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DELIBERATION FOR DEVOLUTION IN THE PUBLIC SPHERE:
CASE STUDY FROM PAKISTAN

by

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DEDICATION

To the people of Pakistan,

who long for an experience of citizen empowerment

in democracy

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DELIBERATION FOR DEVOLUTION IN THE PUBLIC SPHERE:
A CASE STUDY FROM PAKISTAN

Beenish Kulsoom, Ph.D.

Western Michigan University, 2019

Genuine democratic deliberation on design of institutional rules is possible only when the state apparatus and political and civil society are engaged in communicative interexchange, exchanging ideas, and speaking in a language understood and accepted by all others. Moreover, in such an exchange the interlocutors do not hold back their thoughts to achieve strategic control in order to subvert the communicative engagement. The deliberative theory of democracy advocates communicative engagement between state and society actors that results in institutional rules that are accepted by all.

The advocates of the theory of deliberative democracy argue that while the state is the chief architect of lawmaking, to regulate the society it cannot ignore the actors of either the political or civil society. The site where state and civil society engage in communicative interexchange is the public sphere. The theory of deliberative democracy does not question the legitimacy of lawmakers nor the institutions through which elected representatives are chosen. It is, however, the process of making and legitimizing decisions, policies, and laws that the deliberative theory of democracy is interested.

But what explains the role of civil society actors within such regimes that enact institutions which favor authoritarianism over democratic rule? When I looked to the deliberative theory of democracy to explain the complexity of devolution planning in Pakistan, I realized that the theory of deliberative democracy was insufficient frame to address the state and civil society interexchange. First, this is because the very entity of autonomous civil society has been absent in Pakistan. Secondly, the issue of regime type has not been adequately addressed by theorists of the deliberative theory of democracy.

Through elite interviews, analyses of documentary evidence, and newspaper reviews, I critically examine the political landscape of the country.

My research shows that in Pakistan the three actors of the state—the political parties (political elite), the bureaucratic elite, and the military elite—have been locked in a constant rivalry to take control of the executive powers of the state. The hybrid regime in Pakistan and the design of laws and policies under hybrid regime is, however, not only the result of the long intervals of military rule. The political society is also responsible for perpetuating hybrid regime. The military and political elite build partnerships when it is suited for them to take reins of political power. Civil society, I argue, is a bystander in these partnerships; engagement with civil society is invoked only when required by the hybrid regime.

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LIST OF ABBREVIATIONS

ADB	Asian Development Bank
ACR	Annual Confidential Report
APP	Associated Press of Pakistan
AL	Awami League
ANP	Awami National Party
BBC	British Broadcasting Service
BNP	Balochistan National Party
BD	Basic Democracy
BNR&R	Bureau of National Research & Reconstruction
CBO	Community Based Organization
CJP	Chief Justice of Pakistan
CSP	Civil Service of Pakistan
COAS	Chief of Army Staff
CoD	Charter of Democracy
CMA	Civil Miscellaneous Application
CP	Constitution Petition
CFR	Council of Foreign Relations
CIDA	Canadian International Development Agency
CSS	Central Superior Services
CSR	Civil Service Reform
DC	Deputy Commissioner
DCO	District Coordination Officer
DFID	Department for International Development
DMG	District Management Group
ECP	Election Commission of Pakistan
EFF	Extended Fund Facility
FAFEN	Free and Fair Election Network
GHQ	General Headquarter
GONGO	Government Owned Non-Government Organization
HRCP	Human Rights Commission of Pakistan

HRW	Human Rights Watch
ICG	International Crisis Group
ICNL	International Center for Not-for-Profit Law
IFI	International Financial Institutions
IJI	Islami Jamhoori Ittehad
IMF	International Monetary Fund
ICS	Indian Civil Service
JI	Jamat-i-Islami
JUI	Jamiat-i-Ulma Islam
JUI-F	Jamiat-i-Ulma Islam - Fazal
JWP	Jamhoori Watan Party
KPK	Khyber Pukhtunkhwa
PWP	Kisan Mazdoor Party (the Peasant Worker Party)
LGO	Local Government Ordinance
LGP	Local Government Plan
MMA	Muttahida Majlis-e-Amal
MNA	Member of National Assembly
MPA	Member of Provincial Assembly
MQM	Muttahida Quami Movement
MRD	Movement from restoration of Democracy
NA	National Assembly
NDP	National Democratic Party
NGO	Nongovernment Organization
NGORC	Nongovernment Organization Resource Center
NP	National Party
NORAD	Norwegian Agency for Development
NRB	National Reconstruction Bureau
NWFP	North West Frontier Province
PDF	Pakistan Development Forum
PDP	Pakistan Democratic Party
PEMRA	Pakistan Electronic Media Regulatory Authority
PNP	Pakistan National Party

List of Abbreviations—Continued

PILDAT	Pakistan Institute of Legislative Development and Transparency
PML	Pakistan Muslim League
PML-N	Pakistan Muslim League - Nawaz
PML-Q	Pakistan Muslim League - Quaid
PPP	Pakistan Peoples Party
PKMAP	Pashtoonkhwa Milli Awami Party
PNA	Pakistan National Alliance
PTV	Pakistan Television
PID	Press Information Department
SALs	Structural Adjustment Loans
SAP	Social Action Plan
SAP-PK	South Asian Partnership Pakistan
SDPI	Sustainable Development Policy Institute
SPCCR	Special Parliamentary Commission on Constitutional Reforms
SDF	Saangat Development Foundation
SDR	Special Drawing Rights
SPO	Strengthening Participatory Organization
SCP	Supreme Court of Pakistan
TI	Tehreek-i-Istiqlal
TVO	Trust for Voluntary Organization
UNDP	United Nations Development Programme
USAID	United States Agency for International Development
VAID	Village Agriculture and Industrial Development
WB	World Bank

CHAPTER 1

INTRODUCTION

What Is the Study About?

According to deliberative democrats, the communicative link that connects the specialist administrative power of the state with the diversified communicative power of the civil society is crucial in sustaining the state's devised laws. In other words, deliberative democrats believe that communicative interexchange between the state and society enables the state to regulate society. However, these arguments have been made in the context of established democratic regimes. The assumptions do not apply (fully) in hybrid regimes, where the civil society is often less autonomous and the state more arbitrary and less accountable. How does communicative interexchange occur in a hybrid regime? This has not been studied.

In absence of communicative interexchange between the state and society, the rules devised by the state are short-lived. The state apparatus has a crucial role to play, but contemporary societies are far more complex and diverse to be dependent solely on the state. On one side of the scale, there are the state and institutional arrangements that regulate society; on the other, there are societal actors generating ideas and values that inform state institutions.

However, my inquiry in this research goes deep in the analysis and application of deliberative democracy. It starts with a basic question: How do we explain the state and civil society connective interaction in the context of a hybrid regime? In a political system that qualifies as being neither democratic nor authoritarian but is midway between the two regime types, what communicative engagement between the state apparatus and civil society can be expected? Furthermore, and most fundamentally, how does the state manifest its control over the political society? How do the political

society and civil society exist in a hybrid regime? What insights does deliberative democracy have to offer concerning state and civil society communicative engagement in the context of a hybrid regime?

Research Puzzle

What enables the state to devise rules and institutions through which it can regulate society? What transpires within the political regime that hovers between authoritarianism and hybrid democratic rule over the design of state institutions? How do the political society and actors of civil society interact over the design of laws in a state represented by longstanding authoritarianism? Drawing from these basic questions, this dissertation argues that the communicative interexchange between state institutions and civil society enables the state to devise rules and institutions through which it can regulate society. Based on this premise, this research investigates the testing case of devolution planning in the hybrid regime of Pakistan.

The theory of deliberative democracy provides the basis on which I present an analysis of the devolution plans implemented by the state of Pakistan. In order to do so, I studied the political evolution of devolution planning by the state of Pakistan in the years 1959, 1979, 2001, and 2010. With a focus on devolution plans, I therefore analyzed whether there had been any instances of communicative and discursive exchange between state and civil society organizations (such as think tanks, non-governmental organizations, noneconomic and voluntary organizations), media, and the political elite.

Looking at devolution plans as a specific type of institutional arrangement introduced by the state of Pakistan, I investigated why the state devised and focused on devolution planning. What actors belonging to the state apparatus were involved in the design of devolution? Why have there been three different versions of devolution plans implemented by the state in Pakistan? What has been the role of actors of state (such as political parties, bureaucratic and military elite) and civil society actors (such as print media, non-governmental organizations) in the formulation of the three devolution plans? Has there been any instance of communicative interexchange between civil society actors in Pakistan that might have sustained and developed the discourse on devolution?

The hypotheses posited in this research are:

H_1: In a political system that emerges from authoritarian rule, the institutional arrangement devised by the ruling elite perpetuates an authoritarian footprint.

H_2: Civil society actors critically analyze the institutional arrangements devised by the state. State laws remain in effect when their development is informed by civil society actors.

Significance of Research

First, an evaluation of the institutional arrangements designed by the state of Pakistan with special focus on communicative interexchange provides an understanding of how the state evolved over time. Second, the analysis of role played by the political society and civil society reflects on society's receptiveness to the state's devised laws. Third, the role played by political and civil society also had an effect on the relations between the state and civil society under the military and elected governments. Thus, fourth, and more crucially, the research analysis of this empirical case from a hybrid regime shows that an interactive communicative exchange between state and civil society resulted in the continuation of one institutional policy devised by the state. The case of devolution plans and communicative interexchange in the public sphere in Pakistan provided the data supporting my research claims.

In the theory of deliberative democracy, the focus has always been on the study of democratic systems. But the theory does not focus on systems that are undemocratic. Of course, this is expected from the construction of the deliberative democracy theory, which presupposes that the system is a democracy and thus adopts the principles of deliberation, that is, the free exchange of arguments in which the "better argument" wins. Furthermore, the theory also presupposes that a democratic state exists, along with a vibrant public sphere involving multiple actors from civil society. This theoretical model places a premium on three main constitutive elements: (a) the free exchange of arguments, (b) the site of a vibrant public sphere, and (c) state and civil society communicative interexchange.

But what about the applicability of a deliberative democracy in a political system that qualifies as neither democratic nor authoritarian? Should the analysis of these political systems be dismissed because

they are not democratic? But then how are we to analyze these very systems that (albeit selectively) allow certain democratic institutions, such as elections and legislatures, and also a nascent existence of civil society? The issue that I have with theorists of deliberative democracy is that they focus on political systems that are democracies already. Such theorization of deliberative democracy overlooks political systems that combine democratic institutions with authoritarian tendencies.

However, in recent times, deliberative democrats have also started to focus on systems that are not democracies, but have adopted the one of the three constitutive elements to address the gaps in the implementation of effective policies. For example, the works of Fung and Wright (2001), Baiocchi (2002), Baiocchi, Heller, and Silva (2008), Dryzek (2009), and Dryzek and Niemeyer (2012) make an effort to apply independent and freely working political institutions to political systems that are not fully democratic. In other words, these scholars attempted to understand whether the deliberative theory of democracy, with its focus on free exchange of arguments in the public sphere between the state and civil society, can be applicable in understanding the making of laws in regimes that are not fully democratic.

Nevertheless, the issue I encountered in the application of deliberative democracy is that these scholars have focused their scholarly attention on only a micro issue of governance. For example, Baiocchi's (2002) work focused on the design of making local democracy effective for local communities in Brazil. Dryzek's (2009) and Dryzek and Niemeyer's (2012) work has focused on community-driven village planning for the design of village development in China. These studies do not, however, look at the political system in its entirety. By focusing on the micro issues of policy planning, we ignore the fact that the system is not democratic, and hence we overlook democratic transgressions that have occurred.

My research exposes the limits of theoretical application of the ideals of deliberative democracy. These ideals are constructed to analyze cases of democracies that have an active and vibrant civil society. In my study, I have made an effort to understand the political system of Pakistan, highlight the main actors on political landscape, and look at communicative interexchange between the actors for the design of institutions. I have conducted my analysis differently than analyses reported in the work of advocates

of deliberative democracy. First, I understand and admit that the political system under study is a regime that has been shaped into a system that qualifies as neither democracy nor authoritarian. Secondly, I identify and highlight the workings of the actors that are involved in such a regime. Thirdly, I show how these actors have engaged in communicative interexchange over the design of law. Fourthly, through this study I expand the scope of the theory of deliberative democracy by applying it to the case of Pakistan, which has had episodic authoritarianism under General Ayub Khan (1958-1969) and General Zia-ul-Haq (1977-1988). Moreover, Pakistan is a complex case; after longstanding authoritarianism, it has experienced a hybrid regime under electoral democracy in the 1990s, which was later solidified under General Musharraf (1999-2008).

The Case Under Study

Scholars studying Pakistan's political system have focused largely on the military's engagement in Pakistan as a specialized bureaucracy circumventing democratic institutions (H. A. Rizvi 2003; Aqil Shah 2014a, 2014b). In this research, I show that Pakistan's political regime has ranged from authoritarianism to democracy, while exhibiting a consistent pull toward authoritarianism.

In Pakistan, the military ruled for almost three decades (1958-1971, 1977-1988, 1999-2007). Pakistan's scholars have regarded these periods as military dictatorships. In this research, I show that under the military dictatorship, the military elite would not impose direct military rule on the society for indefinite periods. Instead, military rulers exercised authoritarian control over political institutions. These military leaders did not eliminate political institutions such as elections, political parties, the legislature, etc., but these same political institutions were exploited, resulting in a permanence of military engagement on the political landscape. The institutional manipulation of political institutions was so effective that even elected governments that followed these military dictatorships could not eradicate the authoritarian footprints.

Under Ayub Khan, from October 1958 to December 1969, the country was under a military dictatorship; the dictatorship, however, allowed partisan politics (after briefly banning political parties),[1] hence the formation of the Convention Muslim League. As a result, a presidential election was held on a party basis and Ayub Khan was elected as the president. Under General Ayub, the system of government was "presidential." In 1969, when General Ayub abdicated, a military dictatorship was established under then Chief of Army Staff (COAS) General Yahya Khan from 1969-1971, and the presidential Constitution of General Ayub Khan was abrogated.

From 1972 to 1977, the elected government of Prime Minister Zulfiqar Ali Bhutto was established, and a new Constitution was devised and put into effect. The Constitution established a parliamentarian system of government, and an elected legislature, based on multiparty elections, was formed. But the system of democratic governance was short-lived. The authoritarian tendencies of the elected leadership brought about a system that was susceptible to failure, and the events of 1977 resulted in military intervention.

General Zia-ul-Haq did not allow partisan politics to mobilize against his military rule, nor did he establish any political party as General Ayub had done. Instead, under his rule from 1977 to 1985, political processes were severely restricted and political parties were not allowed to organize the people against the military dictatorship. After General Zia had elected himself as president based on the referendum in December 1984, he announced general elections for national and provincial assemblies to be held in 1985, but on a non-party basis.

In 1985, as the result of those general elections, the legislature became effective and Prime Minister Muhammad Khan Junejo established the government under the military rule of General Zia. However, under the government of Muhammad Khan Junejo, the political elite were allowed to organize themselves based on their respective political lineage; hence, the legislature was formed into a partisan

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[1] I discuss the political parties under military dictatorships in chapter 3.

institution post non-party elections. Nevertheless, the military dictator, who also was an elected president, shaped the political processes by manipulating the political institutions, which affected how future governments were formed.

Weakened political institutions had an effect on how elected leadership, from 1988 to 1997, engaged in partisan politics and with the institution of military. The decade of the 1990s is marked by political unrest and "11 years of venal misrule" (Diamond 2000, 92). The elected governments moved between two political leaders, Benazir Bhutto and Nawaz Sharif. Although during this period there was no direct military intervention, the military was an integral component of the political landscape. The period also saw the continuation of the political institution that had been enacted under the military rule of General Zia. In chapter 2, I discuss the authoritarian rule under military governments and, in the aftermath, the hybrid regime that came into being under the elected governments.

Under the rule of General Musharraf (1999-2007), a military dictatorship was in effect from 1999 to 2002. In April 2002, when General Musharraf elected himself as president through a countrywide referendum (much like his predecessor, General Zia), he announced general elections on a party basis (unlike his predecessors). A political party, Pakistan Muslim League—Quaid (PML-Q), was launched and was favored by the military dictator. The elections of October 2002 witnessed the government of PML-Q, supported by the military elite.

Table 1 shows that in various decades from 1947 to 1999, the government alternated between military dictators and elected leaderships. During the decades that followed the first military coup (in 1958), the military established itself as one of the key institutional players on the political landscape. Moreover, the elected governments that were formed in successive decades relied on the military to enable their elected rule to become established in society.

Table 1: Nature of Government Rule

Decade	Government	Leadership	Polity IV[2]	Freedom House Scores
1947-1954	Viceregal[3]	Governor General	Starting from 1 in 1947 to 5 in 1954[4]	Not available
1955-1958	Presidential	Major General Iskandar Mirza	8[5]	
1958-1969	1958-1964 military dictatorship	General Ayub Khan	0	Not available
	1965-1969 elected	Convention Muslim League	3	
1969-1971	Military dictatorship	General Yayha Khan	-88[6]	Not available
1972-1977	Elected	Pakistan Peoples Party (PPP) under Zulfiqar Ali Bhutto	8	Partly free

[2] Please see Polity IV dataset on "Political Regime Characteristics and Transitions, 1800-2017." Available at http://www.systemicpeace.org/inscrdata.html

The positive score ranging from numerical digit 1 onward indicates the country has representative political institutions. The score ranging from 1 to 5 suggests fledgling democracy; the scores 6 to 9 denote steady advance toward stronger democracy with established institutions such as open electoral competition, constitution, legislature, judiciary, bureaucracy, etc.

[3] *Viceregal* is the term used by Pakistan scholar Khalid bin Sayyed to describe a system of government in which the head of the state is a Governor General who is not an elected statesman but rather is a self-appointed politician. Mr. Jinnah was the first Governor General, followed by Khwaja Nazimuddin (1948-1951), Malik Ghulam Mohammad (1951-1955) and Major General Iskandar Mirza (1955-1956). In 1956 with the first constitution the office of Governor General was dissolved and replaced by the President.

[4] Because of the provincial elections in 1954, there were multiple parties during this period: the founding political party, Muslim League, Awami League, Republican Party, National Awami Party, Krishak Sramil (Peasants and Workers). There were provincial governments in Punjab, Sindh, NWFP (North West Frontier Province now renamed as Khyber Pukhtunkhwa, i.e., KPK), and East Pakistan.

[5] According to the first constitution of Pakistan of 1956, Pakistan was declared a Republic with a President as the head of government. The provincial governments were merged in two units—West Pakistan comprising Punjab, Sindh, NWFP, and Balochistan as one unit, and East Pakistan being the second. The government in the center was formed based on the electoral strength in the two units; in other words, the Constituent Assembly was a result of electoral performance of parties in the two distinctive units of Pakistan (Sayeed 1967, 82-93).

[6] -88 is the code for the transition period. From 1969 to 1971 Pakistan experienced a military dictatorship under General Yayha Khan, a civil war, and a return to elected democracy.

Table 1—Continued

Decade	Government	Leadership	Polity IV[7]	Freedom House Scores
1977-1988	1977-1984 Military dictatorship	General Zia-ul-Haq	0	Not free
	1984-1988 – Parliamentarian	Pakistan Muslim League under Junejo But partisanship was granted by military dictator post-elections.	0	
1988-1999	Elected – Parliamentarian but under the direct control of an unelected president.	PPP from 1988-1990	8	Partly free
		PML – Nawaz from 1990-1992	8	
		PPP from 1993-1996	8	
		PML-Nawaz from 1997-1999	7	
1999-2007	1999-2002 Military dictatorship	General Musharraf	0	Not free
	2002-2007 – Parliamentarian but under the direct control of military dictator	Coalition government led by PML-Q	2[8]	
2008	Transition in 2008. Parliamentarian	PPP	5	Partly free

In the earlier years of Pakistan's creation, there were multiple political parties; however, the

political government was the result of elections held under the colonial period of 1946. The founding

[7] Please see Polity IV dataset on "Political Regime Characteristics and Transitions, 1800-2017." Available at http://www.systemicpeace.org/inscrdata.html

[8] From 1999 to November 2007, General Musharraf held two positions: the Chief of Army Staff (COAS) and the President of Pakistan. The score of 2 was granted only when General Musharraf had retired from being a serving military general in November 2007. From 1999 to 2006, Polity IV had given Pakistan the score of 0 for democracy.

political party, the Pakistan Muslim League (PML), soon faced other political parties: the Awami League (in East Pakistan, now Bangladesh), the Republican Party, Khudai Khidmatgar (in the province of Khyber Pukhtunkwa), and other regional parties. However, having multiple parties competing in the political domain did not transform the political system into one that was participatory and inclusive. The political system from 1947 to 1958 (the time of the first military coup) functioned according to the Government of India Act of 1935, which gave executive powers to the Governor General—a vestige of the colonial rule. In the case of Pakistan, the Governor General was not appointed by the British crown in the aftermath of 1947, but the system of governance adopted by Pakistan's early ruling elite relied on having a locally appointed Governor General (Sayeed 1967, 62-63).[9]

During this early period, the ruling elite comprised the military-bureaucratic elite and was supported by the traditional landowning and corporate business groups. The military-bureaucratic elite was the joint complex that primarily focused on the control of executive powers, thus undermining the political leadership that emanated from the partisan politics. At the same time, the political leadership also was divided on matters of political governance of the newly established Pakistan. With the first military coup effected by General Ayub Khan in 1958,[10] the control of the military over the political landscape became more direct. In the English daily *Dawn,* the editorial commended the military coup and argued that the coup was the intervention from "Heaven [*sic*]" against the failure of political leaders to transcend the partisan interests for order in the polity.

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[9] From 1947 to 1958, Pakistan had four Governor Generals. Mr. Muhammad Ali Jinnah was the first Governor General (1947-1948), followed by Mr. Khawaja Nazimuddin (1948-1951), Mr. Malik Ghulam Mohammad (1951-1955), and Major General (Retd) Iskandar Mirza (1955-1956). Under Mr. Malik Ghulam Mohammad, who was a retired bureaucrat, the military had been made part of the political arrangement. Commander-in-Chief General Ayub Khan was given the additional role of the defense minister. Thus, this paved the way for the military's engagement in politics (Aqil Shah 2014a, 67-80).

[10] The first military coup was effected at the behest of President Major General (Retd) Iskandar Mirza. The English daily *Dawn* in its editorial commended the military coup, and declaring it the "peaceful revolution," asserted, "God has bestowed Pakistan on us and God will save it. The peaceful revolution of October 7, 1958, may have been the answer from Heaven" ("The New Order" 1958).

With the military dictatorship of General Ayub, the era of the military's control over the political landscape was ushered in. In the ensuing period from 1958 to 1969, the country experienced authoritarian rule under General Ayub Khan, and then the authoritarian rule passed onto the next military general— General Yahya Khan. It was only under the elected government of Zulfiqar Ali Bhutto that democratic rule was seen in effect. However, as I will discuss in subsequent chapters, Bhutto's populist appeal soon transformed into autocratic rule. The democratic interregnum was again stalled by the military coup effected by General Zia-ul-Haq. His authoritarian rule had been perpetuated in society not only through dictatorial decrees that exploited political institutions, but also through his Islamist agenda that brought the political and civil society into submission. The subsequent elected governments that came into being in the 1990s were unable to transform morphed political institutions due to their incapacity and failure to transcend political differences. Hence, the political system again became susceptible to the covert intervention of military encroachment.

Thus, the emergence of an enduring hybrid regime in Pakistan. I believe, based on my analysis, that in Pakistan under the electoral democracy (the minimalist definition as argued by Schumpeter and Huntington)[11] of the 1990s, the democratic transition brought partisan politics back to Pakistan's political landscape. But their internal differences and their reliance on a military-bureaucratic complex never enabled the political elite to transcend the authoritarian past. The political, military, and bureaucratic elite during the period of 1990s struggled to determine the institutional arrangement best suited for Pakistan's transitional democracy. As a result, a hybrid regime came into being, in which the executive controls of the state were reserved for the ever-powerful military institution, and the political society lacked the

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[11] Schumpeter (1950) and Huntington (1991, [1968] 2006) believe the threshold to attain democracy is the event of the elections through which the citizens (the electors) elect their leader (elected). The elections are the minimum standard for democracy. Schumpeter asserted, "Democracy is the rule of politician" (285). Huntington, in his analysis of third-wave democratization, asserted that procedural democracy is attained with elections. And new democracies are far from being consolidated. To achieve consolidation, Linz and Stepan (1996) asserted that political elite embark on institutional building. There are five arenas that set the stage for consolidation: the *political society* involving political parties, elite; the *civil society* comprising citizen interest groups and associations; the *rule of law* focusing on institutional stability and restraint; the *state apparatus* based on the bureaucratic rules and norms; and the *economic society* that focuses on market economy.

capacity to challenge the military and bureaucratic complex. And, thus, the hybrid regime became *the* political system with the military coup in 1999.

There have been intellectual attempts by international scholars to investigate Pakistan's hybrid regime. But the case of Pakistan poses significant definitional challenges for scholars of regime change. Scholars have found it difficult to categorize the regime as squarely authoritarian or democratic. This dissertation has also encountered a similar issue. Several reasons for Pakistan's troubling regime type are evidenced in the facts. First, the political regime has been purely authoritarian under direct military rule (1958-1962, 1969-1971, 1977-1985, 1999-2002), followed by periods when it has seemed to make a democratic transition (1972-1977, 1988-1999) and then by periods when the political regime seems to have slid back into authoritarianism (1962-1970, 2002-2008). Second, even under authoritarianism, the political regime was more open than most closed military regimes. The discussion in the following chapters showcases the evidence that political and civil society endured the hegemonic rule not only under the military dictatorships but also in the wake of democratic transitions.

Studies by Diamond (2000, 2002), Oldenburg (2017), and Adeney (2017) have attempted to understand the pattern of institutional hybridity in Pakistan, but these scholars also have been hindered by the overwhelming encroachment of the military on Pakistan's landscape. Diamond (2000) argued that the "successive authoritarian regimes" under Generals Ayub (1958-1969), Yahyha (1969-1971), and Zia-ul-Haq (1977-1988) and the "misrule" of the elected governments led by Benazir Bhutto and Nawaz Sharif in the 1990s precipitated the military coup in 1999. In chapter 4, I discuss the lack of performance of the elected governments led by Benazir Bhutto and Nawaz Sharif. Likewise, Diamond (2000) asserted that under the elected governments, the political regime never did transcend the stage of consolidation due to their lack of ability to reform the judicial system, to mitigate ethnic conflicts, and to address the economic crisis.

