid package proposed to Pakistan by the US in October 2009. Under the agreement, Pakistan would have received an American aid of US$1.5 billion annually for five years. Pakistan's civilian leadership supported the bill, while the military opposed it because of stringent conditions attached to it.

[90] The scandal refers to an alleged letter sent to Admiral Mike Mullen, then Chairman of the Joint Chiefs of Staff, by Hussain Haqqani, then Pakistan's Ambassador to the US, to seek Obama Administration's help to avert a possible military takeover in Pakistan, particularly after the killing of bin Laden in a covert military action by the American Seals in May 2011.The issue was made public when Mansoor Ejaz, an American national of Pakistani origin, wrote an article in the *Financial Times*, revealing that Ambassador Haqqani asked him to handover the confidential letter to the American high command. Later, the Supreme Court of Pakistan took up the issue and formed a commission, which in its findings, released on 12 June 2012, held Haqqani responsible for writing the letter and charged him of high treason.

[91] Promulgated in 2009, the NACTA Ordinance was subjected to the controversy between the civilian and the military leadership. The then Interior Minister, Rehman Malik, wanted to bring the authority under his control, while the military leadership was reluctant to serve under civilians. As a result, the NACTA remained dormant until the Parliament passed the bill in March 2013.

Moreover, on the issue of talks with the Pakistani Taliban, both the military and civilian forces have until recently contradictory views, whereas the former vehemently rejected any 'unconditional' talks with the Pakistani Taliban on the grounds of their involvement in terrorist activities against the Pakistani state's institutions and its people; while the latter supported to commence negotiations with the militants without any conditions.[92] It is, here, noted that Prime Minister Nawaz Sharif, while addressing the Parliament on 16 June 2014, announced the launching of military operation in North Waziristan.[93] Previously, Mr. Sharif in his first televised address to the nation on 19 August 2013 after assuming the Office offered a dialogue process to the militants. Although the PML-N sponsored APC on 9 September 2013, attended by all the major political and religious parties, offered 'unconditional' peace talks to the Pakistani Taliban,[94] the military gave a very careful response. The recent row between the civilian and military leadership on affirming their supremacy, ascertains that the gulf in civil-military relations is too deep to be bridged instantly through any consensus between the two institutions. The Chief of Army Staff, General Raheel Sharif's statement in reaction to Defence Minister, Khuwaja Asif's remarks on the supremacy of the Parliament over other institutions clearly shows the widened civil-military divide. During his visit to the headquarters of Special Services Group (SSG) at the Ghazi Base, Tarbela on 07 April 2014, General Sharif said, "while our country is faced with multiple internal and external challenges, the Pakistan Army upholds the sanctity of all the institutions and will resolutely preserve its own dignity and institutional pride."[95] The very next day, while addressing the National Assembly, the Defence Minister said, "Parliament is a supreme organ of the state and it would preserve its dignity besides having a respect for all other institutions."[96]

Various Pakistani governments since the 9/11 incident have also failed to develop a consensual narrative in the society on the ownership of the US-led "war on terror." The Military denotes the "war on terror" as nation's war and calls for public support to win the war against terrorism, as is evidenced from General Kayani's 14 August 2012 speech. On the other hand, a majority of the Pakistanis do not support Military's view. A 2011 Pew Survey shows that only 37 per cent Pakistanis support the Military to fight militants in the tribal areas.[97] Similarly, the major political parties, such as the incumbent PML-N[98], Pakistan Tehrik-e-Insaaf (PTI and JI[99], which are ruling in

[92] The 157th Corps Commander meeting held on 14 February 2013, the Military rejected any unconditional talks with the TTP. Amir Mir, "Talks with TTP Means Talks with LJ, Say Khakis", *The News International*, 03 March 2013.

[93] "Pakistan Will no Longer be Terrorist Heaven: PM", *Dawn*, 17 June 2014.

[94] "APC Backs Peace with Taliban", *Daily Times*, 10 September 2013.

[95] "Army to Preserve its Dignity Come What May: COAS", *The News International*, 08 April 2014.

[96] "NA Session: Defence Minister Asserts Parliament's Sovereignty", *The Express Tribune*, 09 April 2014.

97 The Pew Survey on "Support for Campaign against Extremists Wanes: U.S. Image in Pakistan Falls no Further Following Bin Laden Killing", released on 21 June 2011, available at http://www.pewglobal.org/files/2011/06/Pew-Global-Attitudes-Pakistan-Report-FINAL-June-21-2011.pdf, accessed on 22 June 2012.

[98] Talking to media persons in Quetta, the Federal Interior Minister, Chaudhry Nisar Ali Khan said, "The current war is not war of Pakistan, rather it was imposed on our country", *Dunya News*, 11 August 2013.

[99] In an exclusive interview to Radio Pakistan in April 2013, then JI Amir, Syed Munawar Hassan, said, "The JI from the very first day opposed the alliance in war on terror, saying that it not our war." See, Pervaiz Akhter Zia, "JI Fears Terrorist Attacks on Political Leaders During Elections", *Radio Pakistan*, 21 April 2013, available

KPK, as well as the JUI-F[100], have clearly stated that the "war on terror" is not Pakistan's war and that it is an American war, which has been imposed upon Pakistan. In the absence of the popular support, the military's resolve to fight the internal threat not only has questioned its determination, but also hampered effectiveness of Pakistan's counterterrorism strategy.

5.   Concluding Analysis

An analysis of Pakistan's counterterrorism strategy reveals that it lacks a tangible strategy and has so far relied on "ad hoc, reactive, moment-to-moment, incident-to-incident based approaches"[101], based on both the military and non-military options to combat the menace of terrorism. It is clear from these observations that the existing counterterrorism strategy of Pakistan has failed to stamp out the terrorist network of home-grown militant groups. The militant network has rather strengthened and expanded not only across Pakistan, particularly its urban centers, but also has its reach regionally and globally. Consequently, the terrorist syndicate not only has endangered the internal security of Pakistan, but also made the regional and international security vulnerable.

Although the incumbent PML-N government has decided to begin a military operation in North Waziristan after the failure of talks with the militant groups, it is unrealistic to expect the Taliban militancy be ended either through negotiations or the use of force. There are two major factors to substantiate this argument: first, peace talks might not result in ending militancy of the Pakistani Taliban, who, in turn, have to oblige to Pakistan's constitution and political system, which according to them is un-Islamic. They stringently view that the objective of their struggle is to establish Shariah in Pakistan. Hence, it seems less likely that the Pakistani Taliban would renounce militancy and withdraw from their religious agenda of 'Jihadism'. Second, with reference to the on-going military operation in North Waziristan, it is more likely that this option would also remain unsuccessful as the military would continue to distinguish between 'good' and 'bad' Taliban, as per requirement of its strategic interests in the region and its dominant role in the domestic politics of Pakistan, where the weak civilian forces are in no position to challenge the powerful military establishment. It means that Pakistan's counterterrorism strategy would continue to oscillate between intermittent military operations against the militants and short-lived peace talks with them.

Therefore, it is concluded that an effective and result-oriented counterterrorism strategy of Pakistan requires a substantial overhauling in its military-defined national security policy. This needs Pakistan to take four major measures: one, to build national

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at http://www.radio.gov.pk/newsdetail-42610, accessed on 06 July 2013.

[100] In a statement issued by his spokesman Jan Achakzai, the JUI-F Chief, Maulana Fazlur Rehman, said, "Owning a war imposed by a dictator is against the national interest, and the solution lies in quickly getting out of this war." Also, "Owning the terror war is against national interest: Fazl", *The News International*, 17 August 2013.

[101] "Counterterrorism: Focus on a Workable Plan, Says Mushahid", *The Express Tribune*, 07 July 2013.

consensus on the ownership of the "war on terror"; two, to create balance in civil-military relations; three, to identify the enemy against which it has to launch the military operation; and last, to reinterpret its security policy *vis-à-vis* its strategic interests in the region, particularly in India and Afghanistan.

First, in order to formulate a national strategy with consensus, the government needs to mould public opinion in its favour by taking all stake-holders on-board in order to create an impression that this is Pakistan's war, and that it is not fighting an American war in the region. It is true that a "favorable public opinion made it possible for the Army to launch the operation in Swat", according to Maleeha Lodhi, Pakistan's former ambassador to the US, as quoted by Ayesha Siddiqa.[102]

Second, a relentless civil-military friction has severely affected the state's ability to counter the Taliban militancy. Therefore, an effective counterterrorism strategy necessitates a balance in civil-military relations. Moreover, there needs to be a strong civilian control over the military in order to have public support and legitimacy to the counterterrorism strategy.

Third, a key problem in Pakistan's counterterrorism strategy is that it has also not been able to identify the enemy, against which the security operations have been carried out since the 9/11 incident. Pakistan denotes those militant groups as terrorists which attack on its security forces and people; while it has soft corner for those groups which pursue its strategic interests in the region. Pakistan's security operations since 9/11 have locked into the good Taliban/bad Taliban dichotomy. Therefore, an effective counterterrorism strategy requires Pakistan to abandon the concept of favourites, and launch an evenhanded military operation against all the militant groups, which are involved in terrorism within and outside Pakistan.

Finally, an effective counterterrorism strategy needs a complete shift in Pakistan's strategic thinking. It is a fact that Pakistan's strategic interests in its eastern and western neighbours led to its reliance on militant Jihadi groups without realising its repercussions for its domestic, regional and international security, especially in the post-9/11 scenario, which required it to go along with the demands of the changing international environment. Therefore, there needs to be a reinterpretation of Pakistan's national security policy, which should focus on improving relations with its neighbours, particularly India, by increasing economic ties. In case of Afghanistan, Pakistan needs to abandon its cherished dream that the former has to be its client state, providing it strategic depth to be used to wage low intensity war through proxies against India. Such a policy shift will also squeeze the space for the militant groups at the domestic level.

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[102] Ayesha Siddiqa, "Pakistan's Counterterrorism Strategy: Separating Friends from Foes", *The Washington Quarterly*, Vol. 34, No. 1, Winter, 2011, p. 152.

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Zahid ul Arefin Choudhury

IDENTITY COMPETITION IN NEW DEMOCRACIES: WHICH IDENTITY WINS IN WHAT CONDITIONS?

Abstract

Literature on the role of social cleavages in stabilising democratic politics shows that during the initial period of democratisation voters tend to get cues from their core identities, and thus vote along identity lines. As a result, in multicultural societies ethnic parties emerge to take part in elections. But the literature does not indicate how identities compete with each other. Particularly, which (source of) identity – among a possible range of identities such as ethnicity, language, race and religion – does a better job in stabilising democracies? This comparative study combines analyses of cross-country fractionalisation, political volatility and World Value Surveys data with case studies of four Muslim majority countries – Turkey, Pakistan, Nigeria and Bangladesh – to demonstrate that non-religious identities stabilise democracies during the initial period of democratisation, while the religious identity (Islam) gradually trumps others as the political system stabilises over time.

1.   Introduction

The relationship between different identity dimensions of social cleavages and democratic stability has been a renewed topic of considerable interests among scholars of comparative politics in recent years. Following the early works such as the ones of Rabushka and Shepsle, Lijphart, Horowitz, and Bartolini and Mair, a new set of works such as those of Posner, Chandra, Birnir, Norris, and Bates show how social cleavages and identity politics affect electoral stability in particular and democratisation process in general.[1] Despite a growing literature on social identity

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[1] Alvin Rabushka and Kenneth A. Shepsle, *Politics in Plural Societies: A Theory of Democratic Instability,* New York: Pearson Longman, 2009; Arend Lijphart, *Democracy in Plural Societies: A Comparative Explanation,* New Haven and London: Yale University Press, 1977; Donald L. Horowitz, *Ethnic Group in Conflict,* Berkeley: University of California Press, 1985; Stefano Bartolini and Peter Mair, *Identity, Competition, and Electoral Availability: The Stabilization of European Electorate 1885-1985*, New York: Cambridge University Press,1990; Daniel N. Posner, *Institutions and Ethnic Politics in Africa,* New York: Cambridge University Press, 2005; Kanchan Chandra, "What is Ethnic Identity and Does It Matter?", *Annual Review of Political Science*, Vol. 9, 2006, pp. 397-442; Johanna Kristin Birnir, *Ethnicity and Electoral Politics,* New York: Cambridge University Press, 2007; Johanna Kristin Birnir, "Divergence in Diversity? The Dissimilar Effects of Cleavages on Electoral Politics in New Democracies", *American Journal of Political Science*, Vol. 51, No. 3, 2007, pp. 602-619; Pippa Norris, *Driving Democracy: Do Power-Sharing Institutions Work?* New York: Cambridge University Press, 2008; Pippa Norris, *Electoral Engineering: Voting Rules and Political Behavior*, Cambridge: Cambridge University

that distinguishes ethnicity from religion in functional terms[2], the vast set of social cleavage literature[3] has largely ignored to differentiate ethnic identities (such as the ones based on language or race) from religious identity and to see how each of these categories fares in terms of democratic stabilisation. Posner does ask the question of why political competition comes to be organised along the lines of one ethnic cleavage rather than another, but he does not tease out the context in which religious cleavages *vis-à-vis* other ethnic cleavages rise or fall.[4] Birnir improves upon Posner in treating religion separately, but she leaves out the contextual question as well.[5]

Basing on these recent works on social cleavages and social identity, the objective of this paper is to suggest and test a theory that captures how religious identity competes with other identities in new democracies, and in what context Muslim identity, a subset of religious identity and the special focus of this paper, rises or falls.

The paper has been organised as follows. The relevant literature is reviewed to place the research questions of this paper into the broader field of social identity and electoral stability. A theoretical framework then tries to generate a hypothesis followed by a section on case selection and procedures to be used to test the hypothesis. The hypothesis is tested in three steps. First, an ordinary least square (OLS) regression establishes whether ethnic and religious identities explain electoral stability for initial elections for about 58 new democracies. Second, a set of descriptive statistics tracks electoral stability for subsequent elections (up to date) of a subset of the 58 countries. Finally, a few measures from the World Value Survey 1995 and 2000 are used to test whether Muslim identity rises or falls in Muslim majority countries and explain why for yet another subset from the second step. The final section discusses the conclusions and implications to be drawn from this exercise, its potentials and limitations and a few future steps to be considered.