Later, in his analysis of General Musharraf's rule, Diamond (2002) asserted that though the "military regimes have disappeared, . . . ambitious soldiers either legitimize their rule by running for

president in contested, multi-party elections (however fraudulent, coerced, and manipulated), or they carve out large, autonomous spheres of political influence and economic domination behind the veil of civilian, multiparty rule" (27). General Musharraf, Diamond (2002) predicted, "may yet pursue a similar conversion in Pakistan, albeit perhaps with considerably more genuine popular support" (27). It was the popular support that had made General Musharraf's regime "hegemonic electoral authoritarian," in which the system "is more open and pluralistic than closed authoritarian regimes" (31-32).[12] In subsequent chapters, I discuss the authoritarian rule of military dictators General Ayub Khan and Zia-ul-Haq, the electoral democracy in the 1990s, and the hybrid regime under General Musharraf.

In his analysis of Pakistan's hybrid regime, Oldenburg (2017) claimed the lack of "loyal opposition" in the political system has led the military to build partnerships with the disloyal opposition found in the political society. These are the actors of political society, the elite and political parties that have an interest in having political power and not necessarily fidelity to democratic principles. Adeney (2017), on the other hand, focused on the institutional manipulation at the hands of the military as the cause of a hybrid regime in Pakistan. She argued that the manipulated political institutions devised by the military have had an indelible effect on the political landscape that the political society has not been able to redress. Thus, this results in an enduring longevity of the hybrid regime in Pakistan.

Others have evaluated the military's corporate enterprise in securing its economic interests (Siddiqa 2007). Still others have analyzed the military's utilization of religious rhetoric to portray the military as the defender of Islam (Haqqani 2005). In a similar vein, scholars who have studied institutional design in the context of Pakistan have stressed that the state of Pakistan has never found balance among its electoral, legislative, judicial, and executive institutions (Waseem 1989; Jalal [1990] 2007).

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[12] Diamond's (2002) prediction came true, as I show in chapter 5, that General Musharraf became the elected President through a popular referendum.

I believe the emphasis has been on studying the institutional transgressions of the military as an institution. Scholars tend to downplay the fact that the political society is also responsible for the dismal democratic culture. After all, democracy has faltered even in countries where the military has a much smaller role in the polity. Similarly, the role of civil society has largely been masked by the political society's lack of resilience to the military's intervention in politics. In Pakistan's scholarship, the political elite have been portrayed as the victims of military intervention in politics, but as I show in subsequent chapters, the military's encroachment in politics was sustained because of the political society's reliance on the military to gain a political advantage. The civil society, which was already a nascent entity, was rendered ineffective because of the authoritarianism it faced from the military and political governments.

In this research, the analysis of Pakistan's hybrid regime is examined with the theoretical perspective adopted from the theory of deliberative democracy. I look at the role of the various actors, the military state, the political society, and the civil society, and how the various roles have played out to maintain the hybridity of the political system in Pakistan. In chapter 2 of this dissertation, I present a critical evaluation of the political institutions and civil society in Pakistan. I show in subsequent chapters that each of the actors facilitated the sustainment of authoritarian rule and the transformation into an enduring hybrid regime in Pakistan.

In chapter 3, I show that Pakistan's hybrid regime is reflective of the disjuncture between the state agencies that *ought* to possess formal control and those with *actual* control, between the power that is claimed for the people versus the limited control of power in the hands of the people, and between the promises of ruling elites versus their actual performance. The continued existence of a weakened political society and opportunist political elite, the clash of political institutions between elected versus administrative officials, the persistence of institutional rivalry to dominate the political landscape, and the permanence of confrontation leading to institutional encroachment and lapses are recurrent. These are characteristic features that define Pakistan's politics. The ruling elite, comprised of the political, military,

and bureaucratic elite, as shown in chapter 3 of this dissertation, has collaborated, connived, and made compromises with each other to consolidate their control over the polity.

The hybridity of the political system in Pakistan is distinctive because the military elite has emerged as the insurmountable actor. Over the last seven decades, the military elite has engaged in bringing about compromises with and between the political and bureaucratic elite to sustain the military's control over the state. Therefore, unsurprisingly as it happens in hybrid regimes, the weak institutions give in to the pressure of the dominant institution. Hence, in Pakistan, the political and bureaucratic elite and the civil society actors also have conceded to the military's control to ensure their own survival in the state. The ruling elite, in its attempt to subordinate society, subdued the multiplicity of voices that challenged the manipulative executive control over society.

Theory of Deliberative Democracy and Relevance to the Study of Pakistan

Jurgen Habermas, a leading theorist of deliberative democracy, argued that communicative interexchange between civil society and state can produce real, large-scale political changes. Habermas (1998), in his work *Between Facts and Norms,* emphasized the link between the state and the civil society; he contended the public sphere is the corrective that "steers" the law-making institutions of state. Dryzek (2000) argued, "[I]n *Between Facts and Norms,* Habermas retains an emphasis on public spheres and civil society. . . . Habermas is . . . concerned with how the communicative process of civil society influences the legislative and policy process of the state" (24-25).

Habermas (1998) asserted it is in civil society that communicative actors come together to interpret their living situations and harmonize their life plans through formulation of group identities and memberships[13]; civil society is, according to Habermas, a "network of voluntary associations" (175, 358, 366-67). Furthermore, Habermas emphasized voluntary organizations that constitute civil society, which are, according to him, "noneconomic" (367), "informal" (352), and generally egalitarian (367).

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[13] Please also refer to Jane Mansbridge, "Using Power/Fighting Power: The Polity," in *Democracy and Difference: Contesting the Boundaries of the Political*, edited by Seyla Benhabib (Princeton University Press, 1996), 46-66.

The public sphere, Habermas (1998) explains, is not a system, institution, organization, or "framework of norms" (360). It is a "network" (298, 302, 359) of communications born of voluntary associations of civil society. These voluntary associations, he argues, are "attuned to how societal problems resonated in private life spheres" (381). Thus, the "voluntary organizations" provide the mobilization grounds for collective interests to be voiced in the public sphere. He contended that for discussion in the public sphere, participants are "recruited" from civil society's voluntary associations (354). The political public sphere, therefore, is a "sounding board for problems" (359), a "warning system with sensors that, though unspecialized, are sensitive throughout society" (300, 359).[14]

This therefore means that the associations of civil society "distill and transmit" responses to lifeworld problems "in amplified form to the public sphere" (367). Thus, for Habermas (1998), the public sphere "filter[s]" (360), "synthesize[s]" (360), and "bundles" (362) "streams of communication" (360). Together, then, civil society and the political public sphere establish a link between system and lifeworld. This link, in Habermas's view, is what makes genuine democracy possible.

Habermas (1998) asserted both civil society and the political public sphere, however, must be legally protected to ensure their autonomy. The idea of the constitutional state, as Habermas has argued, is that citizens' communicative power must influence the administrative power developed in officials' deliberations (Habermas 2006, 417). Or, to use another of Habermas's favorite metaphors, citizens' communicative power must be able to pass through the "sluice" of official deliberative procedures and "penetrate . . . the constitutionally organized political system" (Habermas 1998, 327). Basic rights of speech, press, association, and assembly are necessary not just for the political public sphere, but for the civil society as well (Habermas 1998, 368; Chambers 2002, 92-93).

In the case of Pakistan, devolution plan(s) were *the* governance strategy adopted by authoritarian military governments to legitimize their rule by devolving the decision-making authority from the

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[14] Habermas (1998) describes public spheres as a "far-flung network of sensors that react to the pressure of society-wide problems and stimulate influential opinions" (300).

centralized state to the grassroots while undermining the provinces, the location of potential challenges.[15] The three military regimes—under Field Marshal Ayub Khan (1958-1969), General Zia-ul-Haq (1977-1988), and General Pervez Musharraf (1999-2008)—undertook a series of similar steps to establish the legitimacy for/of ruling. To solve the problems of governance experienced in the previous democratic regime, each time the military regime would entrench itself in the political system by introducing a new political order through enacting local government reforms.

Devolution plans were designed by military regime(s) with an alleged goal of developing grassroots democracy by empowering citizens to govern themselves for an efficient and effective delivery of services at the local level. These plans designed by the military elite, however, lacked sufficient communicative interaction with the civil society. In fact, the state never engaged with the civil society in identifying concerns and issues faced by the citizenry regarding state authorities at local levels. These plans were designed more for the benefit of military regime(s) to strengthen their control over the "system" of the state than to engage with and benefit from the associative life of the civil society (International Crisis Group 2002, 2004; Cheema and Mohmand 2008; Cheema and Sayeed 2006; Mohmand 2008).

Devolution plans implemented by the military regimes in Pakistan lacked legitimacy because the design of this institutional rule was not shaped and informed by public deliberation in the public sphere. Furthermore, the legitimacy for/of ruling itself was compromised by the military elite, who forcefully made certain that the military generals were elected to rule over the polity. Thus, to facilitate the military regime's rule over the polity, devolution plans were devised. The plans were designed by the military elite on the pretext of empowering the citizenry. Instead, they were used as a means to legitimize the military rule, and the military elite neglected to solicit crucial input from the public sphere. In fact, during the

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[15] Devolving of decision making from centralized authority to regional/provincial levels is a governance mechanism that empowers the regional authorities to plan, design, and implement policies at local levels that are closest to the political experience of ordinary citizens. In the next chapter, I elaborate on *why* this governance strategy is seen by deliberative democrats (e.g., Mark Warren, Archon Fung, Archon Fung & Olin Wright, John Parkinson, Carolyn Hendricks) as *the* practical manifestation of deliberative principles.

periods of first and second plans, the civil society and public sphere were never consulted in designing the institutional arrangements devised by the state, the military, or the democratically elected.[16]

The first two plans, the Basic Democracy (BD) of 1959 and the Local Government Ordinance of 1979 (LGO), were struck down when democratically elected governments came to power (in 1972 and 1988). The Local Government Plan 2001 (LGP), however, is an exception. Though the political government had temporarily discontinued the 2001 plan, the government retained the constitutional clause through which the local governments were established under the military rule. The local governments were in hiatus from 2008 to 2010. But in 2010, the policy of devolution was accepted by the elected government; in other words, the elected governments exhibited a commitment to the crucial importance of devolution to the grassroots by retaining the constitutional clause effected by the preceding military rule.

What led political society to break from the legacy of the past? *What* explains the retention of the constitutional clause on local governments? Did civil society raise a voice in favor of the constitutional clause on local governments?

In this research, I have argued that communicative exchange characterizing the relations between state and civil society under General Musharraf commenced dialogic engagement in the burgeoning public sphere in Pakistan. This was the time when the actors of the state and civil society engaged in communicative interexchange, which led to the implementation of the LGP. The public sphere was a space of dialogue, opposition, agitation, and engagement between the actors of civil society and the

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[16] The plan devised by General Musharraf's regime included the participation of civil society actors. However, as I will show in chapter 4, this participation was selectively mediated by the military regime. Nevertheless, the engagement of the military regime with the civil society under General Musharraf was the one distinctive characteristic that differentiates his rule from the previous two military dictators.

institution of state.[17] However, as I show in chapter 5, this engagement with the civil society was useful to the military rule. The enacted local governments granted legitimacy to the military government. In other words, to make the military rule acceptable and legitimate to society, the military elite utilized decentralization reform as a buffer against the military's intervention in politics.

Legitimacy of Collective Decisions and Communicative Interexchange

Legitimacy of collective decisions demands the assent of most of those who are affected by such an institutionally driven collective decision. In a deliberative model of democracy, legitimacy of collective decisions is the foremost condition that, if met, results in a rule that is acceptable to all. Furthermore, to reach to such legitimacy, the communicative channels among all those who are affected by the decision are to remain accessible to all. To achieve such accessibility of communicative interaction, the model of deliberative democracy emphasizes public deliberation. This public deliberation takes place between the political institutions and the actors in civil society. Advocates of deliberative democracy argue that political institutions, such as the legislature, judiciary, or administrative organs like the bureaucracy, engage in public deliberation with civil society actors such as media, non-governmental organizations (NGOs), and public intellectuals, including academics and civil society activists (Habermas 2006, 415-16; Hendriks 2006).

Public deliberation denotes the exchange of ideas on collective decisions or institutional development between all those who are affected by such institutional rules and collective decisions. The venue of public deliberation, according to deliberative democrats, is the public sphere. According to Simone Chambers (2002), one of the advocates of the model of deliberative democracy, "[P]ublic sphere is an important extension of civil society" (96). The public sphere is the arena that is inhabited by multiple actors, such as institutions of representative democracy (e.g., political parties, elections,

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[17] A detailed discussion of the communicative interexchange between the actors of the state and civil society is presented in chapter 5. The public sphere was formed when the actors of civil society came together to voice their concerns to the military government. Interesting to note is the fact that, in 1999, when General Pervez Musharraf entered the political scene through a military coup, the political and civil society in Pakistan appreciated the military takeover (Rashid 1999; Aqil Shah 2002, 73-74; 2004, 376; Zaidi 2008a, 2008b).

legislature, executive, judiciary, and intergovernmental organizations), non-governmental organizations (NGOs), media, economic actors, and the citizenry. It is because of these individual and institutional actors in the public sphere that "ideas, interests, values, and ideologies formed within the relations of civil society are voiced and made politically efficacious" (Chambers 2002, 96). In other words, the public sphere is the place where formal political institutions come into direct contact with the multiplicity of voices coming from people in the society.

The issue is *how* multiple voices in the public sphere engage in an interactive interexchange with formal institutions. This issue is resolved by deliberative democrats, who emphasize that for public deliberation to take place, communicative interexchange in the public sphere must not be restricted to only a few institutions of the state. The exchange of ideas at the fora of the public sphere results in those ideational actions that feed formal decision making. This takes place at political institutions where the elite—political and bureaucratic (and, in the case of the hybrid political system in Pakistan, the military)—deliberate on developing and implementing policies through which to regulate society.

My understanding of legitimacy of collective decisions was challenged while researching information for this dissertation. In the hybrid regime of Pakistan, the ruling elite (political, bureaucratic, and military) have always believed that legitimacy of rule is drawn from popular elections. Legitimacy, for the ruling elite, does not give precedence to communicative engagement with civil society actors. Civil society, for the ruling elite, in the case of Pakistan, is a democratic misnomer.

The political society, believing in the electoral legitimacy, monopolized control over the political institutions and in the public sphere. Unsurprisingly, this understanding of legitimacy on the part of the political elite is drawn from the elitist model of democracy, in which elected representatives have the authority to make decisions on behalf of their electorate. Such an elitist conception of legitimacy reduces legitimacy to rule to only electoral legitimacy.

Such an emasculation of legitimacy, I believe, forecloses communicative interexchange with civil society actors. In accordance with this elitist conception of legitimacy, the ruling elite also tend to focus

only on their electoral success, rather than to engage in effective policy making. In this dissertation, I observed that in Pakistan, the ruling elite remains fixated on electoral success, rather than engaging in communicative interexchange with civil society on issues of policy concerns.

The conception of legitimacy, as in the elitist model of representative democracy, I argue, has become increasingly deficient in meeting the needs of the plurality and diversity in the society. Moreover, a modern state is not composed of only the political elite that control the state apparatus. The modern state comprises an entire range of institutions that enable the state to exert its control and coercive force on its inhabitants. As a result, the political regimes that are formed constitute a mix of ruling elite that are at the helm of state affairs; these elite include political, military, bureaucratic, and judiciary, among others. These groups of elites have access to the institutions of the state through the legally stipulated channel. However, advocates of deliberative democracy argue that if these institutional players do not interact with society, the governing structures they enact can become ineffective (Fung 2007, 2012; Parkinson 2012; Parkinson and Mansbridge 2013; Hendriks 2006, 2016; Warren 2009; Chambers 2013). Thus, for there to be legitimacy for the ruling elite to oversee the political community, it is imperative that they develop communicative engagement with the society.

The Challenge to Deliberative Conditions

Challenge of Regime Type

How do we know that a condition of communicative interexchange will withstand the pressures of a political regime that is neither democratic nor authoritarian? Such regimes are classified as hybrid regimes in the field of comparative politics. Political scientists have further identified the subtle differentiations within hybrid regimes. In this dissertation, chapter 2 delves into the literature on hybrid regimes and investigates what insights deliberative democracy can provide for analyzing communicative interexchange within hybrid regimes.

Scholars contend that a hybrid regime may emerge from an authoritarian regime that has lost some of its key characteristics but has retained other nondemocratic features; or, a hybrid regime may

emerge from a democracy that has acquired authoritarian characteristics. O'Donnell (1994), Diamond (2002), Levitsky and Way (2002, 2010), and Schedler (2002) have identified a number of "hybrid regimes" that are "delegative democracy," "competitive authoritarianism," or "electoral authoritarianism."[18] For example, a regime may have universal suffrage, but the freedom of association and expression is not universal; rather, it is repressed by regime. In hybrid regimes, autocratic rulers hold formal multiparty elections but manipulate them to varying degrees to maintain, if not enhance, their grip on power.

As shown in the empirical findings of Gandhi and Przeworski (2007), this strategy is often successful. All else being equal, autocrats who establish nominally democratic political institutions experience substantially greater longevity in office than those who do not (1290). Thus, in the view of these scholars, autocratic rulers' establishment of formal institutions is directed less toward simply creating a façade of democracy for an outside audience and more to enhancing their grip on power and ensuring their political and personal survival.

Thus, in the realm of political systems, hybrid regimes are constantly challenged and face ongoing controversial demands from existing institutions, such as political, bureaucratic, and military, for control of the state power. For example, in a hybrid regime, political institutions such as the executive, legislative, bureaucratic, judiciary, military, etc., are locked in a competition to control the constitutional domain of the others. In other words, in a hybrid regime the power to control the institutions of the state remains amorphous, and power to control is constantly renegotiated. This conflict between the institutional actors to control the political system renders the hybrid regime "on the move."

In other words, there is no equilibrium; each institutional actor strives to control the domain of the other. There may be moments of an artificial equilibrium in which institutional actors in conflict may

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[18] According to Diamond (2002), these regimes are pseudo democratic because they "lack an arena of contestation" (24) and that the "formally democratic political institutions . . . mask the reality of authoritarian dominations" (24). In other words, *hybrid* is understood as "located in the middle of a continuum anchored by democracy at one pole and dictatorship at the other" (Bunce, McFaul, and Stoner-Weiss 2009, viii).

find common ground. However, such an arrangement is short-lived only because institutions locked in competition for control of state power never let democracy be established as the system of governance. O'Donnell (2004), in his essay "Why the Rule of Law Matters," has argued that equilibrium is attained when political institutions created, maintain their institutional rule or the rule of law. Furthermore, O'Donnell asserted that the rule of law signifies that each institution performs its duty according to its institutional logic. For example, the legislature devises laws; the executive branch implements the laws; the judiciary interprets the laws; the bureaucratic apparatus provides service to the executive institution in the enactment of regulatory framework; and the law enforcement agencies, such as police and the military, provide security from internal and external threats. This schema exhibits an equilibrium in which institutional powers are divided among the institutions of the state. O'Donnell (1994), Diamond (2002), Levitsky and Way (2002, 2010), and Schedler (2002) have argued that in a hybrid regime we may find the institutional equilibrium manipulated by the ruling elite. In such regimes, the ruling elite (such as an authoritarian ruler) exhibits blatant disregard for institutional checks, thus rendering political systems susceptible to breakdowns. Furthermore, O'Donnell (1999) asserted that the ruling elite dismantles the accountability checks, thus rendering the ruling elite all too powerful.

O'Donnell (1999) categorized accountability checks into horizontal and vertical. In terms of horizontal accountability, the work of each political institution is limited to its institutional logic. That is to say, the ruling elite is subject to institutional checks; for example, the executive branch is checked by the legislature if the executive is overstepping by dictating decrees to the legislature. In the case of Pakistan, the horizontal accountability would signify that the military defends the security of the state as demanded by the executive and legislative branches, not that the military has the authority to direct the executive, legislature, judiciary, or political elite. When the military dictates the institutional roles of other institutions, then the result is an institutional rupture, or what O'Donnell would call the disregard of horizontal accountability.

The rule of law, pertaining to the institutional role that each actor is expected to play and as derived from its specific institutional principle, is constantly encroached on by military-bureaucratic institutions. In the case of Pakistan, its hybrid regime came into being in the aftermath of military dictatorships, which gave the military unprecedented control over the political arena. Also, the hybrid regime during a period of elected leadership never did remove the executive powers that the military as an institution exerted over the political landscape. In Pakistan, the rule of law, in terms of the two standards of accountability—the horizontal and vertical, has always remained more or less absent. Neither the military's devised hybrid regime nor the hybrid regime fashioned by an elected leadership created respect for the rule of law.

In other words, the rule of law and division of power might never be achieved in a hybrid regime. For example, the executive institution is expected to bring about better governance of the state, while the legislature deliberates and devises rules and policies of governance; similarly, other coercive organs of the state, such as the police and military, ensure the internal security and the external defense of the state, respectively. However, when any of these institutional actors begins to unduly influence the institutional role of another, then the consequence of such an endeavor results in institutional chaos. The consequence of such an institutional encroachment is the emergence of a political system that favors certain institutional actor(s) over others, the result of which is a mishmash of institutional actors performing political functions that are not in their domain.

Other than the horizontal accountability, O'Donnell (1999) argued, vertical accountability signifies that the ruling elite in democratic political regimes are the elected representatives of the citizenry. The institution of elections signifies the accountability of the representatives vis-à-vis those who elect the ruling elite. But if the ruling elite manipulate the very institution through which it comes to rule over society, the accountability link between the rulers and the ruled is compromised. O'Donnell (1994, 1999, 2004) argued that vertical accountability is gauged via the institution of elections. Elections

provide the direct link between the elected and the elector. But if elections are manipulated, a miscarriage of vertical accountability is evident.

In their analysis of hybrid regimes, Mesquita, Smith, Siverson, and Morrow (2004) developed the term *selectorate* to explain that in hybrid regimes the regime incumbents establish a select group of regime supporters from the existing political landscape. The selectorate is bound to the regime, for the selectorate receives the rents, or patronage from regime incumbents, that is, access to state resources, in return for providing regime incumbents a "winning coalition" at the time of electoral competition. The equilibrium so gained by such an arrangement remains artificially enacted (Mesquita et al. 2004, 37-40).

In chapter 2, I discuss the attributes of the selectorate in the context of Pakistan's hybrid regime and identify its constitutive being in Pakistan's political landscape. The political elite that comprise the selectorate are basically what I call the *constituency level politicians*. The selectorate is a subset of the political society that has a fluid political loyalty to partisan politics. In fact, for the selectorate, the political parties downplay the individual's connection to the electoral constituency. These are the political elite that are most interested in keeping themselves electorally relevant in their respective constituencies. Thus, in order to remain relevant, the politicians are co-opted by the military elite. In return for this co-optation, the politicians gain access to the state resources. These selectorate politicians then cement their hold on their constituencies. For the selectorate, political parties are a mere afterthought for political mobilization, for they do not believe that political parties are strongly rooted in electoral constituencies. Instead, it is the individual politician who drives the personal electoral performance, not the ideology of the political party. The selectorate, therefore, aligns itself with the military leadership in times of military rule. Moreover, I show that with the enactment of local governments under the military rule, new political aspirants are subsumed in the category of the selectorate.

Study of Pakistan as a Hybrid Regime

When incumbents are top military officials, they have two distinct advantages in extracting cooperation that other regimes do not. First, they are directly in control of a security and coercive

apparatus that can be used to terrorize elite opponents and put down dissent. And second, the institutional infrastructure necessary to easily and efficiently promote allies and designate challengers already exists in the form of the military itself. In a case such as Pakistan, the military as an institution and its incumbents have an insurmountable influence on other state players, such as the political and bureaucratic elite.

Scholars studying regime types from the field of comparative politics contend that authoritarian rulers, which includes military rulers and elected leaders, often establish nominally democratic political institutions as a means of increasing the durability of their regimes. According to Gandhi (2008) and Gandhi and Lust-Okar (2009), these nominal democratic institutions, which often include legislatures, courts, opposition political parties, and even elections, are mere "window dressing"—façades designed to impress or deceive outside observers (Gandhi 2008, xvii-xxi). These scholars argue that the manipulated democratic institutions serve practical functions for the rulers, such as guarding against the popular unrest.

Similarly, scholars who have analyzed hybrid regimes argue that leaders in such regimes also create institutions such as hegemonic political parties, legislatures, and/or general elections. Decentralization and devolution of power to local levels are also intended to enhance the durability of their rule (O'Donnell 1994, 1999, 2004; Levitsky and Way 2002, 2010; Diamond 2002). I therefore believe that within the field of comparative politics the scholarship on authoritarian regime and the analyses of the hybrid regime have overlapping insights. The rulers belonging either to the military or to the elected political elite have devised semi-democratic institutions so as to extend their control over the political landscape.

Therefore, in this research I conceptualize that Pakistan has hovered between an authoritarian regime with a military ruler as *the dictator and president* of the country and the democratically elected regime. The military, when it has taken power (in 1958, 1969, 1977, 1999), has not seen itself as opposed to democracy per se; rather, the military elite claimed it has taken over the political scene only temporarily in order to cleanse the democratic system of abuses. The military's claimed attempt to cleanse

the political system was to effect manipulation of democratic institutions. Such manipulation came in the form of continuing with the democratic institutions of elections and the elected legislature. The military, however, made complicit the political elite to perpetuate its control of the political landscape, thus making the military dictatorship a political system with the military ruler as the head of the state. Political institutions such as the executive, legislature, bureaucratic apparatus, and judiciary operated under the directives of the military's leadership led by the military general. The military dictatorship of General Ayub (1959-1969) and General Zia (1977-1988) were periods of authoritarian rule. These periods were authoritarian since the political and civil society lacked arenas from which to contest the authoritarian decrees of the military rulers. Under General Pervez Musharraf, the political system adopted liberal policies that did open the public sphere for political and civil society activism. However, the political system under his rule was not transformed into a solid democracy, but instead signified an enduring hybrid regime.

During the time of the elected governments, from 1947-1959 and 1988-1999, the executive and the legislature were comprised of elected representatives, but the very political system of the regime was not fully democratic. The political society from 1947-1958 had relied on military and bureaucratic apparatus, and thus with the first military coup (in 1958), the political society was neutralized by the military-bureaucracy oligarchy.