2.   Literature Review

Social movement literature, particularly the ones on political opportunity and resource mobilisation, suggests that political opportunities facilitate collective mobilisation and political activism of groups who have been excluded from participation.[6]

Press, 2004; and Robert H. Bates, *When Things Fell Apart*, New York: Cambridge University Press, 2008.

[2] Steven Grosby, "Nationality and Religion," in Montserrat Guibernau and John Hutchinson (eds.), *Understanding Nationalism,* Malden, Massachusetts: Polity/Blackwell, 2001; Kolås Tanveer Fazal, "Religion, Language and Nationhood in Pakistan and Bangladesh", in Rowina Robinson (ed.), *Sociology of Religion in India,* Sage Publications, 2004, pp. 275-301; Jeffrey R. Seul, "Ours is the Way of God: Religion, Identity, and Intergroup Conflict", *Journal of Peace Research*, Vol. 36, No. 5, 1999, pp. 553-569; Rawi Abdelal, Y. M. Herrera, A. I. Johnston and R. McDermott, "Identity as a Variable," *Perspective on Politics,* Vol. 4, 2006, pp. 696-711.

[3] With notable exception of Daniel N. Posner *op. cit.,* and Johanna Kristin Birnir, *op. cit.*

[4] Daniel N. Posner, *op. cit.*

[5] Johanna Kristin Birnir, *op. cit.*

[6] Doug McAdam, *Political Process and the Development of Black Insurgency 1930-1970,* Chicago: University

But, the groups that have the ability to mobilise resources will have more advantages over those who do not have such abilities in exploiting the opportunity. As McAdam argues, "A conducive political environment only affords the aggrieved population the opportunity for successful insurgent action. It is the resources of the minority community that enable insurgent groups to exploit these opportunities. In the absence of those resources the aggrieved population is likely to lack the capacity to act even when granted the opportunity to do so."[7]

McAdam further suggests that any form of social movement is only possible when an indigenous infrastructure or organisation is able to translate the resources into an organised campaign of mass political action.[8] Other social movement theorists such as Tilly and Tarrow agree on the centrality of organisational ability of groups in social movement. However, they leave out the question of identity competition, particularly in the context of electoral politics.[9] It is not clear from this literature whether, given a political opportunity, minority groups will be able to mobilise more if they organise around their ethnic identity (such as language) rather than their religious identity (such as Islam), if all other things are equal.

Although the social movement literature is oblivious to the question of identity competition, it is still possible to infer from the powerful general framework it offers. For example, while continuing (from the above quotation) on the central role of organisation in social mobilisation McAdam argues that such organisation is a function of four factors - members, established structure of solidarity incentives, communication network and leaders.[10] This indicates that in the context of competing identities (e.g. between ethnic and religious identity), if an ethnic identity has stronger organisation (all four factors of McAdam) than the religious identity then that ethnic identity will be more likely to successfully mobilise people. This was particularly the case in the post-colonial Pakistan, where linguistic identity of the Bengalis of the eastern wing of the country was able to overcome their Muslim identity that eventually allowed Sheikh Mujibur Rahman, the leader of the Bengalis, and his party Awami League to win the 1970 election overwhelmingly leading to the dismemberment of the country in 1971.[11] This is because of the fact that language provided the ethnic group a unique identity that separated them from their out-groups with whom they shared the same religion. The normative implication of this analysis is that generally religion has wider audience than do such ethnic cores as language or race. Ethnic identity provides the concerned group the uniqueness it needs to mobilise and organise resources to

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of Chicago Press, 1999; Charles Tilly and Sidney Tarrow, *Contentious Politics,* London: Paradigm Publishers 2007.

[7] *Ibid.*, pp. 43-47.

[8] *Ibid.*, p. 44.

[9] Charles Tilly and Sidney Tarrow, *op. cit.*

[10] Doug Mc Adam, *op. cit.*

[11] Amena Mohsin, "Language, Identity and the State in Bangladesh", in Michael E. Brown and Sumit Ganguly (eds.), *Fighting Words: Language Policy and Ethnic Relations in Asia*, Belfer Center for Science and International Affairs, Harvard University: MIT Press, 2003.

participate in electoral competitions with its out-groups given a political opportunity of democratic elections.

The early cleavage literature establishes the fact that social cleavages stabilise electoral politics and democracy. However, such stabilisation of democracy is conditional on the institutional arrangement of the society.[12] For example, Lijphart argues that democracy is the best form of government even in the context of pluralism (multiple cleavages). Consociational democracy – a grand coalition representing the cleavages, multi-veto players, proportional representation of the cleavages, and segmented autonomy and federalism – assures democratic stability in the context of multiple cleavages. He further argues that at low levels of pluralism, Westminster (majoritarian) democracy is best but as pluralism increases, consociational democracy is the best.[13] Horowitz makes a similar argument that "Split domination—an arrangement in which the key institutions of the society are dominated by different ethnic groups—may provide the basis for a bargain to stabilize this balance of power by recognizing ethnic spheres of influence".[14] Bartolini and Mair take this argument further and show that in the context of electoral politics, cleavages produce "fundamental bias towards stability" (defined as vote stability among parties).[15] They empirically show for 38 European countries that with the increase in the level of cultural heterogeneity, level of total electoral volatility decreases.

Altogether the early social cleavage literature, therefore, claims that social plurality increases democratic stability. The core of the argument is that given a political system that guarantees equity among all political cleavages in political decision-making process, participation of these cleavages in elections provides stability to the overall electoral politics of the political system. Advancing this general argument, Lijphart and Norris focus on the general determinants of social cleavage support for particular parties.[16] However, this literature on social cleavages largely leaves out the question of 'which cleavage?' Furthermore, they take identities or cleavages as almost fixed entities. Rabushka and Shepsle make such an assumption of fixed cleavage identity even more strongly, although they make a diametrically opposite argument that ethnicity (multiple ethnic cleavages and identity) always destabilises democracies.[17] Taking the issue with this assumption of fixedness, Chandra argues, "these families of theories have not demonstrated on analytical grounds that ethnic identity categories, as they classify them, should have an explanatory effect on the outcomes of interest."[18] In sum, the early cleavage literature does not provide with enough clue on identity (or cleavages) competition, and how that might affect (electoral) stability. Cleavage literature also does not provide with suggestions as to

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[12] For example, Stefano Bartolini and Peter Mair, *op. cit.*; Donald Horowitz, *op. cit.,* and Arend Lijphart, *op. cit.*
[13] Arend Lijphart, *op. cit.*, p. 237.
[14] Donald Horowitz, *op. cit.*, p. 447.
[15] Stefano Bartolini and Peter Mair, *op. cit.*, p. 68.
[16] Arend Lijphart, *op. cit.;* Pippa Norris, *op. cit.*
[17] Alvin Rabushka and Kenneth A. Shepsle, *op. cit.*
[18] Kanchan Chandra, *op. cit.*, p. 422.

why and in which context some cleavages reduce electoral volatility, while others in some other contexts do not.

The latest literature on ethnicity and identity politics addresses some of the above questions. For example, Posner distinguishes between tribal versus linguistic identity, and argues that institutions determine when politics revolves around one of the bases of ethnic divisions rather than the other. He argues that "they also shape people's incentives for selecting one of these potentially salient ethnic identities rather than others, and coordinate these choices across individual so as to produce a society level outcome."[19] Posner concludes that in Zambia tribal identities have tended to dominate during one-party rule, but linguistic identities have tended to dominate under multi-party rule. His argument is based on the general propositions of instrumental rationality: people are interested to get resources from the state, "they believe that having someone in the power position from their ethnic group will facilitate their access to these resources", and finally, coalition formation is the best way to get someone from their ethnic group into the power position.[20] This interesting argument implies that people are not passive bodies on which ethnicity or any other form of identity acts upon, rather they are actors themselves, and they are potent enough to choose between identities to serve their strategic interest. However, Posner leaves out religion as a separate identity from the identity politics.[21] Following Bartolini and Mair, Birnir adds to the literature by adding religion as a variable in the context of electoral stability. Using the common measure of volatility -"percentage of votes gained by one party and lost by any other party in each pair of elections" - Birnir shows that "ethnic minority populations, who are represented through ethnic parties, are initially more stable in their voting behaviour than the non-ethnic majority."[22] She concludes that "language cleavages stabilize voting immediately in new democracies, while voting associated with other cleavages, such as religion, takes more time to develop".[23] This is an important addition to the literature. But, Birnir leaves out the questions of context: in which condition is religion powerful and in which it is not? More importantly, she makes the mistake of assuming that the scope of religion as an identity is equal to the scope of language and race as identities. As it is argued in this paper, there exists a fundamental difference between all other identities and religious identity in terms of their respective scope. While all other identities tend to be local and relatively stable[24] (not fixed though), religious identity not only tends to be greater in scope (global and adherent population from all other identity groups) but also is able to increase or decrease its scope over time (e.g. through conversion and population increase).[25]

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[19] Daniel N. Posner, *op. cit.*, p. 5.

[20] *Ibid.,* p. 3.

[21] Daniel N. Posner, *op. cit.*

[22] Johanna Kristin Birnir, "Divergence in Diversity? *op. cit.,* p. 609.

[23] *Ibid*., p. 717.

[24] Johanna Kristin Birnir, *Ethnicity and Electoral Politics*, *op. cit.;* Kanchan Chandra, *op. cit.;* Rawi Abdelal *et al.*, *Identity as Variable*, *op. cit.*

[25] Steven Grosby, "Nationality and Religion," in Montserrat Guibernau and John Hutchinson (eds.), Understanding Nationalism, Malden, Polity/Blackwell; Jonathan Fox, "Towards a Dynamic Theory of Ethno-religious Conflict", *Nation and Nationalism*, Vol. 5, No. 4, 1999, pp. 431-463.

Fox treats the general question of religious identity and ethnicity analytically and more comprehensively. He defines religious identity to have four social functions where religion provides (i) a meaningful framework for understanding the world; (ii) rules and standards for behaviour that link individual actions and goals to this meaningful framework; (iii) links individuals to a greater whole and sometimes provides formal institutions which help to define and organise that whole; and (iv) the ability to legitimise actions and institutions.[26]

Like Fox, Seul also observes that religion provides individuals and groups with meaningful framework of life. He argues that "religions frequently supply cosmologies, moral frameworks, institutions, rituals, traditions, and other identity-supporting content that answers to individuals' needs for psychological stability in the form of a predictable world, a sense of belongings, self esteem, and even self-actualization".[27] Both the authors suggest that if the "meaningful framework" is threatened religious identity will generate conflicts with the threatening identities (mostly other religions) or groups. Although religious identities tend to highlight the life larger than the earth, they tend to engage in mundane politics on regular basis in their quest to capture the state and vital social resources. Seul makes the point that "Conflicts between religious groups typically are caused by the same material factors and social dynamics that incite and fuel conflict between ethnic, racial, and other identity groups".[28] Fox's and Seul's social-psychological analyses of how religion facilitates inter-group competition and conflict make important contribution to the understanding of identity competition.

However, it is yet to be seen how this understanding of religion can be integrated to the literature on cleavages, ethnicity and electoral stability. This is the task that has been taken up in this paper. What is highlighted here is the importance of investigating how religious identities compete with other sorts of identities such as language or race, not just with other religious identities.

3.   Theoretical Framework of Identity Competition

The existing literature on social cleavages, identity and democratic stability indicates the following points: first, multiple social cleavages and identity groups affect (positively) the democratic (electoral) stability of a political system; second, rational voters take cues from their core identities and want to establish that their groups get the desirable share of the power and the resources of the state; third, since successful social mobilisation relies on the in-group's organisational strengths, given a political opportunity people want to strategically select their identity based on their perception of their inner-group-organisational strengths; fourth, in the voters'

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[26] Fox, *ibid.*, p. 445.
[27] Jeffrey R. Seul, "Ours is the Way of God: Religion, Identity, and Intergroup Conflict", *Journal of Peace Research*, Vol. 36, No. 5, 1999, p. 553.
[28] *Ibid.*, p. 564.

analyses of comparative organisational strengths, religion becomes an effective candidate *vis-à-vis* other ethnic identities as religious identity can be equally as mundane and salient as its counterparts; fifth, as argued by Birnir, during the initial electoral phases ethnic identity (particularly language) based parties stabilise votes.

Building on the above literature, it is argued that religious identities compete with other sorts of identities. While during the initial phase of electoral political opportunity, core identities (other than religion) tend to stabilise electoral politics, during the later phases religious identities rise over other identities as electorally important instrument. Figure-1 shows why it is the case.

Figure -1: Causal Mechanism behind Identity Competition
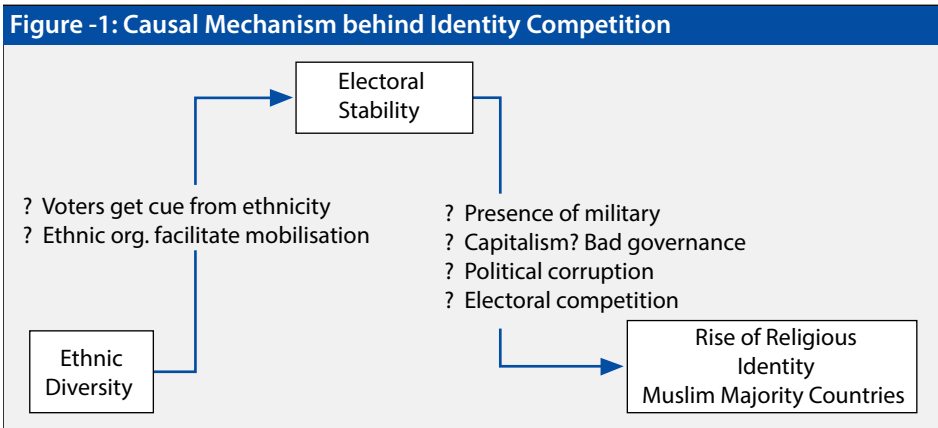
Source: Author's own