From 1988-1999, the political society wrestled against the military and bureaucratic apparatus for control of the political landscape in terms of developing democratic political institutions. But it was also during this period that the political society relied on the military and bureaucracy to provide them with the means to enact democratic institutions. The expectation of the political society was rejected by the military and bureaucracy. Instead, the political society increasingly became dependent on the military-bureaucracy complex, the consequence of which was the hybrid regime with elected political elite being led by the military and bureaucratic complex.

I believe the hybrid regime in Pakistan has been the most recurrent political feature. Of course, in Pakistan scholarship, the military's intervention and encroachment is presented as the cause of Pakistan's dismal democratic experience. It seems to me that the threat of the military's intervention in politics has transfixed the political regime in Pakistan into remaining hybrid. During the time of authoritarianism, which is the direct military rule, the military elite are at the helm of the political landscape. Similarly, during the time of elected rule, the military elite directs the political scene. Therefore, in a case such as Pakistan, how can the reality of authoritarianism be separated from the military-led hybrid regime?

In this research, for me, the hybrid regime in Pakistan is a recurrent theme that cannot be ignored. The taxonomy of hybrid regimes by comparative scholars argues that a hybrid regime is a regime that combines authoritarianism with democratic principles and that a hybrid regime emerges from the authoritarian practices of the ruling elite. I believe the case of Pakistan signifies such a political regime, which carries forward the authoritarian tendencies of its ruling elite and thus shapes the political system into a combination of two distinctive political systems—in other words, authoritarianism with democratic principles. The military dictatorships have shown a continuing regard for democratic institutions for the purposes of their military rule. The elected governments, on the other hand, never did strengthen the democratic institutions so as to challenge the military's intervention on the political front. Both of the ruling elite—the military and the political—have been complicit in maintaining a hybrid regime.

The Players of the Hybrid Regime in Pakistan

In Pakistan's scholarship, the nexus of the political-bureaucratic-military elite is also known as the "establishment."[19] The "establishment" in Pakistan is led by the military elite and serves the interest of the military as an institution of the state, which has overruling authority over other organs of the state. The military as an institution in the hybrid regime of Pakistan has great influence on the executive,

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[19] Please see discussion in chapters 3 and 4 of this dissertation. Also see discussion by:
   Christophe Jaffrelot, "Variable-Geometry Military Dictatorship," in *The Pakistan Paradox: Instability and Resilience*, by Christophe Jaffrelot, translated by Cynthia Schoch (Random House India, 2015), 299-371.
   Ayesha Siddiqa. "Mapping the 'Establishment,'" in *Pakistan's Democratic Transition: Change and Persistence*, edited by Ishtiaq Ahmad and Adnan Rafiq (Routledge, 2016), 53-71.

legislative, judiciary, and administrative organs. The military as an institution and military elite as an

actor direct the formulation of interests of other actors, such as the political and bureaucratic elite

(Shafqat 2011; Waseem 1992, 2002).

In this dissertation, I discuss these state actors and others from the civil society in more detail in

chapter 3, while also making reference to how the state and civil society relations evolved within the

political regime in Pakistan, characterized by intermittent periods of democratic rule faced with persistent

praetorian takeovers. As will be shown in chapter 3, the early institutional arrangements designed by

political elites (in the early period of its formation and in the latter years) were centralized, and the

arrangements did not *motivate* engagement with civil society. The public sphere was an exclusive domain

of the state agencies; the state did not encourage communicative interexchange with society. Furthermore,

the institutional arrangements designed by the state did not ensue communicative and discursive

interexchange with civil society.

In Pakistan, elected governments have never controlled the state power for long, sustainable

periods. Regime changes in Pakistan have been the result of military coups. Pakistan's six-decade-long

political history is marred by long rules of military governments. Each time the military regime came on

the political landscape, the first step taken by military leaders was to legitimize their rule. In order to do

so, the military engaged in recruitment and selection of the political elite, much in the same way political

parties do (Wilder 2004, 2009; Shafqat 1999, 2011). The military focused on elite recruitment at the

grassroots levels by patronizing a local power structure to legitimize their rule (Ziring 1988; Rashid 1999;

International Crisis Group 2002; Waseem 2006a; Cheema and Mohmand 2008; Mohmand 2008; Niaz

2010; S. A. Khan 2015; Ali 2015).

Scholars studying the military engagement in Pakistan politics have argued that each time the

military regime removed the elected government by a military coup (1958, 1977, 1999), the military

regime implemented a system of local governance with an alleged goal to develop grassroots democracy

by empowering citizens to govern themselves. However, military regimes have used local governments to

also provide a source of patronage: by holding local elections (by banning political parties), the military elite reared new political leadership loyal to the military regime, replacing the existing leadership (Ziring 1988; Aqil Shah 2004; Cheema, Khwaja, and Qadir 2005; Waseem 2006a, 2006b; Rizvi and Khatoon 2007; Cheema and Mohmand 2008; Cheema and Sayeed 2006; S. A. Khan 2015).

With the local government reforms, the military regimes maintained a link between state and society to ensure that the political elite would support and respond to the new regime (Cheema and Mohmand 2008; International Crisis Group 2002, 2004). With the first two of the three devolution plans, the military rulers had institutionalized local governments to extract cooperation from political elites. Through the local governments, dictators preferred to be seen as legitimate political authorities. In other words, these military rulers had no resolve toward strengthening the political institutions. Their focus was more on strengthening their military rule by means of the local governments (Baxter 2004; Zaidi 2005b, 2015; Cohen 2006).

However, this was not General Musharraf's *only* expectation that was fulfilled with the local governments. His military regime also expected that with these local governments being implemented at the grassroots, civil society would come to see these institutional measures as a serious effort toward democratization in the country. Furthermore, unlike his predecessors, Musharraf had revived the multiparty elections, parallel to the establishment of the local governments. He realized that to continue to extract cooperation from the political elite, to secure financial aid from International Financial Institutions (IFIs), and to gain the support of civil society organizations, completely dismantling a system of multiparty elections would be less preferable. He instead kept the electoral institutions in place, thus giving the political society access to the political institutions, and he maintained his regime's communicative exchange with the civil society.

The case of General Musharraf's military rule is different from previous military regimes. In one crucial sense, the liberalization policies of his regime, such as the opening of media (electronic) and direct engagement with civil society actors in the public sphere, created opportunities for civil society actors to

be involved in mobilizing the citizenry in civic and political engagement. The print media and the active

electronic media are the result of his regime's liberalization policies; media appreciated the effect of those

liberalization policies. A newspaper editorial in *Dawn* admitted that "[T]he irony cannot be lost that in

many ways the devolution process by a military dictator may have actually helped democratize—through

increased representation and participation—the political involvement of citizens."[20] The local government

reforms of 2001 were more comprehensive and significantly more ambitious in their objective to transfer

meaningful power to grassroots organizations than the reforms that had been instituted in 1959 and 1979

(Aqil Shah 2004).

The role that the public sphere has played in the communicative interexchange has not been

examined by scholars and observers of Pakistan's politics. While I am not challenging the importance of

contentious politics, what I am highlighting is that the study of the communicative and discursive

interexchange over the deliberation of institutional design or collective decisions in Pakistan's politics is

missing.

Focusing on the military governments (of Generals Ayub, Zia, and Musharraf) and comparatively

analyzing the period of elected governments (Benazir Bhutto, Sharif), I show in chapter 4 that under the

military rule of General Musharraf, civil society gained the momentary advantage by being able to engage

in communicative interexchange with the military regime. Likewise, in chapter 5, I show that under the

military government of General Musharraf, civil society actors, print media, and non-governmental

organizations debated the discourse on devolution generated by the military regimes of the past, creating

an awareness in the public sphere on the merits of decentralization. They also critiqued the military

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[20] "Democracy and Devolution," *Dawn News*, March 1, 2010. Accessed August 1, 2016.
http://www.dawn.com/news/522730/democracy-devolution.

government's use of this plan to legitimize the dictatorial rule[21] by building partnership(s) with the local elite to implement the plan at the grassroots level.[22]

The dissenting voices that came from the civil society openly challenged the military's devised project; however, the military government was not deterred from their plan for devolution. For the first time, critical voices emanating from the civil society could be heard, speaking out against the military's devised institution. This also signaled the fact that the military ruler had opened the regime to criticism, but the very foundation of the hybrid regime was not to be changed. Civil society actors were able to voice their concerns and engage in communicative interexchange with the military government, but the government never enacted measures to democratize the hybrid regime. The military remained at the governing helm while the political society was co-opted, and civil society was pulled into governance reforms.

Bridging the Scholarship Gap

I have drawn my analysis of military regimes from the literature on authoritarian and hybrid regimes. In much of the literature, the tendency of authoritarian rulers to manipulate institutions of state to regulate society is highlighted (Schedler 2002, 2010; Brownlee 2007; Gandhi and Przeworski 2007; Gandhi 2008; Magaloni 2008; Gandhi and Lust-Okar 2009; Levitsky and Way 2010; Svolik 2012; Boix and Svolik 2013). However, this literature does not identify the communicative interexchange between the societal actors and the formal institutions of the state. Much of the literature argues that institutions

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[21] The International Crisis Group (2004), in one of its assessment reports, indicated that the local government reforms designed by the military regime were just another means to legitimize the undemocratic control of the elected government. "[U]nlike attempts at decentralization in some other countries, which appear to have been motivated more by changes in state ideology or multilateral pressure, in Pakistan, the military's need for legitimization of state control appears to be a prime reason behind the recurring attempts at local government reform" (5).

[22] The ICG report highlighted the fact that decentralization reform was aimed at "co-opting domestic and external constituencies that favor decentralization and local empowerment. Since donors as well as influential sections of civil society such as the media and NGOs have long blamed bureaucratic corruption and centralization for Pakistan's political and administrative malaise, Musharraf distanced his government from the discredited machinery" (International Crisis Group 2004, 6).

are manipulated by autocrats, and it is assumed that political processes are dictated and no critical voices are heard.

This last point is crucial for this dissertation. In chapters 3 and 4 when I present the case of devolution planning in Pakistan, I discuss that within the literature on authoritarianism, this scholarship opens itself to evaluate the contemporary changing administrative dynamics of authoritarian regimes. Evaluation in this dissertation is undertaken to understand how an authoritarian state engages society in designing political institutions. Here, the focus of new scholarship is to understand such regimes within the context of the deliberative theory of democracy. For example, in contemporary Peoples' Republic of China, scholars have begun to study and evaluate the regime vis-à-vis the principles of the deliberative theory of democracy (Niemeyer 2011, 2015).[23]

Scholarship on Pakistan lacks concerted research analysis on communicative interexchange between civil society organizations and the state. This is not to say that no material is available on the work of civil society in Pakistan. The available material, however, presents a state-society that is engaged in a ceaseless agonistic and contentious clash.[24]

Some reports and studies have been made available by civil society, generated specially by intergovernmental organizations and media (print and electronic). These reports are evaluative studies on the implementation of the devolution plan of 2001 by the state. The reports, which are generated by think-tanks, non-governmental organizations (NGOs), and the media reporting on the state-society relation, do

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[23] Please see John S. Dryzek and Simon Niemeyer, *Foundations and Frontiers of Deliberative Governance* (Oxford University Press, 2012).

C. Hsu, "Beyond Civil Society: An Organizational Perspective on State-NGO Relations in the People's Republic of China," *Journal of Civil Society* 6, no. 3 (2010): 259-77.

A. J. Spires, "Contingent Symbiosis and Civil Society in an Authoritarian State: Understanding the Survival of China's Grassroots NGOs," *American Journal of Sociology* 117, no. 1 (2011): 1-45.

[24] While researching secondary material on the state-civil society relation with special attention to the role of NGOs, I have come across two academic studies that focus on the work of NGOs and its *effect* on the state-society relation. The work by Masooda Bano (*Breakdown in Pakistan: How Aid Is Eroding Institutions for Collective Action.* Stanford: Stanford Economics and Finance, 2012) presents a critique of how foreign-funded projects affect the localized citizen response to state development plans. On the other hand, the work by Afshan Jafar (*Women's NGOs in Pakistan.* New York: Palgrave Macmillan , 2011) looks at how some women's NGOs have performed and functioned to *effect* states' policies toward women's issues in a traditional and patriarchal society.

give a sense of *how* society responded to the institutional arrangements of the state. Because of the lack of independent and critical studies on the communicative interexchange between civil society and state institutions, these reports are important sources of data indicating communicative interexchange in the public sphere.

This dissertation has collected and researched material from the actors representing civil society organizations in Pakistan. This research draws on the groundwork laid by civil society actors in extending the state rule to the wider society. The one collective decision of the state-devised institutional rule, which is the focus of this research, is the case of the devolution devised and implemented by the military rulers in Pakistan. In planning, deliberating, and implementing the government's devolution plans (1959, 1979, 2001), the military leadership colluded with other state actors, such as the political and bureaucratic elite. This is the missing story in Pakistan's scholarship—that other state actors have established alliances with the military elite to ensure their institutional and political survival.

The fact is that military governments secured legitimacy of their dictatorial rule by capturing the political society. The capture of the political institutions of the state was sustained because the political society itself remained passive to the military takeovers. In Pakistan, the political landscape is based on patronage of localized politics, and this therefore makes it easy for the military elite to identify potential supporters for the in-effect hybrid regime.

There is in Pakistan, according to Mohammad Waseem (1992), "dyarchical arrangement for sharing power between the parliamentary and non-parliamentary forces," and this dyarchy has rendered democracy unstable (634). In the event of military takeovers, the political society, because of internal rivalries, has particularly colluded with the military elite. The authoritarian tendencies that have existed among the political elite (democratically elected civilian governments and the military governments) have prevailed from the country's formation up through the subsequent periods of military and civilian governments (Sayeed 1954, 1967, 1968; Jalal 1995; Aqil Shah 2003, 2004). Furthermore, as I show in chapter 3, the political elite have cooperated with the military regimes to secure their electoral position in

the constituencies. The security gained by being electorally and politically relevant for the political elite means that they have easy access to state resources. The political elite, in other words, have remained determined to extract benefits from patronage by remaining close to the military regime.

These authoritarian tendencies among the political elite restricted democratic deliberation and engagement with society (Jalal 1997). Siddiqa (2007) agrees and asserts that in Pakistan "politicians or other dominant classes view military power as a tool to extract benefits while denying the same to other citizens" (22). In Pakistan's parliamentary system, floor-crossing has come to take place on such a large scale that the political system is popularly seen as afflicted with *lotaism*.[25] This, therefore, has led to a political landscape that functions more on patronage than on deriving its existence based on the principles of a representative system of democratic governance.

Challenge of Legitimacy for/of Rule Versus the Legitimacy to Rule

Legitimacy in the Weberian sense is drawn from "legality" and is based "on rational grounds"; thus, in this sense, the claims to legitimate domination (by political, military, bureaucratic elite) are founded "on belief in the legality of enacted rules and the right of those elevated to authority under such rule to issue commands" (Weber 1978, 215). On the other hand, according to the conceptualization of political legitimacy in a deliberative democracy, legitimacy of collective decisions does not turn on the ballot box or on majority rule per se, but rather on giving defensible reasons, explanations, and accounts

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[25] Semantically, *lota* is a noun but is also used as verb. A *lota* is most commonly either a metallic or plastic jar with a projecting nozzle or a curved spout that is used for ablutions and for cleaning oneself after going to the toilet. A single *lota* is generally used by several people. Politicians are seen as *lotas* because they are constantly switching hands from supporting one political party to the other and also because of their collusion with the military to secure political relevance on the political landscape. In his work, Christophe Jaffrelot (2015) uses the term *party nomadism* instead of *lotaism*. But Jaffrelot's constructed term, I believe, does not capture the symbolic strident tone that *lotaism* comes to signify. "Party nomadism" and/or "floor-crossing" are the closest translations for the phenomenon of politicians switching their loyalties from one power incumbent to another, but this translation falls short of the social significance of the phenomenon.

for public decisions.[26] *Legitimacy* of collectively binding decisions[27] (acceptable to citizens and political elite) is an overarching goal in deliberative theory. And the public sphere, according to theorists of deliberative democracy, is the space where citizens are engaged in communicative interaction before legitimacy of collective decisions is reached (Dryzek 2001). The theory of deliberative democracy contends that public deliberation is the force that gives legitimacy to the collective decisions.

I have drawn the theoretical analysis of the case of Pakistan based on two major components of the theory of deliberative democracy: legitimacy of collective binding decisions, and the public deliberation underlying the collective binding decisions. The fact is, the theory of deliberative democracy considers institutions of representative democracy as essential, fundamental, and crucial to the working of contemporary complex societies. Under this assumption, it is believed that the institutions of representative democracy provide the "necessary" support and protection to its citizens in safeguarding not only their individual but also their local and associational interests. But the question is: What is the *legitimacy* of the institutions within a hybrid regime? Can the manipulated institutions of the state within a hybrid regime satisfy the conditions of legitimacy, public deliberation, and communicative interexchange, as formulated in the deliberative theory of democracy?

In the analysis of the case of Pakistan, I found that for the ruling elite, legitimacy of collective decisions is not a standard deemed necessary. For the ruling elite, the standard of legitimacy itself is unambiguously conflicted. In the case of Pakistan, I argue that legitimacy for/of ruling and the legitimacy

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[26] Please also see: Michael Saward, "Reinventing Democracy," in *Democracy*, by Michael Saward (Polity Press, 2003), 116-39.
   John R. Parkinson, "Legitimacy Reconsidered: Theoretical Solutions," in *Deliberating in the Real World: Problems of Legitimacy in Deliberative Democracy*, by John Parkinson (Oxford University Press, 2006), 21-43.

[27] The legitimacy argument in the theory of deliberative democracy is most crucial to the theory's foundation. In my understanding, the theorists of deliberative democracy have used "legitimacy" rather fluidly. That is to say, by simply stating the legitimacy of collective decisions derived from acceptance of all those who are affected by the decisions, this formulation does not tell us specifically who are those labeled as "affected"? Does "affected" refer to ordinary citizens or political elite who deliberate and make decisions on behalf of the ordinary citizens? In this research, whenever the "legitimacy" argument is evoked, I specify whom I am referring to: citizens, elite, or both.

to rule ought to be seen separately. I believe that the distinctions I have made to understand legitimacy in case of Pakistan signifies the two distinctive stages of legitimacy.

Within the theory of deliberative democracy, we are reminded that it is the legitimacy of collective decisions and the public deliberation that defines the system of deliberative democracy. Undoubtedly, legitimacy for/of rule is derived from contesting at the multiparty electoral arena, while legitimacy to rule is derived from that fact that the system of governance engages with other political/formal institutions and informal actors in the society.

The legitimacy for/of ruling is derived from the fact that rulers in the political system come to control political power through a result of the institution of elections. While this gives rulers legitimacy for ruling, in order to achieve the legitimacy to rule, rulers must not abuse political institutions; in other words, they must respect the rule of law. For legitimacy to rule, the rulers must engage in communicative interexchange with the society in the public sphere. The respect for rule of law and engagement in the public sphere generates legitimacy of collective decisions through which the ruling elite rules over the polity.

What I have realized through the course of research for this dissertation is that, in Pakistan, there is emphasis on electoral legitimacy of the rule, but legitimacy to rule based on rule of law and communicative engagement with society is largely missing. Under both the military dictatorships and the elected rule, the ruling elite blatantly disregarded rule of law and communicative engagement with society.

The objective of each, the military government and the elected government, was to strengthen their rule by means of electoral engagement or the legitimacy for/of rule. For the ruling elite, winning elections brought about the legitimacy that is a precondition for democracy. For the ruling elite, legitimacy of collective decisions and rule of law is only an afterthought and is not *the* reason for which power is acquired (in the case of elected government) or captured (in the case of military dictatorship).

While I have no issue with deliberative democrats' insistence to have communicative interexchange between state, civil society actors, and citizenry to generate public deliberation, I ask, what does the deliberative theory of democracy tell us about the system where electoral legitimacy is the *only* definition of legitimacy to rule? Does deliberative democracy hold that collective decisions are legitimate if they are the outcome of an undemocratic regime? Does deliberative democracy approve of a ruling elite that comes to control political power by manipulating political institutions?

My frustration with deliberative democrats' emphasis on the public sphere is that it does not enable us to understand fully what is crucial for the deliberative theory of democracy. So what is important for deliberative democrats: legitimacy for/of ruling or legitimacy to rule, which is derived from the communicative interexchange? For example, on one hand there is an emphasis on legitimacy of collective decisions and the effect this legitimacy has on the working of institutions in democracy (Benhabib 1996). On the other hand, deliberative democrats (e.g., Dryzek, Mansbridge) emphasize that deliberation must not be restricted to working with any particular institutions of representative democracy. The latter deliberative democrats believe that an open and vibrant public sphere has a crucial role to play before legitimacy of collective decisions is reached.

However, collective decisions on the institutional arrangement formulated within the hybrid regime raises questions on the legitimacy per se. This is the constraint that has been identified in this research. As exhibited by devolution planning in Pakistan, I have come to realize that the challenge of the hybrid regime is the difference between legitimacy for/of rule and legitimacy to rule.

Tensions Between Legitimacy for/or Ruling and Legitimacy to Rule Derived From Collective Decisions

Deliberative democrats believe that the arena for *public deliberation* is not restricted to the institutions of the state *only,* but it is in an open and vibrant *public sphere* where different civil society actors, such as non-governmental, civil, private, and public voluntary associations, alongside the economic connections reside and engage in communicative exchange (Habermas 1998, 367; Young 2002,

160-64). It is communicative action of civil society actors in the public sphere that influences the institutions and policies designed by the state.

Thus, according to the theory of deliberative democracy, *legitimacy* to rule derived from collective decisions is not a one-time event originating from one or two institutions of the state, such as elections or the legislature. Rather, legitimacy to rule is derived from public deliberation generated and contested in the public sphere on the collective decisions devised by the state. Deliberative democrats argue that for the state's policies to be legitimate, these policies have to be "critically examined" in the public sphere. In other words, critical examination of the state's policies must be ongoing and regular and not reduced to a one-time public action. Parkinson (2006) believes "[L]egitimacy is built over time" (25) and it is derived from *public deliberation*. Young (1999, 2002) contended that the public sphere is the space where public deliberation ought to take place; for her, the public sphere is where "organized citizens can limit power and hold powerful actors accountable" (Young 2002, 174) by generating debate on collective problems and their possible solutions and exerting "pressures on state institutions to institute measures to address them" (177).

In this dissertation, analyses of documentary evidence and elite interviews has helped me to solve the puzzle of why the military elite in Pakistan consistently devise devolution as a policy. I have found that in Pakistan, the narrative of legitimacy based on the standard of legitimacy of collective decisions derived from public deliberation is disrespected by the ruling elite. For the ruling elite, legitimacy for/of ruling is most coveted; the legitimacy to rule, derived from rule of law and deliberation on collective decision, is a mere afterthought, not a standard to pursue.

I argue that the making of collective decisions as an event of public deliberation in the public sphere remains an ideational construct having no relevance to the hybrid regime in Pakistan. In contrast, according to the theory of deliberative democracy, legitimacy, as a deliberative ideal, necessitates that the rules for making collective decisions should be the result of, and are defensible in, public debate. This account of legitimacy therefore suggests that "people actually consider institutional arrangements

[designed by the state] to be in their interest" dependent on *whether* "institutional arrangements actually are in everyone's interest" (Chambers 1996a, 194). But as I show in subsequent chapters, in Pakistan, the ruling elite has always been preoccupied with fulfilling the first standard of legitimacy, that is, to control political power. For the ruling elite, including both the military and elected governments, the legitimacy to rule derived from collective decisions and public deliberation has been only an afterthought.

Furthermore, my research for the dissertation indicated that the academics, practitioners such as the political and bureaucratic elite, and the civil society actors (such as non-governmental organizations and social activists) whom I have interviewed, as well as the documentary evidence I reviewed—all have an elitist conception of what democracy is and should be. In this elitist conception, actors other than the state institutions have little or no role to play. Thus, in the context/perspective of this elitist conception, it is taken for granted, as Schumpeter argued, that democratic politics is the rule of the politician or the political elite.[28]

In this elitist equation signifying modern representative democracy, we see that the people are forced into having a minimal role: to vote and to elect representatives. Ironically though, the Pakistan case is interesting in that the electoral legitimacy of the political elite occurs only irregularly. The first general election on the principle of universal suffrage was held in 1971, after which the country descended into chaos and the eastern wing of the country emerged as an independent sovereign state—the state of Bangladesh. At the same time, the political elite belonging to the western wing declared itself to be the legitimate ruler of Pakistan, based on that same election. The irony is that the elected government formed in Pakistan came into existence when one half of the country had seceded. Ever since the secession of eastern wing of Pakistan, elections, as *one* of the political institutions, has signified democratic politics in Pakistan.

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[28] But as Schumpeter would want, the bureaucracy and bureaucratic apparatus guiding the political elite is something that is also missing in the case of Pakistan.

The antithesis to this method of democratic politics is the military rule. But even the military elite, much like the political elite, also rely on elections to legitimize their power. Therefore, we see that elections as a political institution are put into action under both the military and political contenders for political power. These contenders for power neither believe nor have shown any concern for the legitimacy of their actions. In other words, the military and/or the political elite ascertain that the process by which they come to control power is the only step toward securing legitimacy of their rule. In this sense then, legitimacy is a one-time standard or goal.

I believe the meaning of legitimacy, as drawn from the ballot box and/or the majority rule, is a predominant fact and manifests itself in the demeanor of the ruling elite of Pakistan. As a consequence, the ruling elite does not feel and has never felt the need to provide reasons for their actions. They do not believe that, if they are to command legitimacy, they must give justifiable or sound reasons for their actions, irrespective of where they are located in the relevant chain of action. The evidence for the ruling elite's disregard for offering justifiable reasons is presented in chapter 3, while chapter 2 outlines how the ruling elite manipulates and maneuvers the institutions of the state within the hybrid regime. Furthermore, I evaluate what insights can be drawn from the deliberative theory of democracy to secure legitimacy of the collective decisions within the hybrid regime of Pakistan.

The respondents interviewed for this research do not conceptualize democratic politics that differentiates between legitimate reasons to rule and the legitimacy of ruling. However, to progress toward ruling and to actually rule demands that the rulers at each step of action chain give reasons to and engage in a dialogic communicative interexchange with those who are to be and are ruled. In short, I believe legitimacy requires that a course of action is explained and justified by those in power, that is, from ruling elite to the ruled.

Justifiable explanations have currency insofar as they are acceptable to all affected by the actions of the ruling elite. In chapter 5, when I evaluate the devolution plan devised by the military regime in 2001, I explain that the military elite, by engaging with the bureaucratic elite and civil society groups, had

to provide justifiable reasons for the design and implementation of the plan. The LGP was sustained longer than the previous two devolution plans because the design of this plan was discussed (though selectively) in the public sphere.

In contrast, when the dominant groups or ruling elite try to legitimize their rule by manipulating political institutions in the name of democratic politics, based on the rules of discourse that the dominant players have established, there is a clear risk that any opposing argument will be superseded. But when argumentative reasons are given discursive space, then the dominant positions come face-to-face with the marginal perceptions; this exchange of opinions is significant for any political regime wanting to sustain its rule.

Deliberative democrats influenced by Habermas (1998), such as Chambers (1996b, 2002, 2013) and O'Flynn (2006, 2015), believe the political elite in the formal institutions of the state have legitimacy to deliberate collective decisions. On the other hand, deliberative democrats such as Dryzek (2000, 2001, 2010), Goodin and Dryzek (2006), Mansbridge (1996; 1999), Bohman (1996, 2013), Warren and Pearse (2008), Warren (2009), and Mackenzie and Warren (2013) believe deliberation cannot be restricted to any one single formal institution in a polity. These scholars contend that the political elite are not the *only* bearers of legitimate authority to deliberate on collective decisions. These scholars therefore argue for the role of civil society in the public sphere to engage in communicative interexchange with the state institutions to *effect* legitimacy of collective decisions.

The argument in this research is concise and consistently forceful in its reason—that legitimacy of making decisions in a political community is drawn from public deliberation that takes place in the public sphere between state and civil society. The communicative engagement between the state and civil society enables a dialogic exchange based on which policies regulating society are devised by the state. The fundamental point at the center of this research project is that state and civil society are seen not as independent actors, each acting in isolation from the other. Rather, the two actors are interconnected in

the sense that each one's action has an impact on the other, and the resulting reaction of the other affects the former.

Centralized, bureaucratized representative institutions must be viewed as necessary devices for enacting legislation, enforcing rights and obligations, promulgating new policies, and containing inevitable conflicts between particular interests, among other things (Mansbridge et al. 2013). However, when representative institutions are weak, policy-making processes tend to be unresponsive to the viewpoints raised in the public sphere. Representative electoral institutions, including Parliament and a competitive party system, are an inescapable element for authorizing and coordinating the state's actions.

Deliberative democrats assert that state and civil society communicative interexchange is the backdrop that enables the state to devise the institutional rules and policies through which the state regulates society. In absence of such a backdrop, policy devised by the state remains unsustainable, and the two entities of the state and society remain remote to each other.

The state power has an institutional advantage over the diversified base of the associational life of the civil society. The state has an effect on how the civil society organizes itself and responds to the state's power of coercive and bureaucratic control. However, combining the state's administrative power with the civil society's communicative power in the public sphere generates a discursive and communicative exchange. The question, however, is, Who initiates this communicative interexchange between the state and civil society?

In consolidated democracies, where democracy as rule of governance is an established fact and where the principles of democratic governance are the declared rules of game, discursive exchange between the state and civil society is a permanent feature of political life. In consolidated democracies, the conduct of civil society is that of an actor who has relative freedom from the state's power; however, this does not suggest that civil society is free from the state's devised rules and institutions. Nevertheless, the civil society has more independence in terms of mobilizing and voicing its particular interests. However, hybrid regimes such as Pakistan present a challenging site to apply deliberative democracy. The

theoretical perspective drawn from deliberative democracy lacks what is needed to address the hybridized political system of Pakistan.

The challenge is evident, because the political system in Pakistan is what I may call "pseudo democracy." In such a system, the military's insurmountable effect on political institutions has rendered the political society co-opted and the civil society weakened. I have researched and investigated the ideal of communicative interexchange for the hybrid regime of Pakistan. My research opens the debate on the theory of deliberative democracy in political systems where democratic standards are wanting but are not fully absent.

Research Design and Methodology

Research outcomes are substantially influenced by the data sources that a researcher employs in her project; my research is no exception. This research employs qualitative methods, which are appropriate to a small-N study. A small-N study could be triangulated with quantitative analytical tools that could improve the analytical vigor of the study. But quantitative data on the topic under study are scarce and difficult to gather. Therefore, this study draws from primary and secondary sources and is complemented by other data sources.

Case-study scholars such as George and Bennett (2005), Gerring (2006), and Beach and Pedersen (2013) asserted that researchers need to critically assess and weigh the value of collected data and recognize the pitfalls that may limit their usefulness and benefits. For these reasons, the data sources for this research are not limited to any single source.

Data in this research are gathered and analyzed from four sources: historical research; reporting by civil society (think-tanks, NGOs); print media and elite interviewing; and elite interviewing with academics, NGOs, and political and bureaucratic elite. To collect data from these multiple sources, I spent time in the field gathering material from November 2016 to August 2017. During this period I not only collected evidence in the form of official documentation but also conducted interviews with those who had specific technical and historical knowledge on devolution planning in Pakistan.

Data collected from the various sources provided the research material that enabled me to understand the institutional arrangements designed by the state and the *role* of civil society organizations in sustaining and implementing institutional arrangements. The institutional arrangement under study in this research is the devolution plans implemented by the state of Pakistan.

Research Tools: Process-Tracing, Historical Analysis, and Elite Interviewing

The methods that I adopted in my single-case study research design are theory-testing *process-tracing* (George and Bennett 2005; Beach and Pedersen 2013; Bennett and Checkel 2015; Beach 2016), quasi-triangulation in historical analysis (Lustick 1996), and elite interviewing (Tansey 2007; Davies 2001).

Process-Tracing Employed for Causal Theory

Process-tracing as a method adopted in case studies effectively captures how an issue, situation, or pivotal event evolves, especially when the focus of the case is subject to the dynamics of change (George and Bennett, 2005; Collier 2011; Bennett and Checkel 2015; Beach and Pedersen 2013). The dynamics of change in my study focuses on answering *why* the earlier two devolution plans introduced by the state of Pakistan were terminated but the third plan endured.

George and Bennett (2005) argued, "[I]n process tracing, the researcher examines histories, archival documents, interview transcripts, and other sources to see whether the causal process a theory hypothesizes or implies in a case is in fact evident" (6). Thus, by adopting process-tracing, the researcher is not only able to gather basic information about a case (89), but this information also fills in gaps in existing historical accounts (96) that further highlight the missing or omitted *causes* (18, fn 32).

In chapter 5, I have unpacked the role that civil society actors have played. By analyzing the research material gathered, I therefore looked for the intervening causes (or variables) in the narratives and elite interviewing. By identifying the actors and their activities, I present the causal mechanism that

can sufficiently *explain* the outcome of interest (i.e., endurance LGP). The civil society actors I examine

are people working with the NGOs, academics, print media reports, and bureaucratic and political elite.[29]

I interviewed NGOs workers, academics, and bureaucratic and political elite to develop a

comprehensive understanding of the planning for devolution in Pakistan. This understanding was crucial

to understand the political milieu in which the different actors, i.e., military regime incumbents, the

political society, and the civil society, operate. I concede my understanding of the issue of devolution

planning in Pakistan was primarily focused on the LGP, but as I started to gather data from the various

sources, and especially through the elite interviewing, the NGO workers helped me to understand *why* the

political society opposes the autonomous local elected governments; the academics encouraged me to

highlight the constitutional transgressions of the military interventions; the bureaucratic elite persuaded

me that the bureaucracy has never opposed the local governments, but neither the military nor the

political government is committed to the devolution, per se. The political elite, on the other hand,

remained politically astute and emphasized that political arrangements devised in a democratic system

always are a result of debate and reasonable argumentation, whereas the military dictatorships destroy

such an exchange of free debate.

In my analysis of the role of these actors amidst the hybridity of Pakistan's political system, I

have learned that each actor has shared his/her critique of the military rule and the continual military

interventions. However, all those who were in a position of political significance—the political and

bureaucratic elite—never raised their voices against the authoritarianism under the military and civilian

governments. The civil society organizations, on the other hand, such as print media, the NGO workers,

and the academics, raised their oppositional voices regarding the democratic transgressions. Their voices,

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[29] I interviewed 29 respondents for my research. These respondents belonged to the NGO sector; 17 respondents were the NGO workers. Four respondents were academics. There were four political elites: three were high-ranking former bureaucratic elites, and one of the respondents was the designer of the LGP, who also happens to be a bureaucratic elite.

however, never had a significant effect on the government (military or political) that was needed to revise its policy of authoritarianism.

Historical Analysis

Mahoney (2015) argued the method of process-tracing is often used when researchers engage in *historical explanation,* that is, the identification of causes of outcomes that have already occurred. These explanations are usually composed of sequences of events or causal chains in which factors located at different points in time contribute to an outcome (202).This, therefore, raises an issue of *how* the data should be gathered, and from which sources.

I juxtaposed and evaluated competing evidence and narratives as well as media reports on the civil society actors' communicative interexchange in the public sphere and political parties' position(s) on the devolution. Finally, I conducted elite interviewing with the people working with these think-tanks to better understand the dynamics of communicative interexchange, which enabled me to trace back the role of communicative exchange in the development and continuance of the 2001 devolution plan.

Collecting research material from the government agencies proved to be more difficult. For example, the NRB, the think-tank that was established during General Musharraf's rule, was disbanded in 2009. The reports which were authored by the think-tank and the LGP itself were difficult to find. I therefore had to rely on scholarly articles, media reports, and documentary evidence received from the civil society organizations in order to read through the text of the LGP.

I also encountered an issue with the lack of state records. No substantive analyses were available on how society responded and/or benefitted from change in institutional arrangements in the wake of the devolution plans that were introduced in 1959 and 1979. The two plans were devised under the military rule and during that time the state did not engage with the civil society; hence, no documentary evidence is available. There is also a lack of analyses focusing on the early period of Pakistan's formation and its devolution plans.

Furthermore, to access the military's institutional perspective of the devolution planning, I did try to obtain interviews with military elite who were engaged with the NRB at the time of the LGP's design process. However, I was not able to secure interviews with the leading military professionals.[30] I also tried to get the military's perspective on the planning for devolution by contacting the National Defense University (NDU). It is a public-sector university that offers higher education degrees to military personnel and to private citizens. Military officers from the army's education corps manage the NDU. However, the high-ranking former military general who is the professor in the Governance and Public Policy Department did not accept my request to be interviewed. Hence, in order to address the lack of primary material on the military's position on devolution planning, I had to identify other sources, such as any military publications through which I could glean the military's institutional position on the devolution planning undertaken by military regimes. I was able to review one military publication from 2000 called *The Pakistan Army: Green Book,* from the Army Central Library in Rawalpindi. Access to this library was possible because of my association with a military family. Membership to this library for civilian individuals is very tedious and time-consuming.[31]

The publication *The Pakistan Army: Green Book* is a collection of essays written by some 17 mid-to-high-ranking military officers from the rank of captain to major general. The essays gave me an insight into the military's understanding of the issues of the governance faced by Pakistan, as well as how the army can help address the problems of bad governance. In chapter 4, I present a critical analysis of the military's approach to the planning for devolution in Pakistan.

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[30] I had tried to get an online interview session with General (Retired) Tanvir Naqvi, the architect of the LGP and the head of the NRB from 2000-2002. General Naqvi lives in Karachi and I was able to contact via email. I exchanged a detailed questionnaire with him and explained my research to him. He did agree to fill in the questionnaire and give me online interview, but due to his wife's failing health, the plan to interview did not materialize. I also did not hear back from him regarding the emailed questionnaire.

[31] If I did not have access to the Army Central Library, then the review of print media from 1959, 1977, 1979, 1999, 2000, 2001, and 2002 would also have been very difficult for me. The library not only holds a vast collection of old newspapers, but it also provides limited access to the declassified military publications on the issue of governance, security, and defense. My access to the Army Central Library was possible because my father is a retired army officer, and because of him, I was therefore given access to this library.

The other sources on devolution planning were secondary material such as research material and commentary by scholars (of the early era). Sayeed (1954, 1967, 1968) and Ziring (1971, 1997, 2000) are two sources on the then-status of state-society relations that provided some insights. I was faced with this limitation when it came to availability of material from Pakistan on state-society relations for that period. Hence, I had to rely on later works by other Pakistan scholars such as Jalal (1990/2007, 1995, 1997), Rais (1997), and Waseem (1989, 1992, 2002) and on the documentary evidence generated by the print media and other civil society actors.

I also collected documentary evidence from the NGOs who had been actively engaged in the implementation of the LGP. These reports helped me to understand the sense of narrative on devolution that had been generated in 2000 with the design of the LGP. However, physical access to the reports was a challenge. The organizations that were based in Islamabad, such as Strengthening Participatory Organization (SPO), SUNGI, Friedrich Ebert Stiftung (FES), and Free and Fair Election Network (FAFEN), have all shifted their office locations within Islamabad. These organizations were not able to share any reports with me on devolution from their library resource centers. But my interviews with the staff of these organizations proved to be a useful data source.

Other organizations such as PATTAN, South Asia Partnership Pakistan (SAP-PK), SANGAT Development Foundation, and Human Rights Commission of Pakistan (HRCP) had a vast collection of research material on the LGP. Some was available in the Urdu language only; the contents of the reports were then translated in English to be used for analysis.

The reports prepared by PATTAN were available only for sale. PATTAN had conducted research studies in 2000, 2002, and 2005 to evaluate the effect of the LGP in the local districts. I used their research material in chapter 5 of this study. The other documentary evidence on the devolution planning in Pakistan and the LGP was collected through the websites of donor agencies such as World Bank (WB), Asian Development Bank (ADB), Department for International Development (DFID), and United States Agency for International Development (USAID).

The critical evaluation reports on the LGP generated by the International Crisis Group (ICG) were also accessed from their website. These reports, prepared in 2002, 2004, and 2005, raised critical questions on the military's objective of planning for devolution and the role of political society in the 2002 and 2005 local government elections.

The reports and data generated by these non-governmental organizations were triangulated with the media sources. Media sources such as the electronic and print coverage play a secondary and supplemental role in the analysis of discourse on decentralization and devolution generated by the think-tanks in the public sphere. By accessing data from media sources, I was able to obtain an understanding of the communicative interexchange in the public sphere. My attention was on the newspaper articles and op-eds in the English and Urdu newspapers that discuss devolution and decentralization at local levels.

To access the old newspapers (English and Urdu), I spent considerable time in the Army Central Library in Rawalpindi. The library provides access to declassified military publications and also has a vast collection of newspapers from 1950 onward. As explained earlier, the military publication that I had reviewed was *The Pakistan Army: Green Book,* whereas the newspapers reviewed were the English newspapers *Dawn, The News,* and *The Nation* and the Urdu newspapers, *Jung* and *Nawa-i-Waqt*. These newspapers have been in circulation in Pakistan for many years; in fact, the English *Dawn* is considered to be the first English newspaper of Pakistan and has been in circulation since Pakistan's independence. This newspaper was not critical of the government's policies in its earlier days of circulation, but in recent time, the newspaper has adopted a more critical position against the military's interventions on the political landscape. The newspaper articles and editorials for the years that I reviewed were not critical of BD and LGO, but when the LGP was being planned and implemented, many articles critical of the military's devised plan were published.

Just like the English *Dawn,* the *Jung*[32] and *Nawa-i-Waqat*[33] are considered to be the oldest Urdu newspapers in Pakistan. These two newspapers also had adopted a very cautious position on the military regime's enactment of devolution planning in Pakistan in 1959 and 1979. In fact, these newspapers have never had been critical of the hybridity of the political system in Pakistan under the military dictatorships or the civilian leaderships. However, these newspapers in recent times, starting with General Musharraf's rule, have become critical of the authoritarianism showcased by the hybridity of the political system in Pakistan. The newspapers have also been critical of the military's encroachment. The reader will also find that as I have translated and reviewed newspaper articles and editorials, there is an invective critique leveled on the military's devolution planning in Pakistan.

The newspapers I reviewed were from 1958, 1960, 1977, 1979, 1999, 2000, 2001, 2002 and 2010.[34] The material reviewed from the Urdu newspapers was translated in English and is analyzed in chapters 4 and 5.

Furthermore, to overcome the lack of documentary evidence from the earlier periods, I gathered evidence by conducting elite interviewing with the civil society activists, the academics, the state functionaries belonging to the administrative bureaucracies, and the political elite. The role of elite interviewing in process-tracing should not be undervalued, as it permits researchers to "move beyond written sources, and ask probing, theoretically driven questions of key participants in the events and processes of interest" (Tansey 2007, 771). A thorough process-tracing approach combines all available sources.

Elite Interviewing

Review of the material that was created within the state, its associated agencies, and civil society organizations helped me unpack *what* work civil society performed for communicative interexchange to

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[32] Literally, the word *Jung* in the Urdu language means "war," but the word is also used to mean "struggle."

[33] Literally, the word *Nawa-i-Waqt* in the Urdu language means "voice of time."

[34] The Army Central Library had these newspapers available for reading, but the library had the Urdu newspapers only from 1972 onward. The English newspaper *Dawn* was available from 1949 onward.

take place in the public sphere. This study had identified the state's devised devolution plan as the case to study, and the research highlighted the role of communicative interexchange between the state and the civil society. Although documentary analyses of state and civil society-generated documents provided selective accounts, the state documentation often conceals informal processes and considerations that preceded decision making (Davies 2001; Tansey 2007). Thus, another important tool for analyzing the documentary evidence is to interview those people who were directly involved in the political process.

Elite interviewing complements documentary analysis in process-tracing case studies by corroborating the findings, adding new information, and ultimately reconstructing events that occurred (Davies 2001, 75; Tansey 2007, 766). As Aberbach and Rockman (2002) put it, elite interviewing is used "to help the investigator fill pieces of a puzzle or confirm the proper alignment of pieces already in place" (673). The gaps are particularly problematic in policy studies, as the process that occurs is hidden behind closed doors (Davies 2001, 74).

Hence, collecting interview data fills the gaps in information unavailable elsewhere and aids in interpreting documentation (Davies 2001; Tansey 2007). As Davies (2001) argues, "[I]nterview evidence can provide information additional to documentary materials, as well as corroborative information" (75). For example, in this dissertation, key informant interviews (with state bureaucrats, academics, and civil society activists) were an essential resource for examining the policy decision making that occurred, since public documents (such as LGP 2001) provided only very partial information pertaining to the design of the plan. Who was involved in the planning process and how planning on devolution plan was debated were missing in official documentation.

Therefore, besides analyzing the program narratives, I conducted and analyzed open-ended elite interviews with the people working in civil society organizations and with state bureaucracy and political elite; these respondents have been engaged in providing support to state agencies in planning projects to motivate citizen engagement at grassroots levels. Furthermore, academics were also interviewed; these individuals had critical knowledge of the state and society communicative interexchange over the

planning for devolution. Elite interviewing provided me information about the underlying context of communicative interexchange. The purpose of conducting elite interviews was to better understand the work that civil society organizations had undertaken in generating discourse on planning for devolution. The tool of elite interviews helped me to tap into the political constructs that may otherwise be difficult to examine.

Semi-structured interviews were conducted with 29 different actors representing academia, state bureaucracy, political elite, and civil society; one interview was conducted via an emailed questionnaire. These individuals have special insight into the causal process of planning for devolution, and they had specialized knowledge about devolution policy and planning. The actors belonging to the state bureaucracy and the political elite, specifically, were privy to and participated in discussions and decisions on planning or devolution policy.

Because the knowledge on policy planning is specialized, the sample size in elite interviewing is inevitably smaller (Richards 1996). For this research, 29 interviews were conducted. The interviewees were subject experts who had insightful information on Pakistan's institutional politics and devolution planning. Special arrangements had to be made to schedule an interview with them. In most instances, I was able to get an interview by contacting someone who personally knew and was close to the interviewee.[35] This was especially true in the case of the political and bureaucratic elite.[36] These two elite groups were not openly accessible; furthermore, to interview them, I had to travel between Islamabad and Lahore, as some of them were living in these two separate cities. In fact, most of the interviewees

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[35] This was especially true of the academics who were interviewed for this research. To interview Dr. Mohammad Waseem, Dr. Saeed Shafqat, Dr. Ayesha Jalal, and Dr. Ali Cheema, it took me over 5 months to make contact with them directly and schedule a time for the interview. I interviewed Dr. Mohammad Waseem and Dr. Saeed Shafqat in November 2016, and Dr. Ayesha Jalal and Dr. Ali Cheema in March 2017.

[36] The political and bureaucratic elite were a difficult group to access. In the case of the former, I had to wait for more than a month to schedule the interview. In my attempt to schedule an interview with Chairman Senate Mr. Raza Rabbani, who had played an instrumental role in retaining the constitutional clause on local governments under the 18th Amendment, I was not able to contact him directly. From March to September 2017, I attempted to schedule an interview with him, but his office did not respond to my requests.

including the NGO workers and academics, were available for an interview in Lahore. The NGO workers

interviewed were another group with whom scheduling an interview took more than three weeks. Since

my interview would last for more than 60 minutes, all the interviewees were informed of the amount of

time needed.

A semi-structured interview was developed for this research. In a semi-structured interview, the

interviewer asks open-ended questions, which give both the space for interviewees to provide the most

relevant (and unforeseeable) information, and the opportunity for the interviewer to probe more deeply

into the discrete (and most relevant) experiences of the interviewees (Tansey 2007; Aberbach and

Rockman 2002; Davies 2001).

The scheduled interview opened with some simple corroborative questions to build a basic level

of rapport with the interviewee.[37] The schedule was then divided into five other key themes or subject

areas, each with a set of "probe notes" (Richards 1996, 202). The five main themes were as follows:

(1) events and circumstances leading to the devolution planning, (2) the role of other actors belonging to

the state in devolution planning, (3) development of the military state's devised model, (4) discussions

about the political elite's response toward the devolution plan and implementation, and (5) importance of

devolution as a governance strategy in Pakistan. A sample version of this interview schedule, including

some examples of tailored probing questions, is provided in Appendix A.

In the interview session, I would always ask, "Who else was involved in the planning or

devolution? And, who else would have critical knowledge on state and society communicative

interexchange?" This played an important role in verifying and reinforcing the selected population, as

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[37] Building a rapport with the interviewee was crucial to initiate dialogue. I would always start the interview session by first explaining my dissertation, informing them of theoretical debate(s) in focus, and also mentioning the names or titles of prominent individuals already interviewed. This exchange of information facilitated the process of gaining access to the interviewees' knowledge of the subject under discussion. Please also see:

R. L. Peabody, S. W. Hammond, J. Torcom, L. P. Brown, C. Thompson, and R. Kolodny. "Interviewing Political Elites," *PS: Political Science and Politics* 23 (1990): 451-55.

Philip H. J. Davies, "Spies as Informants: Triangulation and the Interpretation of Elite Interview Data in the Study of the Intelligence and Security Services," *Politics* 21, no. 1 (2001): 73-80.

names of interviewees were often repeated (Tansey 2007, 770). This referral process, i.e., of asking

interviewees to suggest other actors belonging to the state bureaucracy, academia, and political and civil

society, helped me to identify and access those who were directly engaged in planning for devolution and

also those who have critical knowledge on the complexity of state and society communicative

interexchange in the case of the hybrid regime of Pakistan. This process of accessing other relevant actors

is also known as snowball sampling (Beamer 2002). This approach involves developing the sample by

identifying potential respondents while interviewing respondents previously identified. Thus, it was

beneficial to ask questions like "Who else should I talk to about this? or "Who was the main policy expert

for developing the devolution plan of 2001?"

In this research, all of the interviews were recorded on a voice-recorder and later transcribed. The

language employed for conducting elite interviews was either English or Urdu. However, based on the

comfort of the interviewee, sometimes one language would take precedence over the other; in most cases,

Urdu was the preferred language. Nonetheless, all interviews were audio-recorded, with the exception of

one unrecorded[38] interview and another interview which was received via email questionnaire; all were

transcribed in English. All the interviews, including the interviewees' opinions and their quotes, were

then incorporated in the analytical chapters 4 and 5.

The research tools employed in this research—process-tracing, historical analysis, and elite

interviewing—were particularly suited to examining the genesis of the devolution planning. Through both

documentary analyses and elite interviews, multiple perspectives were investigated to discover the origins

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[38] There was only one interview—the interview with one of the senior academics, Dr. Mohammad Waseem from Lahore University of Management Sciences (LUMS), that was not recorded because he did not give consent to be recorded. However, his responses were allowed to be written. Another interview, a questionnaire submitted via email, was with Dr. Kaiser Bengali. He is a senior economist living in the city of Karachi, who has been associated with the civil society organizations. Over the years he has also worked with the elected governments to develop economic policies and governance models. Because of the traveling distance between Islamabad (the city of my residence) and Karachi (Dr. Bengali's residence), I requested Dr. Bengali to fill in the questionnaire that I shared with him for my research. Upon receiving his completed questionnaire, I transcribed his responses on the key themes that are the focus of this dissertation and incorporated them in the analytical chapters 4 and 5.

of the design measure of devolution and the role of communicative interexchange between state and civil society.

<div style="text-align: center;">**Organization of the Study and Chapter Plan**</div>

Organization of the Study

This study is divided into two major parts. The first part (comprising chapters 1 and 2) establishes the theoretical foundation of this research, focusing on the theory and application challenges within hybrid regimes. In this part, I open the discussion on three fronts: (a) I analyze literature on hybrid regimes and critically evaluate this political system that combines authoritarian principles with democratic standards; (b) I present the discussion of the public sphere by theorists and practitioners of deliberative democracy; and (c) building on the theoretical foundation of deliberative democracy, I then discuss the role of actors in a hybrid regime that are engaged in the public sphere.

The second part (comprising chapters 3, 4, and 5) presents the case of Pakistan. I investigate the political beginnings and the institutional arrangements enforced by the state. My intention in discussing its political beginnings is to trace the role of the relevant actors, such as the military regime and the political society, as well as the crucial role of political parties and print media and NGOs representing the civil society. The major highlight of this section is how the state political institutions have been manipulated by the ruling elite, and, given this manipulation, what communicative interexchange between state and civil society existed.

Chapter Plan

Chapter 2: Deliberative Democracy, Hybrid Regime, and Civil Society

This chapter discusses Pakistan's hybrid political landscape and the role of civil society in such a setting. I present the discussion on civil society from the deliberative theory of democracy and argue that the theory assumes that civil society is not working under pressure from the state. I then introduce the case of Pakistan and argue that in hybrid political systems, as other institutions of the state are co-opted,

civil society also is co-opted by the authoritarian state. I discuss the situation of Pakistan through the periods of the three military coups.