In Figure-1, ethnic diversity leads to electoral stability, that leads the rise of religious identity based politics. The texts on the causal arrows summarise the mechanisms that ensure the causal link between the elements. Take the first causal link first: between ethnic diversity and electoral stability (the definitions of these and other important terms are given in the measurement section, later in this paper). There are two mechanisms at work that connects ethnic diversity and electoral stability. First, voters get their cues from ethnicity. Birnir makes this argument using a formal model: the main argument is that voters are utility maximisers, and their cost benefit analyses are based on their policy preferences with respect to the political party's policy preference.[29] Since the voters want to have access to the state resources, they make sure that the party they choose represents them almost exclusively so that they get the entire resource that the party can extract from the state. On the other hand, since the party wants to get the median voters within the cleavage that it represents, it will listen to the voters. Ethnic parties will not have constituencies outside their own ethnic boundaries. Second, as argued in the previous section, ethnic organisations mobilise voters to take part in the democratic process once the opportunity comes. They mobilise these voters toward a single party representing them. The paper

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[29] Johanna Kristin Birnir, "Divergence in Diversity?"*op. cit.*

argues that both of these mechanisms exclude religious identity because voters want exclusive representation, which is generally not possible through religious parties. Religious parties tend to have broader constituency than parties based exclusively on such features as language, race, motherland etc. Religious parties such as Muslim Brotherhood and Jamaat-e-Islam, even tend to draw supports from the national territory. During the initial phase of democratisation, ethnic voters do not have complete information about the resources they will be getting from participating in the national politics, and thus they will not feel secured with such parties since they will fear losing their resources to some unknown or rival groups. As a result, religious organisations will not be able to gather enough resources and support to mobilise politically during the initial period of democratisation. This leads to the following proposition:

Proposition-1:   During the initial phase (first couple of elections) core ethnic identities will fare much better than religious identities in stabilising electoral democracy.

The second causal link states that electoral stability will facilitate religious identity in the long run. This, however, is a conditional statement. Religious identity will be able to attract enough voters only in the context of continued electoral stability. The argument here is that once the ethnic parties are established in a stabilised (electoral) system they become part of the broader institutional status quo. If voters want change, these parties are no longer helpful. This causal link is further conditional upon a number of factors identified by Nasr, which are particularly typical to new Muslim democracies: strong presence of military, emerging private sector (capitalism) and competition over voters.[30] Nasr argues that in most Muslim democracies military, even after several free and fair elections, remains a major de facto power player. He identifies three effects of such military presence: "First, it limited the [radical] Islamist's room to manoeuvre. Second, it gave all parties an incentive to avoid confronting the military while angling for advantage within the democratic forces. Finally, the military's meddling in politics led to more elections, political realignments, and shifts in coalitions, accelerating and intensifying experimentation with new political formulas."[31]

As a result, on the one hand, radical Islamist parties start to involve in "pragmatic politics," while on the other hand, ethnic voters start to get disillusioned about their exclusive status in their own political party as well as in the system in general.[32] Regarding capitalism, Nasr observes that "the less state-dependent and more integrated into the world economy a country's private sector is, the more likely is that country to see Muslim Democracy gain traction as a political force … [because] Muslim Democracy combines the religious values of the middle and lower-middle classes with policies

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[30] Vali Nasr, "The Rise of Muslim Democracy", *Journal of Democracy*, Vol. 16, No. 2, 2005, pp. 13-27.
[31] *Ibid.,* pp. 17-18.
[32] *Ibid.*

that serves their economic interests."[33] Regarding competition of voters, since no one party can easily dominate the system, all parties try to increase their issue dimensions to attract more voters (even from its own ethnic group) by incorporating issues that are not necessarily salient to the ethnic groups they represent. Nasr observes that "regular competitive elections have both pushed religious parties toward pragmatism and pulled other parties into more diligent efforts to represent Muslim Values."[34] In addition to these three factors, bad governance and system-wide political corruption make voters frustrated. As corruption permeates across ethnic boundaries and the quality of governance remains poor for a considerable period of time despite repeated experimentation with reform measures, voters tend to accept bargains from Islamist parties who offer to bring in system-wide reforms in favour of Shari'a law repudiating all current forms of politics that are inherently corrupt. The net effect of all these is that in the context of stabilised (electoral) democracy, while on the one hand voters across previous boundaries of ethnicity begin to move toward Islam, on the other hand, political parties in order to catch up with the voters and constrained and instructed by the military move toward the Islamic middle-ground, the secularised Islam, or what Nasr calls Muslim Democracy. This leads to the following proposition:

Proposition-2: As the democracies with Muslim population pass the initial democratisation period (first couple of elections) and institutionalise electoral politics (many 'free and fair' elections), religious identity trumps other identities over time.

Combining propositions 1 and 2, the following hypothesis can be proposed for testing in this paper.

Hypothesis-1: In diverse new democracies, ethnic identities trump over religious identity, while as the system stabilises electorally religion, especially Islam, gradually overcomes other identities, particularly in countries with substantive number of Muslims population.

4.   Methodology

Before delineating the methodology to be employed in this paper, it is essential to define major concepts and terminologies used in the theoretical framework and arguments of this paper.

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[33] *Ibid.*, p. 18. Nasr uses the phrase "Muslim Democracy" to indicate such countries as Bangladesh, Indonesia, Malaysia, Pakistan (before its 1999 military coup), and Turkey where since the early 1990s political arena has been opened up allowing Islamic-oriented (but non-Islamist) parties to successfully vie for votes in elections. According to Nasr, "Muslim Democrats view political life with a pragmatic eye. They reject or at least discount the classic Islamist claim that Islam commands the pursuit of a Shari'a state and their main goal tends to be the more mundane one of crafting viable electoral platforms and stable governing coalitions to serve individual and collective interests – Islamic as well as secular – within a democratic arena whose bounds they respect, win or lose.", *ibid.*, p. 13.

[34] *Ibid.*, p. 19.

4.1   *Concepts and Measurement*

According to Lijphart, "*Democracy*" is a "synonym of what Dahl calls "polyarchy". It is not a system of government that fully embodies all democratic deals, but one that approximates them to a reasonable degree".[35] In addition, in order to highlight the centrality of election in such a democracy, the paper uses Schumpeter's minimalist definition of democracy that is marked by the institutional arrangements that ensure "the competitive struggle for people's vote."[36] *New democracy* refers to "any newly established democracy, whether the prior authoritarian regime resulted from domestic events or foreign control".[37]

According to Bartolini and Mair, electoral stability or volatility is "a measure of the net electoral change between two consecutive elections."[38] According to Birnir, this (electoral volatility) means "the percentage of votes gained by any one party and lost by any other party in each pair of elections." The standard measure is given by Przeworski:[39]

$$\Sigma_{i=1-n}\big|[P_{it} - P_{i(t+1)}]/2\,\big| \tag{1}$$

where "volatility between elections at t and t+1 is measured as half the sum of the absolute difference between vote shares (P) of all parties in each election. The shares are taken without their sign in the aggregate and half of the observed difference is used".[40] Here the point of interest is the levels of aggregate volatility of a country for a pair of elections. Birnir's data is useful; it is derived by using the above measure for the first couple of election for 58 new democracies.[41] Later in the paper the same measure is used to derive volatility index for a subset of these 58 countries for all subsequent elections.