The discussion in chapter 2 builds on the actors in the hybrid regime of Pakistan and the role that actors such as the military elite, bureaucratic elite, political elite, and civil society are expected to play from the perspective of deliberative democracy.

Chapter 3: Actors in the Public Sphere: Political Parties, Print Media, and NGOs

Building on my discussion on hybrid regimes and the role of the actors in the public sphere, I investigate the role of three actors in Pakistan—political parties, print media, and NGOs. In this chapter, the role of political parties is traced back to the political beginning of an independent Pakistan. The lack of political parties' organization and political divisions within the political elite became the source of political chaos. Thus, taking advantage of the political turmoil, the military elite controlled the political situation. The military's encroachment began its longstanding intervention to institutionalize the role of the military in Pakistan's politics.

The other actors, the print media and NGOs, were affected by the disorganized and subsequently defunct political society. The print media was the most active in raising its voice against the authoritarianism experienced at the hands of the political parties. But under military rule, the critical voices from the print media were dispelled.

On the other hand, NGOs also had a nascent existence in the beginning of Pakistan's independence. The non-government sector was nonexistent except for a few charity-based organizations working across Pakistan. These organizations were not politically active in raising a voice against the political society and the military dictatorships. It was only in the 1980s that NGOs became a more regular actor in society, working with the then-military government to provide relief to Afghan refugees that had come to Pakistan following the Soviet invasion of Afghanistan.

In chapter 3, the focus is on highlighting and investigating the role of actors on Pakistan's social and political landscape. I present these actors and analyze their role in the context of the hybrid regime.

Chapter 4 presents a detailed critical discussion on the military government's direct political intervention in establishing the institutions by which it established the base for popular support for the military rule.

Chapter 4: Deliberation in the Public Sphere: The Case of Pakistan

Chapter 4 traces and investigates the military governments' design of the devolution plans as their strategy to fragment the political parties and take control of the political landscape. This chapter is an empirical chapter, for in this chapter, I have not only analyzed the devolution planning, but I have also analyzed the data gathered from the elite interviews; the review of print media from 1959, 1979, 1999, 2000, 2001, 2002 and 2010; and documentary evidence on devolution planning.

In this chapter, I also discuss the role of the political governments toward the devolution planning and explain *why* these governments never challenged the military governments in their policy intervention on designing the devolution plan. Chapter 4 also presents a critical evaluation of the role of political governments in bringing reforms to the civil bureaucracy, the political government's reluctance and diffidence in effecting such reforms, and the establishment of local governments. I argue that the political government's ambivalence to the local governments has been advantageously used by the military dictators against political parties.

Furthermore, in this chapter I present the emergence of the NGOs as the one of the civil society actors in Pakistan. In the previous chapter, I highlighted that the NGOs were nonexistent in the political beginnings of Pakistan; however, in the 1980s and onward, the NGOs arose as the third sector in Pakistan.

Lastly, this chapter analyzes the public discourse on the devolution planning generated in the print media and the data that I collected through the elite interviews. The center of the analysis is the devolution planning devised by the military governments. Analyzing the three devolution plans, while focusing on the third plan, I show that under the third military government of General Musharraf, the critical voices regarding the Local Government Plan 2001 (LGP) were most prominent in the public sphere. The military regime selectively had engaged with civil society actors such as the NGOs in raising

a favorable narrative on the LGP. The political parties, however, for reasons of political expediency, had allied with the military ruler in his "revolution by devolution," but as soon as the political governments at the province and federal levels were established, the revolutionary aspects of LGP were rolled back. During this process of policy reversal, the NGOs did raise their oppositional voice, but they could not effect change to the policy reversals.

Chapter 5: Local Government Plan 2001 and the Elected Governments of 2002 and 2008

Chapter 5 is last of the empirical chapters. In this chapter, I give an explanation for the retention of the constitutional clause on local governments under the 18th Amendment. However, my earlier claim that the retention of the LGP was made possible through the communicative interexchange between the state and civil society is refuted based on the evidence I analyzed in chapter 5. Through the documentary evidence and the information collected in the elite interviews, I show that in the hybrid regime of Pakistan, the tendency toward authoritarianism is most prominent among the ruling elite. The military government's plan for devolution was to sustain the military government. The political and bureaucratic elite, therefore, in order to secure their institutional significance, succumb to the pressure of the military ruler.

However, as soon as they are in control of parliamentary government, the political parties decide on the rules of engagement with the civil society. The local governments, which had been formed under General Musharraf's hybridized political government, were systemically rendered ineffective by the elected political government in 2004 and then in 2008.

Chapter 6: Conclusion

In the last chapter of the dissertation, I discuss that in the hybrid regime of Pakistan, the performance of the actors, such as the military, political, and bureaucratic elite, have been a formidable force against the dissenting voices emerging from the civil society. The civil society, an independent entity in Pakistan, has been a nascent entry to the public sphere. Furthermore, the institutional rules that had been devised by the military regimes were mainly to serve their interest of securing political power.

The political and bureaucratic elite in the times of military rules have been the most willing of the actors, enabling the military to sustain its control over the political landscape.

Moreover, the devolution plans devised by the military regimes signify the continuity of military's approach of building partnerships with the political elite to maintain its control over the political scene. The plan devised by the military government of General Musharraf was distinctive, for it was the first time that communicative engagement with the civil society was encouraged. This engagement, however, was selective in the sense that the regime did not engage with the civil society on the critical issue of the military's political intervention.

CHAPTER 2

DELIBERATIVE DEMOCRACY, HYBRID REGIME, AND CIVIL SOCIETY

. . . the political [is] an expression of the idea that a free society composed of diversities can nonetheless enjoy moments of commonality when, through public deliberations, collective power is used to promote or protect the well-being of the collectivity. *Politics* refers to the legitimized and public contestation, primarily by organized and unequal social powers, over access to the resources available to the public authorities of the collectivity. Politics is continuous, ceaseless and endless. In contrast, the political is episodic. . . . Democracy is one among many versions of the political. (Wolin 1996, 31)

Background

Contestation, opposition, argumentative exchange, and mediating the differing preferences are what define politics in a given polity. In other words, politics is marked by continual contestation of differing ideas. Wolin (1996) contends public deliberations over ideas for the well-being of the collectivity is a paradigmatic feature of politics. Though continual public contestation is a recurrent constant, public deliberation does generate a brief moment of commonality that, according to Wolin, is the political. However, he believes that in a polity the commonality is all but an infrequent specter. A moment of commonality, Wolin argues, is episodic. When commonality is achieved, it transcends the continual contesting argumentative politics. Wolin asserts democracy is one of many versions of the political. In his conceptualization of democracy, democracy is a moment of commonality defined as the political, which is always under threat by the pressures of argumentatively profane politics.

Democracy, one of the versions of the political, offers the promise that the will of the people is a priority. However, throughout most of history, the will of the people has not played a leading role in contesting the dominant elite's influence in politics. The powerful elite, which includes the political, social, and wealthy, continues to dominate political contestation through designing rules and enacting boundaries to exercise their influence over the will of the people.

Jürgen Habermas, one of the leading proponents of the theory of deliberative democracy, argued that formal political rules informed by the communicative power in the public sphere can institutionalize the episodic surges of democracy. Habermas approached politics as a communicative interexchange between the formal rules and informal discourses to reach an understanding in the regulation of society. In other words, Habermas's inspired deliberative theory of democracy allows for the articulation of a process that makes the case for a wider inclusion of non-elites in democratic decision making.

Deliberation, therefore, is that form of public communication that is oriented to understanding, as opposed to forms that are oriented toward intimidation, mobilization, and even pandering. It is my contention that public deliberation generates moments of commonality in society for the well-being of the people.

The basic argument of this research wrestles with the idealistic claims set forth in the deliberative theory of democracy and their application in a real-world scenario. I follow the argument conceived by Habermas, which promotes the public sphere as a sounding board for civil society actors. For Habermas (1991, 1998, 2006), civil society is the crucial constituent vis-à-vis the state to engage in communicative interexchange. In a democratic polity, it is argued that civil society and the state cannot function in isolation; the communicative interexchange between these two constituents is an essential prerequisite for deliberative democracy.

Habermas's argument in favor of communicative interexchange taking center stage in the public sphere is further expanded by Dryzek. He emphasized the crucial role that the discursive engagement between civil society and the state plays in making the collective decisions that are required for the political community. Dryzek, for his part, is emphatic on three criteria: (a) the state must not be the singular generator of discourse, (b) the state and civil society must therefore remain in discursive dialogue that should guide the collective decision, and (c) no single institution of state has a monopoly on deliberative engagements.

These three conditions, it seems to me, put even more demanding constraints on those who engage in deliberative engagement. Here, I refer to the conditions of rational engagement that Habermas lays out in his communicative interexchange: speakers speak same language, speakers have commitment to resolve matters, and speakers are open to reasoned argument and thus concede to the forceless force of the better argument.

Now imagine such communicative conditions are engendered in a discursive dialogic engagement that Dryzek argued for. Would one not be left wondering whether these conditions put constraints on the speech of the interlocutors? Young (2002) asserted, "[D]emocratic process ought to encourage and enable the organizing of multiple and contending discourses, forms of expression, and debates" (172), implying that individuals engaged in communicative interexchange speak, listen, and learn about each other's perspectives. Young (1996) also has argued that in contemporary democratic polities, those engaged in dialogue are socially, politically, and economically situated in ways that are distinctive from each other. Hence, in such an arrangement, the deliberative conditions imposed on speakers forces them to disavow their distinctive beings. Hence, in this sense, then, the idealistic communicative interexchange valuing reciprocal and rational exchange of reasons turns out to be an exercise in political domination (127-28). Like Young, Sanders (1997) also contended that in a world of cultural, social, and structural differences, any initiation of communicative interexchange based on shared and neutral premises is hard to find. She believes deliberation, as is conceived by deliberative democrats, is too restrictive in its communicative practices to produce the kinds of transformation that deliberative democrats desire.

My question is: If democratic potential is lacking in a democracy, then can we judge undemocratic societies through the perspective of communicative interexchange? Young's (1996, 1999, 2002) analyses focus on political communities that, although democratic, are faced with the scourge of social, political, and economic inequalities. These political communities are unable to deliver to the people the benefits of communicative engagement with the institutions of the state. Young (2002)

lamented the lost potential of democracy in democratic societies. However, Young (1996, 1999, 2002) does not extend her inquiry beyond the political system that is characterized as distinctively democratic.

Therefore, I am interested in analyzing the deliberative conditions centered on communicative interexchange in a political community that lacks many features of a democratic political landscape. The larger political landscape here refers to a political system that connects the ruler to the ruled. But if in such a political system the rulers lack legitimacy to rule over the political community, then how can these conditions of deliberative democracy be applied?

In a political community that has few democratic features, the political connection between the ruler and the ruled is a casualty of a non-elected dictatorial force. In such a political environment, the elected institutions remain under constant threat from the transgressive pursuits of other institutions of the state. The result of these pursuits of non-elected institutions is the emergence of a political system that lacks democratic principles.

As a result, the political regime that emerges in such a political community is a variant of an authoritarianism claiming to have adopted certain democratic conditions. In comparative politics, scholars have termed such a political regime as a hybrid, favoring authoritarian transgressions at the expense of democratic principles. Under such a political system, the will of the people is subjugated to the will and directives of those few who blatantly transgress institutional bounds to control the political system. These few force themselves on the polity to decide, deliberate, and execute collective decisions affecting the lives of the people. The political regime that is formed as the result of the transgressions of non-elected institutions always is in need of popular support, and thus in order to attain popular approval, the regime's incumbents devise institutional rules to help the regime endure the continual and ceaseless pressures of politics. In the discussion to follow, I look deeply into applicability of conditions of deliberative democracy in such a regime that is classified as a hybrid regime.

Introduction

In the field of comparative politics, authoritarianism is not something that exists as *the* antithesis to democracy and/or representative government. Authoritarianism can, in fact, spread within such systems of government. In the literature on authoritarianism, scholars recognize those regimes that combine democratic principles such as political equality with the establishment of (certain) formal institutions— such as hybrid regimes. In such regimes, democratic principles are utilized by the regime incumbents to legitimize their rule over the polity.

These are the regimes that establish authoritarian rules with democratic principles. The political structure that pervades such regimes combines the two systems: multiparty elections rather than single-party elections, elected legislatures instead of nominated or selected legislatures, an executive accountable to an absolute executive, the designing of political institutions to serve the particular interests of the rulers rather than the interests of the people, etc.

In a hybrid regime, the institutions of the state are manipulated by the regime incumbents. Through such manipulation, the incumbents devise certain institutional rules on the pretext that such an institutional design bridges the distance between the state and society. Political institutions are formed in a way that enables regime incumbents to strengthen their control of the political arena by creating a façade of communicative interexchange between the regime and the civil society.

As in the case of devolution plans in the hybrid regime of Pakistan, which is the focus of this research, the long-term military dictatorships in the country enabled military rule to create institutional measures that served the interests of the ruling elite. The military dictatorships successively caused the nascent democracy to deteriorate. As Mohammad Waseem (1992, 2002) has suggested, the legacy of a non-sovereign parliament subordinated the national will, as reflected in the representative body that was subject to the whim of a non-elected individual. As a consequence of military interventions, a political regime emerged that was neither "fish nor fowl." The hybridity of the political system that emerged

combined democratic principles in the structure of formal representative political institutions, such as the legislature and elections, with non-elected dictatorial individuals.

The formal political institutional rules devised by the selective military elite not only relied on popular will or support, but they were implemented through dictatorial decrees. Thus, in order to sustain the hybridity of the rule over the polity, the dictatorship co-opted the political and civil society to capture the popular will. The divisions within the political society and a disorganized civil society in the post-colonial state enabled the military to rule over the political landscape. The origins of disorganized civil society go back to the colonial style of British rule in the India-subcontinent, which was carried forward by the ruling elite in the newly independent state of Pakistan. Scholars have argued that the civil society in Pakistan has not been able to break away from its colonial legacy (Jalal 1995).[1] The civil society that emerged in post-colonial Pakistan was an entity divided along ethnic and linguistic differences; this had an effect on the emerging political society in the newly formed state. Religion, it was assumed, binds the disparate civil society. In order to control political power, the political elite from the political society immersed themselves in neutralizing the social-ethnic differences; however, this attempt backfired. The political society's incapacity to provide a public space for disparate voices from ethnic groups across Pakistan eventually paved the way for nonpolitical forces to capture the political scene. The political society engaged the military to resolve the political stalemate.

Consequently, the regime(s) that was formed enabled the military junta to rule over the polity. The authoritarianism practiced in the case of the devolution plans in Pakistan functioned through the very pseudo-democratic rules that the regime(s) installed. The institutional measure of devolution had a lasting effect on the political landscape of the country, for it created a flexible political elite that benefitted from the regime's largesse. The political elite cloaked the military elite in some degree of political legitimacy.

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[1] Jalal (1995) argued that both India and Pakistan in post-colonialism were met with similar challenges. The political and civil society in Pakistan was less organized and divided along communal lines than was its counterpart in India. The evidence of communal division was reflected in Pakistan's difficulty in uniting disparate voices for the launch of a democratic regime.

The political elite secured its significance to the electorate, and, at the same time, the political elite turned to the military elite to strengthen its control over society.[2]

Chapter Outline

I explore the literature on hybrid regimes with a special focus on the communicative interexchange between the state and civil society on governing society. This aspect is crucial to my research agenda, since I want to explore the empirical efficacy of the theory of deliberative democracy based on one of the theory's fundamental postulates: communicative interexchange in the public sphere between the state and society lends legitimacy to the institutional rules devised by the state in order to regulate the society. Thus, based on this fundamental premise, my research evaluates the case of the devolution plans devised by the state in the political system of Pakistan that fits the theoretical definition of hybrid regimes. In this chapter, I trace the institutional setup in Pakistan from the theoretical perspective through which hybrid regimes are evaluated.

The theorists of deliberative democracy have focused narrowly on the normative value of communicative interexchange between state and civil society while ignoring the theory's research appeal in evaluating the existing complex reality of political regime type, such as the hybrid regime. Theorists of deliberative democracy focus more on the enactment of deliberative conditions to build its normative appeal and expend less effort on examining the theory's expansive influence on the field of comparative politics. My contribution to the theory of deliberative democracy is that I critically examine the theory as it pertains to the existing case of complex regime type.

The literature reviewed in the first section evaluates the theory of deliberative democracy and the conception of state-civil society communicative interexchange. The deliberative theory of democracy asserts that state-society interaction becomes efficacious due to the activism of civil society actors in the public sphere. But the theory does not delve into the complex reality of the state's manipulation of

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[2] For a critical discussion on the role of the political elite under military dictatorships, please see the discussion in chapters 3 and 4.

political institutions and its exploitation of civil society. In such a scenario, then, the assumption posited in the deliberative theory of democracy debilitates the empirical analysis.

Thus, in order to address this limitation of the theory of deliberative democracy, I look into the literature on such a political regime that cloaks authoritarianism in its manipulation of political institutions. The second section of this chapter draws on the subfield of democratization from comparative politics. I review scholarly literature on hybrid regimes and ask where scholars of comparative politics situate the institutional design in such regimes.

In the third section, the scholarly discussion on the hybrid regime is then utilized to examine the political landscape of Pakistan. I review political institutions such as the Constitution, legislature, and multi-party elections and explain why Pakistan exemplifies a hybrid regime.

The fourth section of the chapter reviews the role of civil society in such regimes. Focus is directed to the communicative interexchange between state and civil society in hybrid regimes. The discussion in this section is drawn from the literature on hybrid regimes, as the theory of deliberative democracy lacks exploration of its impact on hybrid regimes.

In the fifth section, I look into the state and civil society communicative interexchange in hybrid regimes and review the available scholarly literature from comparative politics. I then discuss the case of Pakistan and analyze state and civil society communicative interexchange.[3]

Part I: Deliberative Theory of Democracy – The Conditions and Application

Deliberative democratic theory starts from a diagnosis: the problems of contemporary democracies are, at heart, a cognitive matter. The cluttering of public reason—by mass media, by technology, by the differentiation of market spheres, of bureaucratic entities, of social groups—makes it impossible for common, ordinary people to make sense of the political environments they inhabit. In keeping with its diagnosis, the promise of deliberative democracy is bringing about more clarity and

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[3] In chapter 3, I evaluate the state and civil society actors from Pakistan under the military's authoritarian rule and the military's devised hybrid regime under the elected governments.

rationality into public matters (Habermas 2006). The ideal of deliberative democracy is summed up in a

few words: Most democrats consider deliberation, one of many kinds of communication, to be the ideal

means for making collective judgments (Steiner et al. 2004; Rummens 2012).

Deliberative democratic theory seeks to revitalize democratic praxis through the

institutionalization of public deliberation. Deliberative democrats argue that there are two kinds of power

at play in democratic politics. One is the strong but inauthentic power that is created by the forces of

money and political authority. The other is the more modest, but more authentic, power that is created in

the communicative arenas of civil society and the public sphere (Habermas 2006, 2008; Young 1999,

2002). To maximize the second kind of power, it is necessary to curtail the first kind of power—and to do

so, it is necessary to protect the spaces in which deliberation takes place from the intrusion of money and

authority (Mansbridge 1996). According to deliberative democrats, contemporary democracies have

become prey to two opposite but equally damaging tendencies: a pull toward bureaucratization and

rationalization on the one hand, and a pull toward irrationality and fanaticism on the other. It is the vitality

of democracy that has been lost (Scheuerman 2002; Saward 2003b; Elstub 2010).

To counterbalance these trends, the theory wants to replace the contemporary concept of power—

one that links it with economic or ideological domination—with a viable conception of "communicative

power" that is based on the empowering effects of rational dialogue and discussion. The most

fundamental argument of deliberative democracy, then, is that deliberative political institutions make for

better political outcomes because the outcomes generated through such deliberation tend to be more

rational than, and hence superior to, those achieved through other means (Habermas 1998; Scheuerman

2002; Steiner et al. 2004; Dryzek 1994, 2000).

Deliberative democrats' argument is simple: When properly institutionalized, public deliberation

produces better public judgments. Communicative reason, created in and through certain procedures of

public argumentation, can increase the democratic legitimacy and rationality of the political outcomes.

For this to happen, the key is to institutionalize the kind of public discursive situations that bring forth and

maximize the rationality of the speakers, so that they can deliberate rationally and, therefore, come to rational conclusions (Dryzek 2000, 2001).

The proponents of deliberative democracy argue that public dialogue develops in such a way that it creates "understanding-oriented" discourse (Dryzek 1994; Chambers 1995; Mansbridge 1996), and that public deliberation draws people toward understanding-oriented types of communication (Young 1996). According to these principles, most people, when participating in public communication, are oriented by a desire to understand others and make themselves understood.

These normative standards in the development of the deliberative theory of democracy are brilliantly formulated by its advocates. For deliberative democrats, a democracy centered around public deliberation attains legitimacy due to the inclusion of all in the deliberative process. Deliberative theorists Gutmann and Thompson (1998) believe that through public deliberation, "citizens and their representatives are more likely to take a broader view of issues, and to consider the claims of more of their fellow citizens" (42).

However, a principal criticism of deliberative democracy raises the question of institutionalizing these standards. Political theorists have criticized the theory because its highly normative standards ignore the existing socio-political inequities experienced in modern contemporary democratic societies. This critique of deliberative democracy is developed by critics who belong to democratic societies, for they insist that institutionalizing public deliberation in contemporary democracies is challenging amidst the widespread inequalities.

Deliberative theorists point to the importance of meaningful inclusion for deliberation but do not adequately describe how meaningful inclusion might be achieved in modern, pluralist democracies characterized by significant socioeconomic inequalities. This, then, necessarily raises the question of whether such a vision can in fact be implemented on a widespread basis.

Deliberative theorists, Carole Pateman (2012) observed, devote little attention to explicating and criticizing "structural features of the wider society" (10). Given the social and economic inequities in

society, the argumentative discursive engagement will always be more supportive of those discourses that are already dominant. Critics raise questions about the inability of deliberative democracy to offer substantial insights on how to mitigate the effect of inequality that exists in society, which therefore has a serious impact on how individuals ought to be engaged in communicative interexchange. Critics raise the objection to deliberative democracy's lack of insight, because the theory of deliberative democracy is precariously set on "procedural conditions" (Hauptmann 1999, 2001; Green 2010) that provide the tenets of the theory a "refuge" (Medearis 2015) from practical realities of democratic practice (Walzer 1999). Critics are not convinced that deliberative ideals have any practical implications for how communicative interexchange takes shape in the public sphere.

Walzer (1999) asked advocates of deliberative democracy to show how and in what settings the theory is applicable. Walzer contended political inequality is a reality, in the sense that the ruling class's desire to keep its power prevents anything like deliberation from taking center stage in the political processes. Also, the sheer size and scope of modern democracies make deliberation impracticable. He argued, "[D]eliberation is not any activity for the demos. I don't mean that ordinary men and women don't have the capacity to reason, only that 100 million of them, or even 1 million or 100,000 can't plausibly 'reason together.' And it would be a great mistake to turn them away from things they can't do together. For then there would be no effective, organized opposition to the powers-that-be" (68). Instead, Walzer believes "[D]eliberation's proper place is dependent on other activities that it doesn't constitute or control" (Walzer 1999, 68). The activities that Walzer (2002) has in perspective are the contentious politics by the civil society in a politicized space, i.e., the public sphere. The public sphere is the place where state and civil society engage in communicative engagement. Walzer argued that "mobilizations" that take place by civil society exert force on the state to act in more "egalitarian ways" (43).

But here again, I have a serious contention against the advocates and critics of deliberative democracy. Advocates argue to institutionalize public deliberation via the communicative interexchange between state and civil society; critics, on the other hand, emphasize the existing social inequalities to

sever the communicative interexchange. For both advocates and critics, state and civil society are seen as separate yet interdependent entities. My objection is that emphasizing communicative interexchange between state and civil society, restricted analytically only to the democratic state, narrows the theoretical applicability to the larger empirical world.

This very fundamental observation regarding the theoretical application of deliberative democracy is tested in evaluating such a regime that is struggling to initiate public deliberation, despite the regime's claims to have devised laws of the state based on state-civil society communicative interexchange. This brings me back to the fundamental issue for this research: to find a compelling explanation for the lasting endurance of the devolution plans devised by the military rulers in the case of Pakistan.

In searching for such an explanation, my early sole reliance on the theoretical lens of the deliberative theory of democracy blinded me to the fact that, in Pakistan, the devolution plans were devised under military dictatorships. The military ruled not through the domination of decision making by a group of officers, but by successively manipulating political institutions such as the legislature, executive, elections, and Constitution to strengthen its rule. At the same time, the civil society was also co-opted by the military regime.

In the theory of deliberative democracy, any discussion on undemocratic regimes is missing. The theory of deliberative democracy emphasizes the activism of civil society and ignores the authoritative regime. Hence, to counter such shortcomings in the theoretical perspective of the deliberative theory of democracy, an analytical bridge had to be formed to better understand the empirical case under evaluation in this dissertation.

Part II: Hybrid Regimes and Institutional Design

According to Carothers (2002), hybrid regimes are in a "grey zone" hovering between the two extremes: the authoritarianism and a liberal democracy. In comparative politics, regimes that combine democratic principles such as political equality with the establishment of (certain) formal institutions are

called hybrid regimes. *Hybrid* is understood as the sprawling middle of a political continuum between democracy and nondemocracy. In such regimes, democratic principles are utilized by the regime incumbents to legitimize their rule over the polity. In the comparative politics, political scientists have developed typologies to differentiate between various kinds of hybrid regimes—whether they came into being in the aftermath of an authoritarian rule or as the result of democratic backsliding.

Brownlee (2007) contended that in past few decades, with the third wave of democratization, regimes have moved toward establishing democratic institutions, "but in their shift from authoritarian rule to democratic practices, quite a few of them have displayed substantial continuity with their prior political experiences" (21). And once the authoritarian state makes the transition to democracy by holding elections (O'Donnell and Schmitter 1986), the consequent system of governance that comes into being may still be holding onto its past legacies in the form of the institutional design that the political elite decides on.

A hybrid regime may emerge from an authoritarian regime that has lost some of its key characteristics but has retained other nondemocratic features. On the other hand, a hybrid regime may emerge from a democracy that has acquired authoritarian characteristics. The coexistence of democratic rules and authoritarian methods is maintained in order to keep the incumbents in power.

Morlino (2009) defined a hybrid regime as "a set of institutions that have been persistent, be they stable or unstable for about a decade, have been preceded by authoritarianism, a traditional regime (possibly with colonial characteristics), or even a minimal democracy and are characterized by the break-up of limited pluralism and forms of autonomous participation" (282). Hybrid regimes, therefore, should be viewed as dynamic: The coalition of individual and collective actors that operate the political institutions and form the base of the regime may be in a state of flux. The definition of a hybrid regime determined by Morlino implies that in a polity if a political regime that combines audacious authoritarianism with the complexity of minimal democracy endures for more than ten years, then such a

regime becomes an established reality. In such a hybrid regime, it can be argued that the main actors

solidify their control by forming alliances, by supporting precariously designed political institutions.

In this research, I show that the case of Pakistan qualifies as an authoritarian regime controlled by

the military junta for almost three decades (1958-1971, 1977-1988, 1999-2007). Pakistan's political

regime has spread between authoritarianism and democracy while exhibiting a consistent pull toward

authoritarianism. The military, as the foremost organized institution of the country, has wielded decisive

political influence by meddling in politics, primarily to protect or advance its financial autonomy and

expansive commercial interests.

During the military rule, the executive was the military general, who would get himself elected by

a presidential referendum—a measure effected only to gain popular legitimacy. The military ruled over

the country for three decades by manipulating the political society, institutions, and civil society. The

country has not been able to break away from its authoritarian past. In the early period, as shown in

subsequent chapters, the discord among the political elite successively paved the way for the military to

engage in politics more directly than ever before. The military's engagement in politics impacted the

political landscape, for when the country did move toward electoral democracy, the military never did

step back. The military retained its hold in the disguise of authoritarian arrangements.

In the 1960s, the country remained under the military government with the military general, Ayub

Khan, as the president. In the 1970s, there was a brief period of democracy under elected Prime Minister

Zulfiqar Ali Bhutto. This period, however, was also marred with curbs on civil and political freedoms and

military operations against Bhutto's political rivals (more details in chapters 3 and 4). Bhutto's elected

government came to rely on the military to help subdue political dissidence. The scheme was short-lived,

as the military removed Bhutto by a coup. With General Zia-ul-Haq as the military president in the 1980s,

the country was again under direct military rule. The institutional manipulation that was initiated under

General Zia-ul-Haq had a lasting impact on successive governments.

Pakistan moved toward a hybrid regime under the elected Parliament from 1988 to 1997. During this period, although the military had no direct political engagement, it was an integral component of the political landscape. This period is, I believe, an extension of the authoritarianism in the guise of the hybrid regime, because by the 1990s, the military had established a permanent domain in the political arena. The military elite wielded influence through the office of the president, who had been awarded extra-constitutional power to dissolve elected governments. The presidential decree, the infamous 8th Amendment to the 1973 Constitution, was first introduced by military dictator General Zia-ul-Haq in 1985. It was retained from 1988 to 1997 and was upheld briefly from 1997 to 1999, only to be reincarnated as the 17th Amendment in the 1973 Constitution by the military government of General Musharraf.

Since Pakistan's creation, the military has ruled directly for more than three decades. From 1947 to 1958, the political elite remained embroiled in deciding the system of government of the newly created state. The political elite during this period squabbled over political control, while the military and bureaucracy administrated the country's governance.[4]

The period from 1958 to 1969, under first military dictator General Ayub Khan, and from 1970 to 1971, under General Yahya Khan, marks the military's direct political intervention. During this period, the political system was presidential, with the military dictator assuming the role of the president. This was the measure that the military elite devised to give the military general stronger executive control over the political elite.

The period from 1972 to 1977 was the time of a democratically elected government under Zulfiqar Ali Bhutto. This was a time when the military remained passive under the control of civilian leadership. The new Constitution devised by Bhutto's government had subordinated the institution of military to be in the service of the elected leadership and only "act in aid of civil power when called

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[4] Please also see Table 1: Nature of Government Rule.

upon."[5] Furthermore, all military officers had to take a solemn oath not to transgress the Constitution or engage in any kind of involvement in politics.[6]

The six-year democratic interregnum returned to military dictatorship from 1977 to 1988 under General Zia-ul-Haq. During this period, the military elite retained the 1973 Constitution, but the role of chief executive was taken away from the office of an elected prime minister. The executive was the military general, while the elected legislature was constituted as the result of nonpartisan elections. By doing so, the military dictatorship neutralized the political parties from mobilizing the people against military rule.

With the death of General Zia ul Haq in 1988, the political regime transcended authoritarianism but only to transform itself into a hybrid regime. During the period of military dictatorship, the governance system effected by the military elite crafted extra-constitutional measures to safeguard the military dictator as being the president of the country. This constitutional measure had given way for the president to be the executive, thus undermining the role of the elected legislature and prime minister as envisaged under parliamentary form of governments.[7]

In the decade from 1988 to 1999, Pakistan experienced four elected governments, and the Constitution retained the presidential veto to dissolve the elected Parliament. During this time, however, the president was not a military general but was under the influence of the military; thus, in that decade of the hybrid regime, the military exerted decisive political influence through the office of the president. The

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[5] Article 245(I) of the constitution states that armed forces are "to defend Pakistan against external aggression or threat of war, and, to subject to law, act in aid of civil power when called upon to do so" (Government of Pakistan, *1973 Constitution of Pakistan.* Government of Pakistan 2017. This can also be accessed at http://pakistanconstitutionlaw.com).

[6] Every recruit graduating from the Pakistan Military Academy, on the day of completion of their training, takes this oath: "I do solemnly swear that I will bear true faith and allegiance to Pakistan and uphold the Constitution of Islamic Republic of Pakistan which embodies the will of the people."

[7] I discuss the extra-constitutional measures devised by the military dictators in this chapter under Part III: What Explains the Hybridity of Pakistan's Political System?

military exercised prerogatives, which are defined by scholars studying hybrid regimes (Karl 1990; Diamond 2002) as "reserved policy domains."

Scholars have argued that such regimes persist in the guise of electoral democracy. Diamond (2002) argued that more "regimes than ever before are adopting the form of electoral democracy"; however, the "reserve domains of military, bureaucratic, or oligarchical power" persist in such regimes. Karl (1990) asserted that in Latin America the authoritarian regimes that have moved toward democracy are, in fact, aborted cases of democracy; in such regimes the "military prerogatives" (2) to control the political landscape persist.

Diamond (1999) has argued authoritarian regimes that have moved toward democracy through electoral competition have merely transformed into another version of hybrid regime—the "electoral democracy." Such a regime, Diamond contended, may have a "constitutional system in which the legislative and chief executive offices are filled through regular, competitive, multiparty elections with universal suffrage"; however, such regimes are not liberal democracy (10). Such regimes are similar to what Zakaria (1997) has termed "illiberal democracy," since the protection for basic freedoms, such as civic and political freedoms, is absent. Diamond asserted that mere competitive elections in the absence of substantive civic and political liberty does not make "electoral democracy" a liberal democracy. These regimes enact authoritarian measures to craft "reserved domains of power for military or other actors not accountable to the electorate" (10) to have an enduring political effect on the polity.

Elsewhere, Diamond (2002) argued that in such regimes, by having "reserved domains," the unelected actor, such as the military, wields influence by "carv[ing] out large, autonomous spheres of political influence and economic domination behind the veil of civilian, multiparty rule" (27). In his critical evaluation of the case of Pakistan in the aftermath of the military coup by General Musharraf, Diamond (2000) questioned Pakistan's constant democratic backsliding and a constant weak civilian control over the military.

In their analysis of regime dynamics in Pakistan, Diamond (2000) and Oldenburg (2017) asserted that the institution of the military in Pakistan has an undeniable control over the political landscape. The military's commitment to liberal democracy is contingent upon civilian leadership refraining from exercising control over the military. When the military itself is in political power, it never encounters threats from political aspirants and it enjoys control in defining its role in the polity. In times of elected governments, the institutional and economic interests of the military are off limits for civilian political elite (Oldenburg 2017, 84).

Pakistan military's control of the "reserved policy domains" included policy issues concerning national security, which included a portion of the annual budget for defense, military personnel policy, professional training, the deployment structure of the armed forces, and nuclear doctrine (Aqil Shah 2014a, 18). According to the Stockholm International Peace Research Institute (SIPRI), an industry standard in the field of defense budget analysis calculates that, on average, from 1988 to 2017, the defense expenditure accounted for 4.5 percent of the Gross Domestic Product (GDP), while the share of education and health expenditure is less than 3 percent of the GDP.[8]

Siddiqa-Agha (2001) argued that "[A]dministrative control of the armed forces and general military planning are areas where the armed forces do not allow any interference" (74). The elected representatives do not enjoy the power to debate defense expenditure (Siddiqa-Agha 2002). Since the national security narrative is developed by the military, any shift in the form of government, from military to civilian control, has had minimal or no effect on the military's control of state apparatus.

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[8] Please see SIPRI, "SIPRI Military Expenditure Database."
https://www.sipri.org/sites/default/files/3_Data%20for%20all%20countries%20from%201988%E2%80%932017%20as%20a%20share%20of%20GDP.pdf

During civilian control of the government in the 1990s, the period of a hybrid regime, the military exerted its influence through the office of the president.[9] According to Aqil Shah (2016), "the military used presidential decrees to prematurely unseat three elected governments—two belonging to the PPP led by Benazir Bhutto (1988-1990, 1993-1996) and the third to Nawaz Sharif's right-of-center Pakistan Muslim League government (PML-N, 1990-1993)—mainly when they challenged military prerogatives" (30). In 1999, the military effected a coup to remove the elected government of Nawaz Sharif only because the presidential decree, the infamous 58-2(B), which had given extra-constitutional powers to the president to dissolve the elected legislature, had been annulled by Nawaz Sharif after he was elected in 1997. This, however, did not deter the military from wielding its control over the political landscape.

From 1999 to 2007 under General Pervez Musharraf, the political regime under the elected leadership reverted to a direct military dictatorship. Under the military rule of General Pervez Musharraf, there was an elected legislature, but the executive was a military general who had elected himself as president. The trend that had been initiated under General Zia-ul-Haq continued under General Musharraf's military rule. The difference was that the former granted nonpartisan elections, imposed Islamic ideology over the multi-ethnic state, and curbed freedom of speech and association. General Musharraf, on the other hand, allowed for partisan elections and granted liberalization of the regime by opening up the public sphere.[10]

During the period under General Musharraf's military dictatorship, the elected representative government from 2002 to 2007 was formed by the military junta. The elected government during this

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[9] In Part III: What Explains the Hybridity of Pakistan's Political System?, I explain how the constitutional amendment effected under the military dictatorship of General Zia-ul-Haq became the source of the military's indirect engagement in politics. Such a provision to dissolve elected governments by the president not only tempered the parliamentarian form of government, but it also allowed for the military to have the political elite dependent on the military's support for continuation of their political careers. Please also see chapter 3 of this dissertation where I have discussed the political society and role of political parties vis-à-vis the military's intervention in devising political arrangements.

[10] General Musharraf had initiated the process of political liberalization by opening up private broadcast media and allowing limited political pluralism. In subsequent chapters, I discuss General Musharraf's regime and its political liberalization policies in detail.

period signifies the political regime moving toward authoritarianism but with an openness to liberalization. However, despite the policy of liberalization, the military retained its overpowering status over the political landscape. The military dictatorship, as shown in subsequent chapters, manipulated the political and civil society in order to perpetuate its hold. The devolution plan devised by General Musharraf was one such policy area through which the military government co-opted the political society and engaged with the civil society. In chapter 4 of this dissertation, I present the state and civil society interexchange on devising the devolution plan implemented under General Musharraf's rule.

In the discussion that follows, I present the critical analysis of scholarly research on Pakistan's political system. However, for now, to further our understanding on the concept of a hybrid regime, a clarification is made regarding how to conceptualize a regime and its descriptor *hybrid.*

What Is a Hybrid Regime?

In the literature on democratization, the differentiation among *regime*, *state*, and *government* forms the analytical ground upon which the concept of hybrid regime is built. The conceptual distinction by Lawson (1993) among the three establishes that *regime* is the "center of political power [as it] determines who has access to political power," that is to say, autocrats or democrats. The *state* "is the locus of political power," that is, the stage where power is laid out among its various organs—the executive, legislature, judiciary, military, and bureaucracy. Citing Fishman (1990), Lawson (1993) wrote, "regime is more permanent than a government," whereas government is "less permanent than the state" (187). In other words, *regime* is the collection of institutional rules, the *state* is the bureaucratic apparatus that administers the institutional rules, while the government is only a temporary entity that comes into being only after institutional rules are materialized. The role of government, therefore, is miniscule in terms of devising institutional rules that enable it to regulate the society. In other words, the *regime,* as the "center of power," has the determining authority over how the rules that regulate society are to be deliberated and devised.

Moving forward from these definitional differentiations of regime, state, and government, I now define how hybrid regimes are conceptualized in comparative politics.

Bunce (2000) argued, "[B]ecause of sheer reach" of the "wave of democratization, mass publics today have a higher probability . . . of living in a democratic system"; however, this system may be "flawed, fragile, and in some instances, fleeting" (704). The system may be flawed due to overreliance on the institution of election to usher in democracy. Zakaria (1997) and Diamond (1999, 2002) have insisted that the misplaced belief on elections as the *only* democratic standard feeds into the inability of the rulers to break away from the authoritarianism of the past.[11]

The continuity of authoritarianism does not let regimes make substantial progress toward mainstreaming democratic principles. In the following discussion, the transitory period toward consolidation unravels a "new-species"—to use O'Donnell's term (1994, 51)—that is, hybrid regime. Such regimes, scholars argue, are not able to completely break from past legacies and thus reflect their past in their present; in short, these regimes are the carriers of their authoritarian past. And this is the reason that the "uncertainty" plays like a "multi-layered chess game" (O'Donnell and Schmitter 1986, 66) in which the various actors strive to effect a stalemate, preventing the democratic rules of game from taking effect.

Following the third wave of democratization, the regimes that have made a transition to democracy have invested time and resources in developing those political institutions that are characteristic features of any democracy. However, in hybrid regimes, rulers are mainly interested in securing, strengthening their control over political landscape and to maximize their time in office. The longer a regime can stay in power, the more resources it can extract over time. In order to secure their survival and to extract rents, two possible strategies are used make the population comply: cooperation

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[11] Please also see an illuminating discussion by Bunce and Wolchik (2010) in which they have argued that with the third wave there is a proliferation of mixed or hybrid regimes. In such regimes, these scholars believe, competitive elections pave the way for the continuity of authoritarian practices (43-46). But, in reality, such a trend has only given emergence to the regimes that are more at the authoritarian end of the continum than at the democracy end.

and coercion (Gandhi and Przeworski 2007; Gandhi 2008). Scholars studying rent-maximizing dictatorial regimes argue that cooperation is not a viable pure strategy (Brownlee 2007; Magaloni 2008; Gandhi and Lust-Okar 2009; Morlino 2009; Schedler 2002, 2010; Svolik 2012). And since coercion limits the political elite in its power to extract resources, it will choose a mixed strategy. Democratic institutions are the instrument to introduce elements of cooperation.

Discussion on hybrid regimes focuses attention on the impact that preceding regimes have had on successive political regimes. For example, I have consistently stated in my discussion that a hybrid regime combines authoritarian rule with democratic principles and that the emergence of these hybrid regimes has become more prominent with third-wave democratization. The argument is, a political regime is undemocratic if it does not move away from its authoritarian past and inculcate democratic principles.

Hence, we see a strange mix of democratic institutions, such as a constitution, legislature, multi-party elections, etc., under a farce of democratic principles. The increased interest in democratic institutions by mixed authoritarian regimes occurs, in part, because they recognize that almost all democratic regimes (authoritarian, democracy, or hybrid) have democratic institutions such as legislatures, elections, and parties. For example, regarding legislatures, from 1946-2008, more than 80 percent of legislatures operated under authoritarianism. This figure jumps to 98 percent after the end of the Cold War (Svolik 2012, 36-7).

However, authoritarian regimes that gradually construct rules, institutions, and processes to define the distribution of decision-making powers among various groups in the society transition into stable democracies. The nature of the concessions reached during a dictatorial regime and the characteristics of the groups who received these concessions determine the institutional structure of the resulting democratic regime. Gandhi (2008) argued that for authoritarian rulers, assembling power-sharing institutions helps them secure their control in three ways: (1) they help the dictator identify the

relevant partners, (2) they allow both the opposition and the dictator to reveal information, and (3) they do so in a way that prevents popular mobilization.

Part III: What Explains the Hybridity of Pakistan's Political System?

Hybridity, therefore, refers to a political system where there is an existence of democratic principles and authoritarian practices. In Pakistan's case, the hybridity of the regime may be explained by the intervention of the military in politics, the persistence of reserved policy domains for the military, and the inability of disarrayed political and civil society to curb the military's encroachment. The military as an institution has had an unchallenged effect on setting the political course of the country. The military in the early days of Pakistan's founding witnessed political chaos propelled by members of the political society. Haqqani (2018) has argued that the military's dominance in Pakistan's politics is rooted in the circumstances of Pakistan's birth in 1947. This was new country that was carved from within British India and acquired one third of British India's army.

The military in newly carved Pakistan belonged to the geographic regions that became Pakistan (Haqqani 2018, 160-61). But the military's internal uniformity, Jaffrelot (2002, 2015) argued, contrasted with Pakistan's political and civil society. The political elite belonging to the founding political party Muslim League consisted of leaders who belonged to geographic regions that became part of independent India. The political elite, comprised of émigré leadership, was faced with the challenge of asserting itself on a multi-ethnic civil society. The civil society consisted of ethnic divisions between the provinces of West Pakistan and East Pakistan.

At the time of its emergence as an independent country, Pakistan was comprised of six major ethnic groups: Bengalis (the outright majority in terms of population), Punjabis, Pathans, Sindhis, Baluchs, and Mohajirs (the Muslim migrants from India). Bengalis belonged to the region of East

Pakistan where they were the majority; their language and ethnicity were different from the people of West Pakistan.[12]

Within West Pakistan, the Pukhtuns, Sindhis, and Balochs demanded regional autonomy. The Pukhtuns from the North West Frontier Province (NWFP)— the present-day Khyber Pukhtunkhawa (KPK)—in 1947 were led by the Red Shirts movement of Ghaffar Khan, who had opposed the integration of NWFP with Pakistan. Red Shirts were the allies of the Congress Party and opposed the Pakistan Muslim League led by Muhammad Ali Jinnah, the founder of Pakistan. In the 1946 elections under the British, the Red Shirts had formed a government in NWFP. But with the partition of India in 1947, the government of the Red Shirts was dismissed by Jinnah.

The Sindhis and Balochs also demanded their regional identities be protected and granted regional autonomy against the centralization of the state. The Sindhis nationalist movement was led by G. M. Syed, who had demanded a greater role for the Sindhis in provincial and national politics, as well as recognition of their language rights against the Mohajirs (the group of people who had migrated to Pakistan from India after the partition of British India in 1947). The Balochs, on the other hand, demanded recognition of their separate identity other than the dominant Punjabis, the politically active Pukhtuns and Sindhis. The area of Balochistan that came into the state of Pakistan was ruled by distinctive principalities that had their autonomous status under the British. These principalities looked up to the princely state of Kalat; the Khan of Kalat, the ruler of Kalat, attempted to remain independent, but the state of Pakistan integrated the territories of Balochistan within Pakistan.[13]

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[12] Before 1971, this region was called West Pakistan and the five ethnic groups—Punjabis, Pathans, Sindhis, Baluchs, and Mohajirs (the Muslim migrants from India)—lived in this region of West Pakistan.

[13] For a detailed study into the multi-ethnic movements in early Pakistan and the state's oppression, please refer to Christophe Jaffrelot, "Introduction: Nationalism without a Nation—Pakistan Searching for its Identity," in *Pakistan: Nationalism without a Nation*, edited by Christophe Jaffrelot (Zed Books, 2002), 7-47.

Amin (1988) argued that because the founder of Pakistan, Muhammad Ali Jinnah, "wanted to build a strong nation following the policies of one nation, one culture, one language,[14]" he therefore considered the issue of diversity within the Muslim-concentrated provinces of India as a "curse" (Amin 1988, 73). It was assumed by the Muslim League that the centralization of decision-making authority would subsume the regional differences that existed within and between the different provinces of the newly formed country.[15] The ethnic divisions that existed in the newly created state of Pakistan demanded recognition of the differences by the state. Instead of paying attention to resolving these differences, the state resorted to centralizing the state's authority over the multi-ethnic state.

Drawback of an Emigré Political Society

The political society remained elusive in resolving the issues of ethnic divisions stemming from within the society. The constructed ideology based on religion, however, did not withstand the latent regional diversity and complexity (Samad 1995; Jaffrelot 2002). Naqvi (2013) has argued that by the 1950s, the Muslim League, as the political party that had founded Pakistan, was challenged by the regional differences emanating from the society. The strategy of the émigré political elite to force centralization of the state institutions over the multiple ethnicities generated dissent in the society.

Consequently, the political discord among the political elite did not result in a democratic arrangement of political institutions. Two institutions of the state that were not elected institutions but

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[14] The issue of language in Pakistan is *the* most controversial issue that created differences between the two regions of Pakistan—the East (now an independent country, Bangladesh) and the West (present-day Pakistan). In terms of population, East Pakistan (composed of the Muslims of the province of Bengal) was the largest. According to the 1951 census, 41.9 million Bengalis were in East Pakistan, whose language was not Urdu. Bengalis spoke and revered their Bengali language. The population of West Pakistan (present-day Pakistan) was 33.7 million and combined the regions of West Pakistan consisting of Punjab, Sindh, North West Frontier Province (NWFP) (present-day Khyber Pukhtunkhawa), and Balochistan; only a small percentage spoke Urdu and associated with the language. Within West Pakistan, only a small minority spoke Urdu. The Urdu language has since been spoken by the political elite—Jinnah, the founder of the country, and Liaqat Ali Khan, the first prime minister of Pakistan; therefore, the language of Urdu was privileged over Bengali (Amin 1988; Jaffrelot 2002; Ayres 2009).

[15] Pakistan's founders stressed the importance of a strong center. In his speech titled "Provincialism: A Curse," as the Governor General of Pakistan Jinnah at Quetta in June 1948, Jinnah urged transcending the "curse of provincialism" and declared that "Pakistan must be rid of this evil." Jinnah believed the demand for "provincialism" and "provincial autonomy" was set against the "British control," whereas "it is a folly to continue to think in the same manner . . . with your own Central Governments and its power" (Jinnah 1962).

were administrative and security institutions—the civil bureaucracy and the military—were more organized than the diversified political society. In such a scenario of ethnic and cultural divisions between the regions of newly formed Pakistan, the political elite relied on the military and the bureaucracy to help the state function as an independent sovereign post-colonial state.

Amidst the political chaos, the military emerged as the only organized institution of the state to direct the political discourse. Haqqani (2018) argued that at the time of independence, Pakistan acquired a 17 percent share in the revenues of British India, while the country inherited almost one third of British India's army (46, 161). Pakistan inherited some 150,000 of the former Indian army's 461,800 personnel, although this figure of 150,000 comprised more soldiers (or privates) than officers. Nevertheless, the military was a most organized bureaucratic force in terms of the state's rudimentary institutions (Fair 2014, 56-58). In terms of administrative bureaucracy, the country was joined by 95 of the Muslim bureaucrats from the combined Indian Civil Services (ICS) of British India. There were 101 Muslim bureaucrats in ICS, other than the Hindus, Sikhs, and other religious minorities.[16] Out of these 101 bureaucrats, 95 opted to serve Pakistan and six remained in India (Jaffrelot and Rais 1999, 157).

In the early days of the country's creation, it was the military-bureaucracy complex that ruled over Pakistan. The émigré political elite, amidst the ethnic divisions, was dependent upon the organized strength of the coercive force of the military and the administrative authority of the bureaucracy. In time, the military overpowered the bureaucratic apparatus of the state and reduced the bureaucracy and the political elite to junior partners in military's devised political landscape. In chapter 3 of this dissertation, I have analyzed the role of these two institutions vis-à-vis the role of the political parties in governing the democratic state. The political elite engaged the military to help oppress the ethnic uprisings in the provinces of East Pakistan and Balochistan, and to control the oppositional groups in Sindh and NWFP.

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[16] According to an estimate, at the time of India's independence, 980 ICS officers were in British India. Of these, 468 were Europeans, 352 Hindus, two from Scheduled Castes, 101 Muslims, five Anglo-Indians (of Indian and European ancestry), 25 Indian Christians, 13 Parsis, 10 Sikhs, and four from other communities (Kaushik 2012).

The military's early engagement in politics showed the military elite that it was the most organized institution to resolve the political chaos initiated by the political elite. Thus, this became military's most commonly used pretext for taking over the political situation.

Publicly, the military has always explained its intervention in politics as necessary to save the country from allegedly corrupt and inefficient politicians and to "clean up house." Since the early days of military engagement in politics, the legacy of the discourse "clean up house" has had an unprecedented effect on Pakistan's political history. In the following section, I show that over the political history of Pakistan, the three other institutions of the state—the Constitution, legislature, and elections—have been controlled by the military to wield its overbearing effect on the political scene. The military has successively controlled these institutions to carve its permanent reserved policy domain within the political landscape.

Political Institutions Under the Military and Elected Regime of Pakistan

This section argues that under the military rule, the authoritarianism imposed by the military dictator created an optical illusion by establishing these institutions that indicate to the population that the military is committed to tutelary democracy. Under the elected leadership, the military wielded its control over these political institutions by not allowing them to encroach upon the military's devised system of an authoritarian-styled elected government.

Constitution

The Constitution is the institution that defines the rule of politics in the state. Constitutions mark the roles that each organ of the state, such as the legislature, executive, bureaucracy, judiciary, etc., must perform. The Constitution lays out the system of governance of the state and defines the structure of the political system.

Depending on the nature of the political community, the Constitution could be presidential, whereby the president is the head of state and has the executive authority to regulate society via an elected legislature known as congress. On the other hand, the political community might favor a parliamentarian

system of political governance. In this system of governance, the head of the state is not a president but a prime minister, who is elected by a directly elected legislature. The legislature is the deliberative body that decides the policies that the executive (i.e., prime minister or president) makes into laws.

In the case of Pakistan, the constitutional history is marked by an intermittent abeyance of the Constitution and its effect on the structure of the political government system in place. The first Constitution was not finalized and formally enacted in Pakistan until 1956. And since this first Constitution was declared in 1956 (and abrogated in 1958 because of a military coup), Pakistan has had two more constitutions, the Constitution of 1962 and the Constitution of 1973 (which was held in abeyance in 1977 and 1999 because of military coups).