Rise of Islam: Rise of Islam represents what Nasr calls Muslim Democracy. In the context of this paper, this simply means an increased number of people in the (majority) Muslim Democracies who appreciate the value of religion in their daily life.[42]

Ethnic, Linguistic and Religious Identity and Diversity: Alesina *et al*. offer measures of fractionalisation for 190 countries.[43] Using the following formula they measured ethnic, linguistic and religious fractions:

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[35] Lijphart, *op. cit.*, p. 4.
[36] Joseph A. Schumpeter, *Capitalism, Socialism, and Democracy,* London and New York: Routledge, 1994, p. 269.
[37] Johanna Kristin Birnir, "Divergence in Diversity?", *op. cit.*, p. 609.
[38] *Ibid.,* p. 19.
[39] Cited in *Ibid*.
[40] *Ibid*., p. 21
[41] Johanna Kristin Birnir, *Ethnicity and Electoral Politics, op. cit.*
[42] *Ibid*.
[43] Alberto Alesina, Arnaud Devleeschauwer, William Easterly, Sergio Kurlat, and Romain Wacziarg, "Fractionalization", *Journal of Economic Growth*, Vol. 8, 2003, pp. 155-194.

$$\text{Fract}_i = 1 - \Sigma_{i=1 - N} \, s^2_{ij} \qquad\qquad (2)$$

where s^2_{ij} is the share of group i ($i = 1 \ldots$ N) in country j. The index varies from 0 in a perfectly homogenous country to 1 when every individual belongs to a different group. The idea here is to calculate the probability that the two randomly selected individuals belong to two different groups.

4.2 *Data*

The fractionalisation data of Alesin *et al*. are used to create major dependent variables of interest: ethnic, linguistic and religious fractions for 58 countries. Ethnic and linguistic fractions from Alesina *et al*. then used to create an independent measure of ethnic identity for this paper. Due to addition of two 0-1 measures, the new index varies from 0 in a perfectly homogenous country to 2 when every individual belongs to a different group. The religion measure of Alesina *et al*. is kept intact. The dependent variable here is the electoral volatility or stability, as measured by Birnir for 58 countries.[44] The Inter-Parliamentary Union online database is used to gather party-wise national parliamentary elections data for all elections for a selected number of country, that has been then used to calculate electoral stability index for these countries using equation 1 above. To see if people's appreciation of religion has increased over time, the World Value Survey database 1995 and 2005 are used. Other data such as population, percentage of population of the Muslims, regions, and economic indicators came from the online database of the World Bank and Penn World Table.

4.3 *Case Selection*

The analysis of this paper is divided into two steps to separately test the propositions mentioned above. For proposition-1, this paper considers 58 cases that include all new democracies. Ordinary Least Square (OLS) regression analysis is done for all these countries to test this proposition.

Proposition-2 is tackled by a descriptive analysis of electoral volatility of a group of countries that are selected by a scheme illustrated in Figure-2. Considering the figure, the goal is to reach to the quadrants of the 2 X 2 table inside the innermost circle, where the circles represent the set of all new democracies and its stable and Muslim majority subsets. The innermost circle includes the countries that are 'Muslim majority stable democracies' (initial elections). Since proposition-2 stands only for these countries, other countries are not selected for this paper. Within these Muslim majority stable democracies, the paper allows for variations along lines of two variables, ethnicity and religion, that are measured as continuous indices, as provided by Birnir and Alesina *et al*. Means of these variables (see table-1) are used as cut points to dichotomise them into high and low, which allows the paper to approximately

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[44] Johanna Kristin Birnir, "Divergence in Diversity?", *op. cit*.

segregate countries that are first, stable countries, second, majority Muslim countries, and then countries with high/low religious fractions and countries with high/low ethnic fractions. Detailed categories of countries along these lines are given in Appendix Table-1.

To further illustrate the analysis with a descriptive comparative framework, the paper focuses on the following four countries that have majority Muslim population and are representatives of each of the quadrants of figure-2: (I) Nigeria; (II) Pakistan; and (IV) Turkey and Bangladesh. Note that quadrant (III) has no such country. It is, however, to be acknowledged that given larger space and time one would have done comparative studies on a larger number of cases accounting for all other categories that are left out here.

Table 1: Descriptive Statistics					
Variable	Obs	Mean	Std. Dev.	Min	Max
Stability	48	18.29583	9.940611	4.1	41.7
Linguistic Fraction	57	0.357653	0.273813	0.0021	0.8652
Ethnic Fraction	58	0.433472	0.229078	0.002	0.8791
Ethnic + Linguistic	56	0.404015	0.229062	0.00205	0.8504
Religious Fraction	58	0.416847	0.218604	0.0049	0.8603

Figure 2: Case Selection for Descriptive Analysis
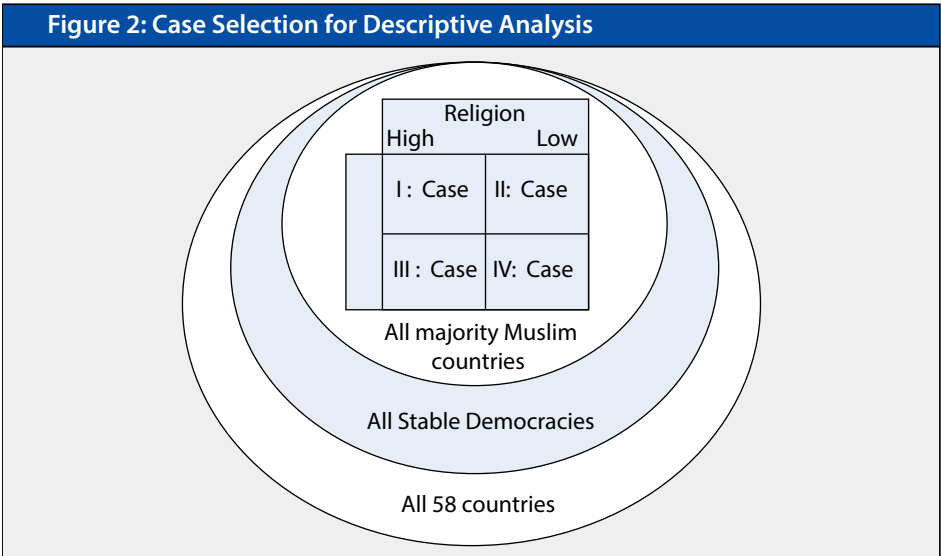
Source: Author's own

5.   Evidence

Analyses of the data here are presented in two steps: First, cross sectional. OLS to show how *electoral stability* (dependent variable) is explained by *identities* (independent variables) for the initial democratisation period (context one) controlling for regime types, electoral systems, and economic indicators (natural log of population, natural log of GDP) and instrumenting with region. The models with expected signs are as follows:

Electoral volatility = a – b(Religion) –b(Ethnic fraction)

$$+ b(\text{Regime type}) + b(\text{Electoral system})$$
$$+ b(\text{Asia}) + b(\text{America}) + b(\text{Africa})$$
$$+ b(\text{Log of GDP per capita}) + b(\text{GDP growth rate})$$
$$+ b(\text{Log of population})$$
$$+ e \hspace{4cm} (3)$$

Table 2 demonstrates the results of the model in equation 3. As expected the coefficient for ethnicity is 3.29123, which is statistically significant at 95% confidence level. This means that with the increase in ethnic fractionalisation electoral volatility decreases, controlling for all other variables. On the other hand, the other identity variable, religion, receives the expected sign, but turns out to be statistically non significant. In addition to ethnic identity, only two of the economic measures come out statistically significant: log of per capita GDP and GDP growth rate. All these indicate that during the initial phase (first couple of elections), core ethnic identities fare much better than religious identities in stabilising electoral democracy, all other things being equal. This, then, confirms the proposition-1.

Table 2: OLS Regression Results (Dependent = Electoral Volatility)						
Electoral volatility	Coef.	Std. Err.	t	P>t	[95% Conf.	Interval]
Religion	-8.70484	8.272177	-1.05	0.301	-25.5547	8.145032
Ethnic fraction	-3.29123	1.557825	-2.11	0.043	-6.46441	-0.11804
Regime type	-1.97976	4.377127	-0.45	0.654	-10.8957	6.936152
Electoral system	2.748914	2.178991	1.26	0.216	-1.68955	7.187373
Asia	3.685194	5.734706	0.64	0.525	-7.99602	15.36641
America	35.00963	9.939568	1.69	0.001	-4.81	15.20927
Africa	-2.32686	5.624152	-0.41	0.682	-13.7829	9.129162
Log of GDP per capita	3.693546	1.744213	2.12	0.042	0.140701	7.246392
GDP growth rate	-0.40643	0.205245	-1.98	0.056	-0.8245	0.011639
Log of population	-0.36567	1.080156	-0.34	0.737	-2.56588	1.834536
Constant	-19.6662	23.87045	-0.82	0.416	-68.2887	28.95633
Observation = 58						
R-squared = 0.4113						
Adj R-squared = 0.2273						

In the second step, two tasks are at hand: first, to calculate the electoral volatility measure using all available election data for each of the four Muslim majority countries (Figure-2) that according to Birnir were electorally stable during the first two elections.[45] The calculation procedure is as follows. The number of parliamentary seats gained by each political party of a country for each election has been collected. Then, for two subsequent elections at a time is calculation of the absolute difference of each party seats, gain or loss. This absolute value is then divided by 2 to get the average seats, gain/loss for that party. To get a measure for the whole country, summed up are such average seats, gain/loss values of all the parties that participated in all the elections. This number has a lower bound, 0; but it does not have any upper bound. Thus it has to be evaluated in relation with all other values of the country. For example, take the case of Bangladesh. For three pairs of elections (1991-1996; 1996-2001; 2001-2008) this country received three difference scores: 54, 102 and 178. This means, as the country moved from its first election pair to third election pair it became gradually more volatile. The higher the value the higher is the electoral volatility. Similarly, Pakistan's volatility scores are 65→42→71→60 for five election pairs. This means Pakistan remained relatively less volatile in the subsequent elections *vis-à-vis* its first election pair. While Nigeria became a little more volatile (32→37), Turkey, compared to its first pair of elections gradually became more volatile over the course of six elections (five election pairs): 114.5→276→243→303→547. In sum, while Pakistan and Nigeria became less volatile, Bangladesh and Turkey became more volatile. In appendix, figures 1 and 2 demonstrate the facts graphically.

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[45] Johanna Kristin Birnir, *Ethnicity and Electoral Politics, op. cit.*

Table 3: Electoral Volatility for all Election Years										
		Pair wise differences								
Country	Election Years	D1*	D2	D3	D4	D5	D6	D7	D8	D9
Bangladesh	1991,1996, 2001, 2008	54	102	178	-	-	-	-	-	-
Pakistan	1988, 1990, 1993, 1997, 2002, 2008	65	42	71	60	-	-	-	-	-
Nigeria	1999, 2003, 2007	34	37	-	-	-	-	-	-	-
Russia	1993, 1995, 1999, 2003	169	168	122	-	-	-	-	-	-
Bulgaria	1991, 1994, 1997	50	83	-	-	-	-	-	-	-
India	1971, 1977, 1980, 1984, 1989, 1991, 1996, 1998, 1999, 2004	298.5	295	38	251	93	123	42.5	123	102.5
Macedonia	1994, 1996, 1998, 2006	14.5	32.5	22	-	-	-	-	-	-
Turkey	1983,1987, 1991, 1995, 1999, 2002	114.5	276	243	303	547	-	-	-	-
France	1989, 1992, 1995, 1998, 2001, 2004	191	183	191.5	338	-	-	-	-	-
Japan	1989, 1992, 1995, 1998, 2001, 2004	12	66	102	14.5	32.5	-	-	-	-
Spain	1989, 1993, 1996, 2000, 2004	40	20	30	46	-	-	-	-	-
South Africa	1994, 1999, 2994	102	33.5	-	-	-	-	-	-	-

Note: *D1 to D9 represents pair wise differences. For example, D1=54 means sum of the average of the absolute difference of seat shares in parliament for all parties in Bangladesh. See figures 3 and 4 for graphical presentation of the data presented here.

The second task for this step is to compare World Value Survey 1995 with 2000 using a measure of religiosity for all of the above four countries. The survey question is: "is religion important in your life?" The theoretical expectation here is: the countries that have stabilised over time (or became less volatile) should have seen more people responding with 'yes' to the survey question in 2000 compared to 1995. That means, the expected sign of mean-difference is 'plus'. On the other hand, the countries that have de-stabilised over time (or became more volatile) should have seen less people responding with 'yes' to the survey question in 2000 compared to 1995. That means, the expected sign of mean-difference is 'minus'. Table 4 confirms the expectation for Bangladesh, Nigeria and Turkey: over time these countries became relatively more volatile, and therefore, people in these countries have not allowed religious identity to thrive.

This result makes sense. For example, in 2001 the Bangladesh Nationalist Party (right-centre) captured 64 per cent of the seats in the country's national parliament. People have completely sidelined Jamaat-e-Islami (the Islamist Party). Similarly, in Turkey in 2002, the Justice and Development party (AKP) won 66 per cent of the seats in the parliament, while the Islamist Felicity Party was totally sidelined. In both of these countries, voters had clear Islamist alternative before them, but they did not choose that.[46] However, the case of Pakistan did not confirm the expectation. Compared to the 1995 survey, why did less people believe in 2000 that religion was important in their lives? A more in-depth study of Pakistan is required to answer this question. However, looking at the country's election years may help make an initial speculation: almost none of the government could complete their terms. From 1988 to 1993 they had elections in almost every two years. Due to frequent elections, voters probably did not feel to change their party as the parties in the government did not have enough change to perform. Due to these frequent elections, Pakistan probably received moderate scores in the election volatility table (Table 3).

Table 4: Comparing World Value Survey 1995 and 2000 Survey Question: "Is religion important in your life?"					
	WVS95-mean	WVS2000-mean	Difference	Sign	Expected Sign
Bangladesh	1.210492	1.17	-0.04049	Minus	Minus
Turkey	1.364971	1.364011	-0.00096	Minus	Minus
Pakistan	1.281037	1.242	-0.03904	Minus	**Plus**
Nigeria	1.128758	1.094461	-0.0343	Minus	Minus

6.   Conclusion

In conclusion, these initial results show that the theory and the hypothesis that the paper developed have potential to be developed further and be subjected to more rigorous statistical tests. It is expected that in diverse new democracies, ethnic identities would trump over religious identity, while as the system stabilises electorally religion, especially Islam, would gradually overcome other identities, particularly in countries with substantive number of Muslim population. The OLS regression results confirm that during the initial years ethnic identity does explain much of the electoral volatility of the new democracies. Subsequently, a series of descriptive studies on Bangladesh, Turkey and Nigeria confirmed, although weakly, that if democracies destabilise voters would not go for religious identity. Pakistan appeared to be a deviant case. The paper suggests that Pakistan did not behave as was expected because of its frequent elections that did not allow any government to complete its full term, and as a result, voters instead of increasing their support for religious identity, slightly decreased their support.