The 1956 Constitution provided a parliamentary form of government, with a strong role for the central government[17] under the executive role of the elected prime minister. Under the one-unit system, Pakistan was divided into two administrative units, East and West Pakistan. Under the parity formula, the National Assembly, i.e., legislature or the Parliament, was comprised of 310 members; 150 were elected by popular vote from each unit, and 10 seats were reserved for women to be elected indirectly. The 1956 Constitution was abrogated in 1958 with the military coup by General Ayub Khan. From 1958 to 1962, the country was governed under the directives of General Ayub Khan and the civil-military bureaucracy.[18]

The 1962 Constitution provided a strong role for the president, both as the head of state and government. The system of dividing the country into two distinctive units, East and West Pakistan, was retained in the Constitution. A one-house legislature known as the National Assembly was elected for five years. The members of the National Assembly were elected on the parity formula, equally from East and West Pakistan. The balance of power under the 1962 Constitution was in favor of the federal

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[17] Legislative powers of the Parliament were divided into three lists: the Federal List included 30 items, the Provincial List included 94 items, and the Concurrent List covered 19 items. If there was a clash of interests over legislation on the Concurrent List, the right of the central government prevailed (Baxter 1974 ; Waseem 2010).

[18] In 1959, General Ayub Khan introduced the "Basic Democracy" local government system by decentralizing the administrative powers to the local levels.

government.[19] The jurisdiction of the federal legislature was totally dominant over the provincial legislature.

In 1969, President Ayub Khan stepped down as president.[20] His successor, General Yahya Khan, abrogated the 1962 Constitution and imposed martial law in 1969, announcing first general elections. On March 30, 1970, Yahya Khan promulgated the Legal Framework Order (LFO), which set out the basis for a future constitution. The parity formula that existed between East and West Pakistan was dissolved, and the election for the National Assembly was based on the population in each province, thus giving more opportunity for East Pakistan to be represented in the assembly. As a result, the Awami League won the election victory, securing 160 seats from East Pakistan in the National Assembly, in contrast to Zulfiqar Ali Bhutto's Pakistan People's Party (PPP) win from West Pakistan, with 81 out of 138 seats in the National Assembly.[21] The political events that followed in Pakistan led to the military operation against the Awami League in East Pakistan, resulting in war with India, the secession of East Pakistan, and the creation of a new independent state, Bangladesh.

In 1973, a new Constitution declared a parliamentary form of government. This new Constitution devised a new power arrangement, redefining the principles of federalism under the term *maximum provincial autonomy*. The 1973 Constitution envisaged a bicameral legislative body with the institution of

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[19] The 1962 constitution, like the 1956 constitution, contained three lists of legislative powers—Centre, Provinces, and Concurrent—to be exercised by the center and provinces. There were 49 items in central/federal list, whereas the items mentioned in the provincial and concurrent lists were not specified.

[20] President Ayub Khan stepped down from office in the wake of widespread opposition against his government. In East Pakistan, the political party Awami League, led by Mujib ur Rehman, demanded provincial autonomy. And within West Pakistan, a new political party led by Zulfikar Ali Bhutto emerged, demanding provincial autonomy. Fair (2014) and Adeney (2009) noted that the military defeat against India (in 1965) had initiated the distrust against Ayub Khan's government.

[21] In the general elections of 1970, the Pakistan Peoples Party of Zulfiqar Ali Bhutto achieved victory in the Punjab and Sindh. Jamiat-ul-ulmai Islam (JUI) and the National Awami Party (NAP)—the representatives of Pashtun and Baloch nationalists—were the leading parties in NWFP and Balochistan. The three leading parties (PPP, JUI, and NAP) entered into the tripartite accord and decided to respect the mandate of each party in its respective jurisdiction. However, the accord among the three parties in West Pakistan was short-lived following the secession of East Pakistan in 1971. The election win by the Awami League in East Pakistan was a watershed for inter-provincial relations and provincial-center relations. The Awami League's victory meant that the central government was to be led by the Awami League, which further meant that Bengalis would have a resounding majority over West Pakistan.

a senate included in the newly crafted Constitution. The members of the senate were elected for four years on parity bases: the provinces, namely, Punjab, Sindh, NWFP, and Balochistan, had to elect 14 members each for four years. Half of the members retired after two years.

Under the military rule of Zia-ul-Haq (1977-1988) and Musharraf (1999-2008), the parliamentary form of government envisaged in the Constitution was modified by military generals to allow for the military's engagement in the country's politics. The 8th Amendment had a significant effect in this regard, for it gave extra-constitutional power to the president of the country to dissolve the elected assemblies. The effect of the 8th Amendment cast an undemocratic shadow over politics in the country in the 1980s, 1990s, and the 2000s until it was overturned in 2010.

Military Intervention Morphed into a Parliamentary Form of Government

With the implementation of the 8th Amendment to the 1973 Constitution, the political system in the country morphed into a disarranged system of government, giving extra-constitutional powers to the president, who, according to the original spirit of the 1973 Constitution, was to be the ceremonial head of state acting on the advice of the head of the executive, the prime minister.

But with the 8th Amendment, the 1973 Constitution became what can be best described as "hodge-podge"; the institution of the presidency was forced on the parliamentarian system of government by the military's executive decree. With this amendment, the locus of power shifted in favor of the president. As one scholar argued, "[U]nder the amended constitution, the prime minister shall hold office during the pleasure of the president" (Rais 1985, 49).

In the scholarly literature on forms of government systems, there is a distinction between a presidential and parliamentarian form of government. Under each distinctive system, the balance of executive power between the president and legislature or between the prime minister and legislature is a crucial matter, distinguishing one system from the other. In presidential systems, executive power resides with the president, while in parliamentarian systems, prime ministers hold executive power.

In the case of Pakistan, however, the system of balance of executive power had been traditionally modeled on the Westminster model of democracy in which the Parliament is sovereign. The name Westminster reveals the origin of this democratic model, the British parliamentary and government institutions. In this model, the elected head of the state is the prime minister; the system concentrates decision-making power on the cabinet that is dependent on the Parliament, etc. In most of the former British colonies, this is the preferred model of government (Lijphart 1999, 9-20).

On the contrary, presidential systems are those in which an executive (a) is elected by a popular vote, (b) holds office for a fixed term (i.e., is not dependent on parliamentary confidence), (c) selects and directs the cabinet, and (d) has some legislative authority. In parliamentary systems, the executive (a) is selected by the legislature, and (b) is dependent on the legislature's confidence (Jones 1995, 6).[22] Furthermore, there are political systems that combine the executive powers of presidents with the legislative powers of the cabinet.

For such systems, Shugart and Carey (1992b) distinguish the *President-Parliamentary* from *Premier-Presidential*. Both of these are variegated distinctions of a presidential form of government. Premier-Presidential regimes meet the following criteria: (a) the president is elected by popular vote; (b) the president possesses considerable powers; and (c) there also exists a premier and cabinet subject to legislative confidence, who perform executive functions. President-Parliamentary systems have the following characteristics: (a) the president is elected by popular vote, (b) the president appoints and dismisses cabinet members, (c) cabinet ministers are subject to parliamentary confidence, and (d) the president has the power to dissolve Parliament and/or legislative powers (Shugart and Carey 1992b, 23-24).

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[22] Also see Matthew Soberg Shugart and John M. Carey, "Criticisms of Presidentialism and Responses," in *Presidents and Assemblies: Constitutional Design and Electoral Dynamics*, by Matthew Soberg Shugart and John M. Carey (Cambridge University Press, 1992a), 28-54.

Arend Lijphart, "Executive-Legislative Relations: Patterns of Dominance and Balance of Power," in *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*, by Arend Lijphart (Yale University Press, 1999), 116-42.

Under military dictatorships, the parliamentary form of government transformed into a system having a close resemblance to the President-Parliamentary system conceptualized by Shugart and Carey (1992b). But even here again, the Pakistan-styled system of government defies Shugart and Carey's criterion for a President-Parliamentary system. Though the president of the country was to be elected through popular vote, this was possible only through a presidential referendum, in which the people had no choice in deciding between various presidential candidates. The presidential choice had always been only one candidate, one who was a military general. Even the call to elect a military general as president through the popular vote was summoned by the military general himself. The people and political and civil society had no say in this regard.

According to the 1973 Constitution system of government, the cabinet is the collegial body advising the executive; the legislature was made bicameral, with the National Assembly or the Parliament as the lower house and the Senate as the upper house. In this manner, then, the president was to be elected through an indirect vote from the electoral college in the Parliament, but in order to give a semblance of supremacy of popular will, the military dictators would get themselves elected through a presidential referendum when the elected Parliament was dissolved.[23]

Under the military rule of General Zia-ul-Haq, this system of balancing the executive power in favor of Parliament and the prime minister was disfigured by shifting the locus or power to the president. Unlike General Ayub Khan, who had rejected the parliamentary form of government and devised the presidential Constitution in 1962, General Zia-ul-Haq manipulated the 1973 Constitution to give extra-constitutional powers to the president. He did so by making the president extremely powerful, having

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[23] The 8th Amendment fundamentally altered the basic structure and essential features of the 1973 Constitution to bring it in line with the military's preferences. It created a strong executive, a weak legislature, and a docile judiciary, and it diminished provincial autonomy. The executive authority of the federation was now vested in the president instead of the prime minister. The president was given power to appoint the prime minister, provincial governors, judges of the Supreme Court and high courts, and chiefs of the armed forces. He could also dissolve the National Assembly at his discretion. Moreover, the validity of anything done by the president in his discretion could not be called into question (Mahmud 1993, 1284).

executive control over the elected legislature, the Parliament and Senate. The disarranged system was institutionalized with the 8th Amendment, which proclaimed the president to be the chief executive.

Furthermore, with the manipulation of the 1973 Constitution, General Zia-ul-Haq elected himself president through the decree issued by him as the military dictator. The decree prioritized the referendum as the principal electoral connection between the dictator and the people. This referendum also was the institutional design enforced by the military dictator to the Constitution.

In Pakistan, as one scholar contended, "[T]he parliament's loss of sovereignty . . . has been the rule rather than the exception"; furthermore, "elections, parties, and elected assemblies operate along a dynamic that runs counter to the dynamics of the permanent non-elected machinery of the government" (Waseem 2002, 4535).

In the next chapter, I will discuss how the successive military dictatorships effectively devised institutional rules within the scope of the Constitution so as to strengthen the military's control of political power. The institutional manipulation at the hands of the military dictators legitimized their control of the political power. The dictator would dismiss the elected government, have himself elected president through a referendum, and make changes to the Constitution by giving extra executive powers to the president.

Legislature

As defined above, the Constitution of the state defines the roles of each of its organs. The legislature is the protector of the constitutional principles that define the existence of any state, whether it be authoritarian, democratic, or a hybrid combining the two systems of governance. The legislature is the collective of elected representatives that represent the interests of their electorate. Elected legislators, be they Parliamentarians or Congressmen/women, are the lawmakers only because the Constitution gives them the power to do so. The legislature is the deliberative assembly where the representatives of the citizens talk, exchange views, represent constituents' interests, deliberate, argue, and decide on laws that enable the state to regulate the society.

The authoritarian practices effected by the ruling elite seek to maximize their hold on power, while the citizens and the civil society are pacified by the regime guardians through piecemeal incentives, such as policy concessions. The case of the elected legislature in Pakistan carries complex political baggage. As can be seen from the discussion above, the multiple changes in the Constitution had an effect on the behavior of the legislature as well. The legislators elected to the representative assemblies (national and provincial) following the military coups in 1962, 1977, and 1999 affected the legislative assembly and the roles played by elected representatives. The Constitution under hybrid regime provided executive control to the military ruler and the (military general or civilian[24]) presidents, thereby affecting the behavior of the legislators elected to the state legislatures. The political elite never had challenged the transgressive tendency of the institution of the military. This attitude of the political elite encouraged the military elite to strengthen its control over the political landscape by manipulating the political institutions.

Promulgation of the 8th Amendment to the Constitution, its revocation in 1997 by the 13th Amendment, its reintroduction as the 17th Amendment in 2002, and again its revocation in 2010 were possible only because of legislators' consent and approval. In times of military rule, the legislators never exhibited any serious threat to the military's devised presidential order, knowing that the military general was not only the chief of the military force but also the president of the country. Any direct challenge to the military dictator meant an early exit of aspiring politicians from the political landscape. The extraordinary powers bestowed upon the president, who also was the in-service military general, gave the institution of the military an incentive to remain engaged in politics more directly. By enacting legislative

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[24] In 1988, 1990, 1992, 1995, and 1997, the presidents were civilians. For example, from 1988 to 1992, Ghulam Ishaq Khan, a senior retired bureaucrat, was the president of Pakistan who effected the 8th Amendment and dissolved the elected governments of Benazir Bhutto in 1990 and Nawaz Sharif in 1992. From 1993 to 1996, the president of Pakistan was Farooq Leghari; he was also a former civil servant and supporter of the Pakistan Peoples Party (the political party of Benazir Bhutto). In 1996, he developed differences with party leader Benazir Bhutto and subsequently he effected the 8th Amendment and dissolved the elected government of Benazir Bhutto in 1996. In 1997, when Nawaz Sharif won the general elections and formed the government, he utilized his house majority to revoke the 8th Amendment, thus giving legislative authority back to the legislators and away from the state figurehead, the president.

barriers such as the 8th and 17th Amendments, the military elite successively strengthened the military's control of political power and subdued the oppositional voices emanating from political and civil society.

Elections

The one feature that makes a hybrid regime distinct from a pure authoritarian type is the institution of electoral competition. Electoral competition brings the political elite to compete for popular support. Some hybrid regimes do allow elections to take place to give a semblance to their tacit commitment to the democratic value of giving each citizen the right to vote. The popular vote therefore grants legitimacy to the regime incumbents, and if the regime loyalists are able to exact substantive support, the resulting political landscape therefore allows them to profess the legitimacy of their rule through the popular vote. The primary strategy used by the dictator is "buying off" or co-opting some members of the opposition group by offering them perks and privileges in return for their support for the regime. Co-optation creates insider-outsider divisions and generates competition among the opposition members for access to scarce insider positions.

In hybrid regimes, the multi-party electoral competition is always a manipulation of this institution. The oppositional forces in the polity are barred from competing for the popular vote, since their contesting election may be a death knell to the authoritarian incumbents. Therefore, dictators thrive on and stoke divisions among groups to weaken the opposition by reinforcing ethnic, regional, and religious differences, for example, through the unequal distribution of resources. As long as these opposition groups appear more threatening to each other than the dictator himself, the dictator's position remains secure. As divided groups of citizens focus on each other in their political struggle, the center of political power remains uncontested (Lust-Okar 2005).

In Pakistan, under the different military governments, the political parties were constrained in their ability to contest the elections. The political parties have contested the elections in the 1960s, '70s, '90s, and the 2000s. But these elections had been officially nonpartisan and were manipulated by the military rulers so as to favor those contenders who remain loyal to the regime and not to their party

affiliations. In his discussion on the hybridity of Pakistan's political system, Oldenburg (2017) noted that electoral competition under different military and civilian regimes has always been consistent; however, who shall contest the elections always was one major issue that was closely watched by the authoritarian incumbents, civilian and military alike.

The military dictators would find a solution to neutralize the political opposition by not allowing partisan elections to take place; by doing so, the regime incumbents would rather create a pool of regime loyalists whom I call the *selectorate*[25]. This selectorate would be those political aspirants who, for the sake of their political future, presented themselves as electorally significant candidates to the military regime. The term *selectorate* is dissimilar to the political science's derived entity of electorate. The electorate are defined by the territorial constituency within the polity; the electorate are the citizens with voting rights to elect their representatives. The voters-as-electorate have no influence on the elected once the latter is in control of political power, joining the ranks of the ruling elite as the political elite.

The selectorate, on the other hand, is defined by its political savviness to ally with the ruling powers to be. For the selectorate, finding permanence in the ruling hierarchy is foremost. The selectorate, to strengthen its electoral significance, continuously patronizes the voters-as-electorate. For the selectorate, partisan confrontation on issue-based politics is of no concern; for the selectorate, the route to political power is to accumulate its electoral mass and to align itself with whoever takes them closer to the corridors of political power.

The selectorate, in the context of Pakistan, is a select group of political elite who provide the electoral connection between the ruling elite and the people. The selectorate provide the ruling military governments a popular base via the selectorate's electoral connection to the people. Hence, by building an alliance with the successive military governments, the selectorate has access to state resources and has remained politically relevant in its electoral constituencies. The political elites' co-optation was beneficial

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[25] Please also see page 25.

for the military ruler, because it gave the ruler the electoral connection to the people. And the political elite, i.e., the selectorate, benefitted from such an arrangement as it kept their political careers activated.

Episodes of deliberation over policy-making between the military elite and the selectorate never was an area of concern for either of the actors. The military elite devised a policy of controlling the political landscape by enacting certain institutional rules that enabled the military to lengthen its rule. The selectorate, on the other hand, was submissively obedient to such an arrangement, for if it had challenged the military-devised policy of governing, members of the selectorate would be risking their political careers.

In three of the four military coups, the military attempted to bring about democratization through the implementation of local governance (Ayub's Basic Democracy, Zia's Local Bodies, and Musharraf's Local Government). By granting membership in the selectorate to new contenders, the military replaced the incumbent political class with new recruits through the institution of competitive elections at national and provincial levels. But these attempts did not lead to a comprehensive democratic transition and move toward consolidation. Instead, what the long-term military dictatorships did instead was to help raise a pseudo-leadership that stood against the development of democratic institutions.

This pseudo-leadership is the group of elite belonging to the political, military, and civilian bureaucracy and favored by the country's business class. The hybrid-leadership is crucial to the selectorate mentioned in preceding discussion. The selectorate were the members of the political society, those aspiring politicians who intended to secure their electoral significance. By winning elections for the military junta, the selectorate would then became the constitutive members of the hybrid-leadership that ruled the polity.

How the Hybridity of Rule Is Maintained in Pakistan

In Pakistan, the military's engagement in politics is not only due to the preceding political chaos set forth under civilian leaderships, but also because of the military's persuasive rebuke of incompetent political leadership in the wake of external security threats. The political society seemed to be less

organized and effective in countering the security narrative developed by the military. In my understanding, the existence of a belligerent neighbor, such as India, has also catapulted the military on the political landscape. Thus, in order to secure its institutional interests, the military in Pakistan has adopted a more direct, yet clandestine, approach toward political and civil society.

In her analysis, historian Ayesha Jalal ([1990] 2007) implicitly applies the "Garrison State" theory to argue that "security compulsions" induced centralization of resources for the defense of the state, a process that militarized politics. Likewise, Siddiqa (2016) is unequivocally incisive in declaring the ruling elite in favor of the security narrative advocated by the Pakistan military. She contends the ruling elite in Pakistan regards the military's interests to be foremost to security, rather than strengthening the political institutions of the state. In his recent book on the state of Pakistan's politics, Christophe Jaffrelot (2015) argued that the "establishment" in Pakistan combines the political leadership, civil bureaucracy, wealthy elite, landed elite, and the military elite that strongly believe that their material and political interests are intertwined.

In my understanding of Pakistan's hybrid regime, I believe as long as actors' (political, bureaucratic, military) interests of securing maximum rents from the state are safeguarded and coincide with each other's political, social, and capital gain, the hybrid regime will remain a permanent characteristic of Pakistan's politics. It seems to me that the actors engaged in maintaining this hybrid regime are committed to hybrid-leadership emanating from the governing interests of the establishment.

One recent discussion of this fact is captured by Oldenburg (2017), developing the typology of the loyalty of opposition to the regime by Linz (1978). Oldenburg contended that the military in Pakistan has always shown its "semi-loyalty" to democratic rules, but as soon as the incumbent elected governments have tried to make the military subservient to civilian leadership, the military has retaliated by derailing the democratic advance. Oldenburg believes the institution of the military is the driving force behind the perpetual hybridity of the regime in Pakistan. He contended, "Pakistan is a paradigmatic hybrid regime. . . . It is not a democracy because although it has had relatively free and fair elections in

2008 and 2013, with the military not interfering in the peaceful transfer of power between government and opposition (unlike the 1990, 1993, and 1996 transfers), the *military is not entirely subordinate to the civilian government*" (87).[26] Furthermore, he strongly believes "[W]hat keeps Pakistan's hybrid regime stable, and prevents Pakistan from advancing on a path to full democracy, is clearly, a relatively autonomous military" (88).

Furthermore, Siddiqa (2016) argued that the military thrives on an ideologically constructed security narrative against the military might of India and the threat to the Islamic state of Pakistan. Such a narrative, scholars argue, inevitably grants "the right to rule at times of crisis," thus enhancing the "legitimacy" of takeover of democratic institutions (Oldenburg 2017, 88). The military's commitment to democracy, Oldenburg (2017) argued, is dubious; it shows "semi-loyalty" to the democratic governments. It is the semi-loyalty of the military that is the threat to the consolidation of democracy in Pakistan. Furthermore, Oldenburg contended that the semi-loyalty exhibited by the Pakistan military makes the future of consolidated democracy in Pakistan unlikely, because the military has shown its commitment to democracy in the name of "true democracy," "real democracy," "power to the people," etc.

Siddiqa (2016) argued that the military functions in the manner of a guardian by engaging in the politics of the country through building partnerships with the political elite, whom I have termed the *selectorate*. The building of partnerships with the select political elite has provided the military establishment the willing electorate that connects the military with the people. It is these partnerships that enable the military to replace the direct rule in politics with an indirect "process whereby the military remains entrenched in the polity to benefit and secure its interests" (56). These interests are not only political but are economic and social in nature, therefore making the military dependent on "building partnerships amongst political and civil society stakeholders" (59).

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[26] Emphasis added.

Many scholars would argue that this is because of the semi-loyalty of the military to the democratic politics in Pakistan. For example, Oldenburg (2017) argued, "[T]he military has never been explicitly disloyal to the democratic system, even when it has taken over in a coup and implemented laws that seek to transform the country. It always has claimed a dual-aspect guardian role: guardian of the nation and the country; guardian of its ward—the political system—until it can be revived, once purged of its faults. It thus sees itself as fully loyal to the constitution, even when it suspends it" (95).

Thus, in the specific context of Pakistan's political system, it may seem at the surface level that democratic leaders are increasingly playing a part in politics. But in actual fact, the real power rests with the military. The military successfully crafted a narrative against the incompetence of the political elite; furthermore, the political elite also has been equally responsible for allowing the military to perpetuate such a narrative among the people. In this section, I have discussed that the selectorate is formed from within the political elite, which offers its electoral support to the military generals when they come to control the political landscape. The collusion between the military and the selectorate (the subset of political elite) has not only entrenched the hybridity of rule, it also has an impact on the civil society to rise up against the authoritarianism exhibited by the regime's hybrid-leadership.

The role of the citizens and civil society is minimal in challenging the military's advance to take over. The narrative that has been built around the security of the country, and Islam as the religion, feeds into the role of the military as the guardian of the Islamic values of the nation of Pakistan. As long as the military has an independent and autonomous status vis-à-vis the democratic institutions, the hybrid regime in Pakistan shall prevail. However, there have been momentary uprisings in the sense of Wolin's "the political" by the civil society actors against the democratic transgressions of the military control.

Two examples of those social movements include the Lawyers Movement of 2007, when the civil society

stood up against the military ruler, and the students' movement against the military dictator in 1969.[27]

The commonality in these movements is that they emerged when the military leadership was at

the helm; however, there is no such movement against the clandestine military interferences into the

making and unmaking of elected governments. Although there has been a women's rights movement,

which was launched in the 1980s against the Islamist policies devised by the military dictator General

Zia-ul-Haq, these movements were crushed by the military dictatorship. But this had not deterred

women's rights organizations from mobilizing themselves and voicing their concerns against the selective

interpretation of Islamic ideology.[28]

In the discussion to follow, I examine the role of civil society in hybrid regimes. Within

comparative politics, the civil society is evaluated on its own merit as an entity within the polity.

However, it is usually argued that civil society is most active in democratic, rather than undemocratic,

states.

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[27] Under the military rule of General Zia-ul-Haq, the women's rights movement was launched by women's rights organizations against the Sharia law known as the Hudood Ordinance. But the women's movement was brutally crushed by the military ruler, who believed that the law was against the principles of Islamic law. The Hudood Ordinances influence the repression of women's rights in Pakistan. Since the early 1980s, these ordinances are the major reasons why women are detained or jailed and why their complaints of police misconduct go unanswered. The Hudood Ordinances are Islamic penal laws and apply to all Pakistanis, Muslims and non-Muslims alike. They consist of five sections: the *Offense of Zina* (adultery, fornication, and rape); the *Offense of Qazf* (perjury or defamation about fornication or adultery); the *Prohibition* (of Alcohol) *Order*; the *Execution of the Punishment of Whipping*; and the *Offenses against Property Ordinance*. One of the most important changes brought about by the adoption of the Hudood Laws, which has a profound impact on the rights of women, is that for the first time in Pakistan's history, fornication (extramarital sex) is illegal and, along with adultery, is non-compoundable. For more details, please see: Martin Lau, "Twenty-Five Years of Hudood Ordinances—A Review," *Washington & Lee Law Review* 64 (2007): 1291-1314.

[28] For more details please see:
   Afiya Shehrbano Zia, "The Reinvention of Feminism in Pakistan," *Feminist Review (South Asian Feminisms—Negotiating New Terrains)* 91 (2009): 29-46.
   Khawar Mumtaz, "Khawateen Mahaz-e-Amal and Sindhiani Tehrik: Two Responses to Political Development in Pakistan," *South Asia Bulletin* XI, no. 1 & 2 (1991): 101-109.
   Ayesha Jalal, "The Convenience of Subservience: Women and the State of Pakistan," in *Women, Islam and the State (Women In The Political Economy)*, by Deniz Kandiyoti (Temple University Press, 1991), 77-114.
   Fauzia Gardezi, "Islam, Feminism, and the Women's Movement in Pakistan: 1981- 1991." *South Asia Bulletin* 10, no. 2 (1990): 18-24.
   Khawar Mumtaz and Farida Shaheed, *Women of Pakistan: Two Steps Forward, One Step Back* (Zed Books, 1988).