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[46] Nasr, *op. cit.*

APPENDIX

Appendix Table 1: Ethnicity-Religion Matrix for all New Democracies

|		Religion							
		[Ethnic fractionalisation index of Alesina *et al.*]							
		High				*Low*			
		All New Democracies	1 % Muslim Pop	10 % Muslim Pop	Majority Muslim Pop	All New Democracies	1 % Muslim Pop	10 % Muslim Pop	Majority Muslim Pop
ETHNICITY = [ethnic + linguistic fractionalisation index of Alesina *et al*]	*High*	Benin	Benin	Benin	Macedonia	Dominican Rep.	Dominican Rep.	Indonesia	Indonesia
		Bosnia	Bosnia	Bosnia	Nigeria	El Salvador	India	Pakistan	Pakistan
		Ghana	Ghana	Ghana		Estonia	Indonesia	India	
		Guinea-Bissau	Guinea-Bissau	Guinea-Bissau		India	Nepal		
		Latvia	Macedonia	Macedonia		Indonesia	Pakistan		
		Macedonia	Malawi	Malawi		Nepal	Philippines		
		Malawi	Mozambique	Mozambique		Pakistan	Thailand		
		Moldova	Nigeria	Nigeria		Philippines			
		Mozambique	South Africa			Thailand			
		Namibia							
		Nigeria							
		South Africa							
	Low	Brazil	Bulgaria	Bulgaria		Albania	Albania	Albania	Albania
		Bulgaria	Georgia	Mauritius		Argentina	Argentina	Bangladesh	Bangladesh
		Czech Republic	Germany			Austria	Austria	Turkey	Turkey
		Georgia	Madagascar			Bangladesh	Bangladesh	Israel	Turkey
		Germany	Mauritius			Bolivia	Croatia	Russia	
		Hungary	Ukraine			Chile	France		
		Jamaica				Costa Rica	Greece		
		Japan				Croatia	Greece		
		Madagascar				Ecuador	Israel		
		Mauritius				France	Italy		
		P.N.Guinea				Greece	Mongolia		
		Slovakia				Greece	Russia		
		South Korea				Guatemala	Slovenia		
		Ukraine				Honduras	Spain		
						Israel	Sri Lanka		
						Italy	Turkey		

					Lithuania	Turkey		
					Mongolia			
					Nicaragua			
					Panama			
					Paraguay			
					Peru			
					Poland			
					Portugal			
					Romania			
					Russia			
					Slovenia			
					Spain			
					Sri Lanka			
					Turkey *2			
					Uruguay *2			
					Venezuela			

Appendix Figure 1: Electoral Instability in Four Highlighted Cases

Note: Lines in the graphs represent election dyads
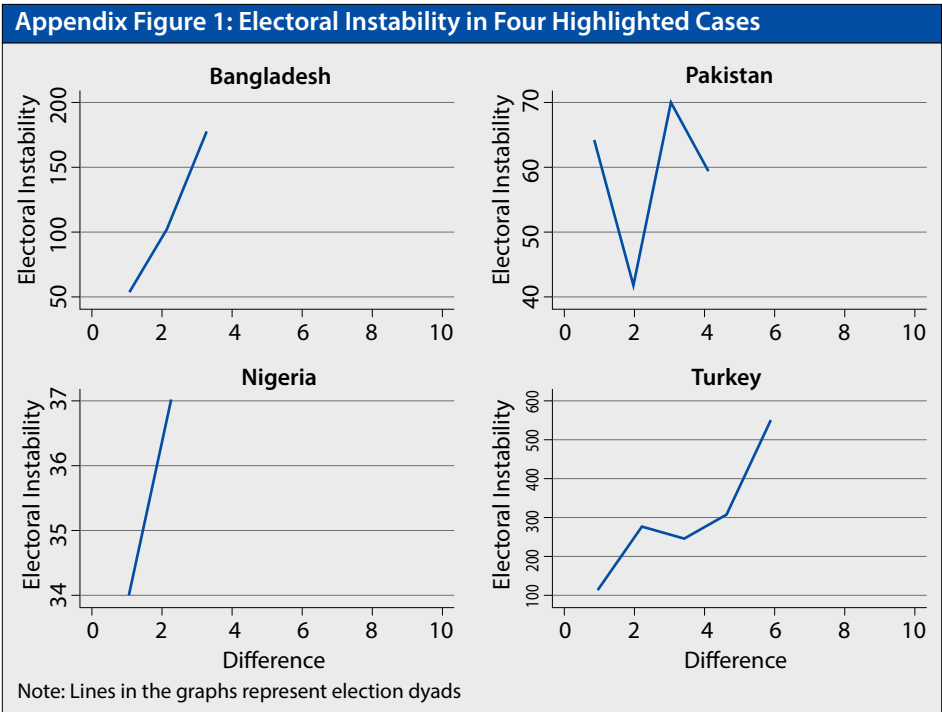
Note : Read this figure with reference to Table-3.

Appendix Figure 2: Electoral Instability in a Selection of Cases
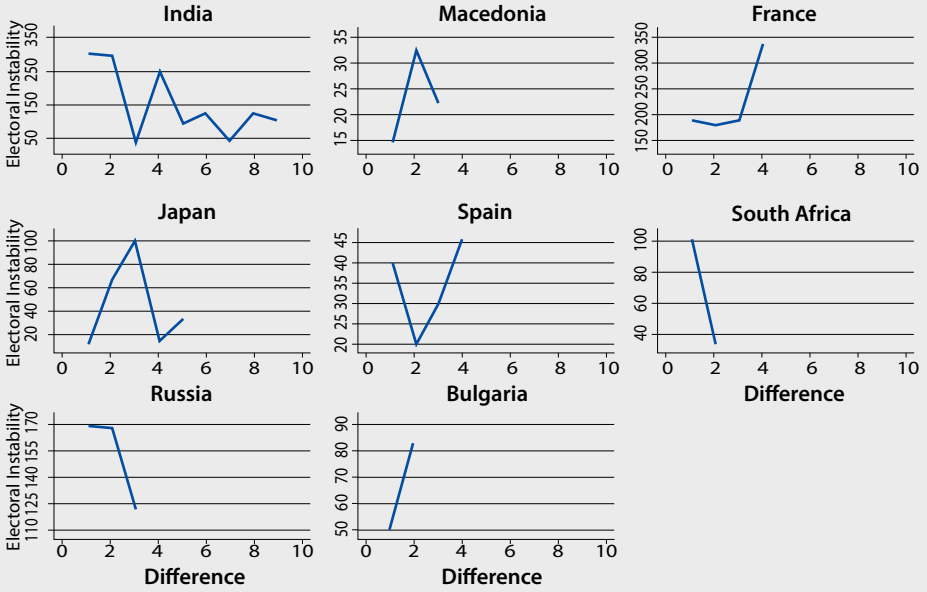
Note: Lines in the graphs represent election dyads

Note: Read this figure with reference to Table-3.

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