In my study of civil society within the hybrid regime of Pakistan, I focus my attention on those actors of civil society who, in order to establish themselves in the public sphere, at times compromised their autonomy against the authoritarian tendencies of the ruling elite.[29]

Part IV: Role of Civil Society in Hybrid Regimes

> In most cases, the contemporary authoritarian state is unable to maintain power simply through the maintenance of a closed monolithic, homogenous state order, with clear domain boundaries from both the market and from civil society. Instead, an assemblage of formal and informal networks, economic, and financial flows, and discursive, symbolic, and performative dynamics all serve to constitute the contemporary authoritarian state. (Lewis 2013, 330)

Civil society is discussed in innumerable articles and books; many focus on the origins of civil society for the establishment of the state first and foremost. The works of canonical writers of political theory, such as Hobbes,[30] Locke, and Rousseau, place civil society as crucial for the formation of the state. Supporters of the premise that civil society is key to understanding how democracies originate and develop make an implicit assumption that civil society does not exist or is weak under authoritarian regimes. This is not necessarily the case. Civil society exists in all countries, although at different levels and with varying formal and organizational structures.

Democratic countries, unlike authoritarian regimes, tend to have established civil societies and, in some cases, they are even institutionalized.[31] Nonetheless, these societies do exist even under the least favorable conditions. Opponents of the premise that civil society can lead to democracy argue that the assumption that all associations promote trust is deeply flawed, when organizations such as the mafia or

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[29] A more comprehensive analysis of Pakistan's civil society actors, the print-media and non-government organizations (NGOs), is presented in chapters 3 and 4.

[30] Though, for Hobbes, civil society is secondary to the authority of the sovereign. The sovereign is the state itself, and it is the sovereign who has the absolute power (Hobbes 1996, 129). Hobbes argued that the sovereign prescribes law (125) and is the judge (125). The sovereign is absolute; he is the legislator, executive, and judicature (225). The sovereign power can't be divided, "for Powers divided mutually destroy each other" (225).

[31] In some developed countries, the environmentalists have now a significant role to play in directing the state to revise its industrial policies for the protection of the environment—for example, the Alliance 90/The Greens of Germany and Green Party of England and Wales. Both these political parties were initiated in the public sphere as civil society actors, later to have a greater impact on environmental policies reconstituted into political parties.

racial supremacist groups are considered (Berman 1997a, 1997b; Chambers 2002; Chambers and Kopstein 2001). They are also critical of the leap taken by the proponents of the theory who argue that civil society necessarily engenders social capital.

Proponents of the positive role of civil society include Putnam (1993), who in his study measured in Tocquevillean terms the degree of voluntary associational participation. In that often cited study, he argued that Italy's democratic success should be accredited to the vibrant, civic associational participation that transpired in the northern region of Italy. According to Putnam, it was the occurrence and fortification of *social capital,* which constituted "features of social organization, such as trust, norms and networks that can improve the efficiency of society by facilitating coordinated actions," that ushered in the process of democratization in the country (167). Since then, many scholarly works (e.g., Edwards 2014; Foley and Edwards 1996) reflected Putnam's Tocquevillean operationalization of civil society, proclaiming the same findings and leading to a consensus around Putnam's thesis.

In contrast, critics, in response to the assertion that voluntary associations inevitably produce social capital, counter that this is a contingent, not an automatic outcome. Civil society has as much potential for tribalism and exclusivity as for the desire to work together for the common good (Kymlicka 1995; Berman 1997a, 1997b; Young 1999; Chambers and Kopstein 2001). Therefore, without disputing the analytical value of civil society, many studies have directly challenged the hypothesis that civil society is a necessary condition for democratization. These projects have revealed that, in fact, while civil society has contributed to democratic efforts in some cases at various points in time, the link is tenuous. That is to say, agents of civil society are most likely to advance democracy when the formal institutions of the state generate the incentive structure to do so. Hence, when that incentive structure is absent, the converse is more likely to occur (Berman 1997a, 1997b; Chambers and Kopstein 2001).

Thus, the assumption that there exists a simple approach to development of the link between growth of associational life and democratization has even led to scholars to question that vitality of this simple conceptualization. Encarnacion (2006) in his essay contends this simplistic notion has initiated a

"civil society backlash" (357). That is to say, the heroic narrative of civil society's role toward democratization misses the essential point: the role that state institutions play in supporting its version of state-sponsored associations that challenge the oppositional, so-called activist associational life in the society. For example, an illuminating study by Spires (2011) shows how the state-sponsored citizen associations in China have enabled the authoritarian state to be further entrenched in the societal associational groups. These government-owned non-governmental organizations, commonly known as GONGOs, are another attribute relevant to the literature on hybrid regimes. Spires noted in his observation of these GONGOs that "we should not assume that NGOs in an authoritarian state, even independent grassroots organizations, are working toward democratic purposes" (35).

If a state's political institutions are capable of channeling and redressing associational grievances, then civil society is likely to contribute to the advancement or deepening of democracy. However, if the existing political regime is (or is perceived to be) ineffective or provides no reciprocity for civic associations, then civil society is likely to undermine political stability, deepen social cleavages, further dissatisfaction, and provide a breeding ground for disparate oppositional groups to grow (Berman 1997a, 428-29). In reality, therefore, it is the receptive political institutions established as result of the state's communicative engagement with the society that solidifies the democratic state. If the rules and institutions devised by the state are able to draw on society's concerns, then the civil society acts to support the state—even when it is not a democratic state.

In his study on citizen associations and state authority's communicative linkages in the authoritarian China, Hsu (2010) suggested that "the people who run Chinese NGOs tend to view state as a resource-rich conglomeration of competing actors, and agencies, and therefore the best source of alliances available for NGOs" (260). Furthermore, in his interviews with civil society actors, Hsu found that the activists valued the symbiotic relationship of their NGOs and with the state agencies and activists asserted "the purpose of their NGOs was not to weaken or replace the state, but instead to strengthen that state and help it fulfill its responsibilities to its citizens" (Hsu 2010, 328).

As shall be seen in the discussion to follow, the military regimes in the state of Pakistan exacted cooperation and support from the civil society actors in the implementation of their governance plans.

The civil society actors (media, academia) were not able to challenge the military regimes in these regimes' attempts to legitimize their rule over the polity through the design of such devolution plans. The presence of civil society posed no threat to the ruling hybrid political institutions, such as the selectively elected legislature, the morphed Constitution, or a weak executive.

In fact, the civil society was no more than a bystander to the institutional measures devised by the military junta. This is also because civil society under the hybrid regime in Pakistan has played a minimal role in challenging the super-narratives devised by the military rulers. These narratives—the vulnerability of the state to India's aggression and the Islamist narrative of safeguarding Islamic values—greatly restricted the activism of the liberal voices of civil society. In contrast, the religious sentiments within civil society found a much more supportive patronage by the military state. Under the military rule of General Zia-ul-Haq, religion inspired civil society actors, such as the Islamist scholarship, and its influence in devising the state's laws was favored by the military dictator.[32]

The military has such a perpetual control over the political power, and by virtue of its strong coercive position in society, the military regularly co-opts the political and civil society. As will be seen in the discussion to follow, in this hybrid mosaic that combines authoritarian principles with democratic rules, the activism of civil society has been a casualty of the hybridity of the regime. The state, under the military rule or the civilian elected rule, however, has always had control over the civil society. The oppositional challenge from the civil society against the authoritarian practices of the state has been largely missing.

In gathering material for civil society engagement with the military state on matter of governance, I found that civil society activists showed their disappointment with the lack of any open and vibrant civil

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[32] For more details please see footnotes 26 and 27.

society in Pakistan. The actors belonging to the civil society in Pakistan are the human rights groups: charitable organizations, women's rights associations, academia and the print media. The most active among these actors is the print and electronic media. The print media in Pakistan is the oldest civil society actor; despite the continual military dictatorships and ongoing hybrid regime, the print media have been actively engaged in raising social and political awareness.

Since the 1980s, another of actor has emerged in the nascent civil society of Pakistan—the non-government organizations (NGOs). These organizations were initially formed by socially active citizens to help address society's development needs. These organizations were engaged in varied social causes, such as women's and minority rights, and protection of the rights of Afghan refugees in the aftermath of political and social unrest in Pakistan's neighboring country, Afghanistan. During the decades of the 1980s and the 1990s, the NGOs actively engaged with the state for the Afghan cause, but into the millennium, state and civil society engagement experienced a sharp downturn. Nevertheless, the NGOs remained actively engaged with rural and urban communities to address their developmental needs. NGOs work in the communities, and their financial and technical affiliation with international donor agencies make them the most prominent of the civil society actors.

In Pakistan, civil society means non-governmental organizations or NGOs. In my interviews with political and bureaucratic elite, academics, and even NGO personnel, all 29 of the interviewees (with the exception of the four academics interviewed) unapologetically asserted that civil society is the NGO; they believe that in Pakistan the NGOs are the paradigmatic examples of civil society.[33] However, the purpose of this research is not to debate the merits and demerits of civil society, or what constitutes civil society in a theoretical debate. My focus is primarily on the role that civil society actors such as the print media and NGOs play in a hybrid regime.

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[33] For detailed discussion on NGOs' paradigmatic characterization of being *the* actors of civil society, please see: Stephen N. Ndegwa, *The Two Faces of Civil Society: NGOs and Politics in Africa* (Kumarian Press, 1996). Sabine Lang, *NGOs, Civil Society, and the Public Sphere* (Cambridge University Press, 2013).

As I have shown through the material discussed in the above section, the hybrid regime in Pakistan granted a minimal role to the civil society actors. In doing so, the incumbents of the hybrid regime exhibited a strong resolve to strengthen their rule, in part by branding themselves friends of democracy. However, in their attempt to capture political power, the rulers ransacked the democratic system of governance. By contrast, the extent and ability of civil society to challenge these discourses were absent and did not therefore have any effect on the crafted political institutionalization spearheaded by the hybrid regime.

Political scientists tend to see civil society and state as separate yet interdependent entities (Edwards 2014, 23-26).[34] Following Migdal (1988), I believe that state and societal groups coexist in a complex social milieu. They therefore contest, cooperate, and affect each other in ways that shape both of them. The liberal thought on state and civil society interaction (informed by neo-Tocquevilleans such as Robert Putnam) asserts that there exists an autonomous being that is the civil society. This view suggests that for the sustainable value of democratic principles, the being of the civil society provides a platform for the populace to voice their interests, concerns, and needs to the state. This view sees civil society actors as conduits of democratization leading toward democracy.

But what about in those regimes that are authoritarian? In such a regime, can the entity of civil society coexist within the authoritarian state? In my review of the contemporary scholarship on authoritarianism and hybrid regimes, I find that these questions remain unanswered. The evaluative discussion on the presence of civil society actors and their role in hybrid regimes is absent.

By viewing civil society as systemically distinct from the state and only as a location of resistance to political hegemony, we miss out on the complex and nuanced state-civil society relationship in which the two support each other. The point is, in complex social milieu, non-government associations and the

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[34] Edwards (2014) suggested "boundaries are always fluid" and argued that state and civil society "have always been interdependent, with states providing the legal and regulatory framework a democratic civil society needs to function, and civil society exerting the pressure for accountability that keeps elected governments on track" (23).

state are intricately entwined in a complex multi-layered network of material transactions, personal connections, and organizational linkages. Civil society generates debate and carries issues from the margins of society to the centers of power of the state. This communicative schema carries forward those societal concerns that might otherwise never reach the radar of institutional politics. Young (2002) has argued, "[T]hough civil society stands in tension with state institutions, a strengthening of both is necessary to deepen democracy" (156). Furthermore, she has emphatically contended that even in democratic societies, the "state institutions are prone to abuse their power" (194) and hence it is the role of civil society to check the state's authoritarianism.

Now the question arises: How do we as students of civil society develop an understanding of the role of civil society in such regimes that thrive on the close social complexity of state-society interaction? These regimes gain access to civil society not only through the manipulation of institutions of state but also by directing and leading the hegemonic discourses in the society. This last point is of crucial importance to the last section of this chapter, where I make the conceptual link between the deliberative theory of democracy and hybrid regimes.[35]

Part V: State-Civil Society in Hybrid Regimes

It is my interest in civil society and institutional design that has led me to the study of state and society relations. Though I realized this late in my research, all through the beginning of my research I was, in fact, interested in how to address the communicative link between the state and civil society. This interest in addressing this question brought me into close contact with democratic theory. I quickly became interested in the deliberative theory of democracy, especially in the writings of Jurgen Habermas, John Dryzek, Iris Marion Young, Jane Mansbridge, Simone Chambers, Seyla Benhabib, Archon Fung, Mark Warren, John Parkinson, Stephen Elstub, Carolyn Hendriks, James Bohman, Jon Elster, and others. A close look at the writings of these scholars helped me become familiar with their particular views, but

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[35] I shall build on the claim that in hybrid regimes, the hybrid-rulers also do create the hybrid state-society interaction, in which they generate hegemonic discourse that aids in the longevity of the hybrid rule.

more generally with the normative development of the theory of democracy emphasizing communicative interexchange between state and society. These deliberative democrats have argued that for a polity to devise rules of governing society, the state institutions and associations of civil society ought to publicly engage in the exchange of ideas. Deliberative democrats believe rules to govern society in a polity can never be relegated to civil society nor be a privileged domain of the state.

However, as I delved into the theory of deliberative democracy and tried to make sense of the case of Pakistan, I realized that the deliberative theory of democracy from a normative perspective lacks sufficient conceptual tools to explain the complex political state of Pakistan. Hence, I began my journey to understand how civil society should be conceptualized in the case of hybrid regimes. In the discussion to follow, I look at the role of civil society in hybrid regimes more generally, and most specifically in the case of Pakistan. As I have mentioned, in the beginning my focus was on investigating the state-civil society communicative interexchange in the specific case of devolution plans devised by the state in Pakistan.

But as I show in the discussion to follow in subsequent chapters, the ruling elite within the hybrid regime in Pakistan devised institutional rules to maximize their control over the political landscape. The military devised rules that strengthened its control over the political scene, targeting most specifically the grassroots in order to achieve popular legitimacy. Indeed, all through the political history of Pakistan, the designing of devolution plans was undertaken by the military elite. In doing so, the military had enacted and sustained the hybrid political regime, combining democratic institutions with authoritarian principles. In such a regime, the state-civil society interaction was highly problematic, because as other formal institutions had been compromised to support the military rule, the state-civil society communicative interexchange was also short-lived.

The answer available in the theory of deliberative democracy is that episodic deliberation in authoritarian and hybrid regions is possible. In other words, for advocates of deliberative democracy, episodic deliberation in illiberal democracy is permissible (Dryzek 2010, 136) . For example, in his work,

Dryzek (2009, 2010) emphasized that even if regimes are authoritarian, in such regimes the rulers engage with society to devise institutional measures to foster deliberation. Such engagement of authoritarian states, Dryzek (2009, 2010) argued, signals the "deliberative capacity" of the regime. Dryzek (2010) asserted that even in Communist China at the macro level, i.e., at the highest level of the Communist Party, this does not mean that China "does not have any deliberative capacity, [for] it might be found in participatory innovations at the local level" (139). Furthermore, Dryzek (2010) believes "[D]eliberative capacity does not have to be sought in any particular set of institutions (such as elections), but can be manifested in different ways in different systems" (136). Dryzek (2009, 2010) identified that a political system—regardless of whether it is authoritarian or democratic—can engage in deliberation between state and society. He argued that deliberation in a system can initiate if it is *authentic, inclusive*, and *consequential. Authentic* means that actors in deliberation are willing interlocutors and engage in communicative interexchange in "noncoercive fashion" (Dryzek 2010, 137).

Furthermore, actors engaged in communicative engagement do not enact barriers to exclude any segment of the society; in other words, ideas, opinions, and language are open for all and are *inclusive*. Moreover, communicative interexchange between state and civil society actors is *consequential,* i.e., it generates an "impact upon collective decisions, or social outcomes" (Dryzek 2010, 137). However, the impact "need not be direct" (Dryzek 2010, 137) in the sense that tangible decisions or policies are devised. The fact of matter is, as Dryzek (2010) argued, communicative interexchange as a process is long-term and ongoing in the public sphere and thus should not be tied to any specific policy.

When I analyze the case of devolution planning in Pakistan, I see that the three components of Dryzek's defined "deliberative capacity" were not pervasive either in the time of direct military rule or when elected governments controlled political power. The military devised devolution plans to strengthen its control of the political environment. The plans (Basic Democracy under General Ayub Khan and Local Government Ordinance under General Zia-ul-Haq) were devised by the military government by downgrading the voices of political and civil society. The regimes of that time were not *authentic,*

inclusive, or *consequential*. Similarly, the elected governments' performance in the 1990s also lacked these very characteristics that could have generated deliberative capacity for the fledgling democracy.

The basic argument is that in the authoritarian regime of military rule in Pakistan, during the military dictatorships, the military elite had manipulated the institutions of the state to control political power. In enacting institution policies—passing a presidential referendum to elect a military dictator as president, granting extra-constitutional powers to the military general/president, devising local government plans to grant the military regime a popular base, and allowing the electoral competition for a military-controlled legislature—the military elite was given strong control over the political scene. On the other hand, during the democratically elected governments, the political elite was affected by the deep impacts of authoritarian imprints of the last military rule.

As I have shown in this chapter, the military's influence in politics never weakened, even during governance by the elected political elite. Even then, the military retained substantial control over its own interests, such as its share of the government's resources and its independence from civilian control. This created for the military the reserved policy domain which no civilian elected governments could disengage. Thus, a hybrid regime was established, combining the military's strong presence with a weakened political elite. In such a scenario, the political elite itself was a nascent entity, and thus civil society was also devalued. However, civil society actors such as the media and NGOs showed resilience when pitted against the military and political elite.[36]

As I show in subsequent chapters, communicative interexchange between the state and civil society under both military rule and elected governments was selective and sporadic. It was active exclusively during the third military rule, between 1999 and 2007. In contrast, I argue in chapter 3 that state and civil society communicative interexchange did not exist under the previous two military dictatorships, from 1958 to 1969 and from 1977to 1988. However, once communicative interexchange

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[36] Chapter 3 of the dissertation looks into the role of the political elite and civil society actors, such as the print media and non-government organizations (NGOs) under the military dictatorships and the elected governments.

did take place, it was selective and exclusively centered on making the Local Government Plan of 2001 (LGP) an unconventional but acceptable governance reform for the society at large.

Between 1999 and 2007, the civil society actors did raise oppositional voices against the military regime's objective to legitimize its rule through reform initiatives, but, at the same time, civil society did acquiesce to these reform measures. Thus, I show in chapter 4 that civil society did enable the state to implement its devolution plan and gain a base of popular support for the military's devised institutions of local government.

In chapter 5, however, I show that such an arrangement between the military regime and civil society was rendered ineffective by the political society, because when the politically elected governments took control of the political setting, the political elite decided the fate of the LGP. In chapter 5, in an evaluation of the LGP devised by General Musharraf's regime, I show that the communicative interexchange between the military government and civil society concealed the reality of the subjugation of political institutions to dictatorial decrees. This concealment was exposed when the locus of political power moved away from the military general to the elected political elite.

Literature on State-Civil Society Interexchange in Hybrid Regimes

In the literature on hybrid regimes, the role of civil society has been regarded by political scientists mostly as an antidote to an authoritarian legacy. But scholarly discussion on civil society within hybrid regimes does not indicate an examination of state and civil society communicative engagement. On the contrary, within the theory of deliberative democracy, the role of communicative interexchange between the state and civil society is primarily to develop sustainable political institutions. Within hybrid regimes, there is an overreliance on the state to formulate institutional rules, which enables the state to regulate society, and thus civil society is seen as a nonexistent entity. Scholars discuss civil society as a separate entity on its own merits, but how civil society might participate in deliberation on institutional design is missing in contemporary scholarship. In other words, scholars studying hybrid regimes have considered civil society only as a secondary afterthought.

The discussion on democratization does feature civil society, as shown by Juan Linz and Alfred Stepan (1996) in their work *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe*. However, that discussion also does not illuminate how civil society should be working or is currently working in hybrid regimes that have yet to reach the consolidation phase.

Linz and Stepan (1996) emphasized the importance of "arenas" of contestation that must be fostered in new democracies in their advance toward consolidation. These arenas are a robust civil society, political society, rule of law, bureaucracy (i.e., state apparatus), and economic society. Linz and Stepan asserted that the first three arenas relate to the definitional issues of the democracy (i.e., they must exist), and the other two are signs that democracy has indeed moved toward maturity or consolidation. These scholars of democratization believe that with the active presence of all these arenas in the democracy, the polity's journey toward consolidation ensues. These arenas signal the significant emergence of paradigmatic features for democracy to take root. These features pertain to *behavioral, attitudinal,* and *constitutional* aspects of the polity. The behavioral characteristic applies to all political and social groups in society and relates to their realization that none of the groups can dismantle the democratic government. The *attitudinal* characteristic applies to the population of the polity in its entirety in the sense that the majority (citizens, elites, groups) all work within the parameters of the "democratic formulas" to make changes in politics. The *constitutional* characteristic relates to the maturity of the institutions of the state and the fact that the state apparatus is governed by their arrangement, and each functions according to its specialized tasks.

However, in this discussion we do not see the role of civil society and where it plays a part in the consolidation mapping of the democratic regime. In the previous chapter, when I presented a literature review of the deliberative theory of democracy, I discussed how Habermas conceptualized and presented civil society as significant in making deliberative democracy possible. Habermas (1998, 2006) contended that civil society is a mediating set of institutions that "distill" (Habermas 1998, 367) concerns from the

private sphere and transmit them to a public sphere in an institutionalized form. This institutionalized form does not mean that the institutions are formal in the sense that they are electorally, politically, and legally sanctioned to amplify citizen voices. These institutions refer to the informal yet organized citizen bodies that advocate their specific interests. These citizen bodies may be the collective of individual citizens; the bodies can be organized associations that perform the task of voicing citizens' interests based on reasons of solidarity. Take, for example, the multifaceted social movements that resulted from citizen engagement and which effected changes to laws: the civil rights movement during the 1960s in the United States, the student movements of the 1960s in Europe, the Solidarity movement in Poland in the 1980s, and the anti-apartheid movement in South Africa in the 1980s and '90s.

In all these examples, it is crucial to note that the collective voices of the aggrieved citizens did not have any institutional outlet. Of course, they were able to mobilize citizen groups, but their material participation in "distilling" concerns from the private sphere to the public sphere inevitably lacked the support from the authoritative state apparatus.[37] Nevertheless, these movements did have a public forum, i.e., the public sphere, where the aggrieved voices raised their concerns. In contrast, the Civil Rights movement in US, the Solidarity movement in Poland and the anti-apartheid movement in South Africa had to face the coercive force of the state.

The issue therefore is that, in most authoritarian states, any notion of public forum and sphere—an arena for public discussion where actions by the state may be contested—has been severely limited by a formal censorship regime; the physical repression of political activists, journalists, and writers; or a range of more indirect forms of pressure by agents and organs of the state (Mansbridge 1996; Hendriks 2006).

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[37] The civil rights movement in the United States called for enfranchising the black populace and ending segregation. The students' movement in Europe decried that the people in capitalist societies experience alienation caused by technocratic and authoritarian structures; the movement called for active democratic participation in generating alternative voices against the authoritarian practices of the state (Tarrow 1998).

In such environments, where the public sphere is non-existent or highly constrained, authoritarian states expend considerable resources in restricting the ability of civil society to act as producers of any emerging public arena of discussion (Brownlee 2009). Thus, while many authoritarian states might permit civil organizations to operate, at least to some degree,[38] they consistently take careful measures to prevent such associations from developing discursive activities that would contribute to a public sphere in which non-official discourses might circulate (Chandhoke 2001, 10-14).

My argument is that the rise of autonomous institutions is closely related to the nature of state domination over society. The state may provide a role for non-governmental associations in making public policies through lobbying, plebiscite rights, or legislative initiative rights. In order for civil society to develop, this hypothesis argues, there has to be an opening of the political public sphere to independent groups and organizations. But in the case of hybrid regimes, the state can be highly selective in opening up the space for any institutions of collective action to emerge. Authoritarian regimes, therefore, in order to maintain tight control over the oppositional narratives and discourses, repress and subvert the spheres from which any such discourses might emerge. The emergence of oppositional discourses not only poses a challenge to the dominant official discourse, but it is also detrimental to the survival of the authoritarian incumbents.

Discussion of civil society in hybrid regimes is considered a separate topic demanding evaluative research. However, in the democratization literature, Guillermo O'Donnell and Phillipe Schmitter (1986) have provided the keystone scholarship on the transition of authoritarian regimes. These scholars are cognizant of the fact that authoritarian regimes face continual challenges to their regimes from challengers inside the regime and from oppositional forces. They argue that even within authoritarian regimes, there are forces that pressure regime incumbents to liberalize and open up the space for citizen

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[38] Please refer to the studies by:

C. Hsu, "Beyond Civil Society: An Organziational Perspective on State-NGO Relations in the People's Republic of China," *Journal of Civil Society* 6, no. 3 (2010): 259-77.

A. J. Spires, "Contingent Symbiosis and Civil Society in an Authoritarian State: Understanding the Survival of China's Grassroots NGOs," *American Journal of Sociology* 117, no. 1 (2011): 1-45.

engagement. These scholars do not see civil society as an entity to actively engage with the state; civil society is seen as secondary to the state. The state remains the decisive force directing civil society in the support of the state.

Likewise, in their discussion on opening up the space for citizen engagement in the USSR, Linz and Stepan (1996) argued that with the shifting power structure and ideology in the Soviet Union under Gorbachev, the Soviet Union reduced its military expenditure and opened up space for citizen engagement, which therefore had an effect on how oppositional actors in the society behaved. The case of the USSR indicated that when economic and political hegemony of the communist state was loosened, institutions of collective action started emerging around various interests that already existed in society.

Hybridity of Interaction: State and Society Communicative Interexchange in Pakistan

In the above discussion on state-society in hybrid regimes, I have tried to show that in the wake of the hybrid regime, the concept of civil society is seen as secondary to the power of state. Civil society in the hybrid political landscape plays a minimal role, or a role that is clearly outlined by the regime to support the state in the application of the state's developmental projects. In this scenario, the state and civil society develop a mutually beneficial mode of cooperation involving an exchange based on common goals and complementary activities and functions (Fung and Wright 2003; Parkinson 2004; Hendriks 2006; Fung 2006). Based on this discussion on civil society in hybrid regime, I critically evaluate the state and civil society interchange in Pakistan.

Civil society in Pakistan is an elusive entity and is therefore difficult to conceptualize. As an entity, any organizational and associational forces of citizens coming together to form like-minded citizen groups and associations is lacking in Pakistan. Citizen groups such as women's groups, minority groups, student groups, trade unions, and workers' associations are missing in the local parlance of what constitutes civil society. Other than the print and electronic media, the entity most commonly regarded as the civil society in Pakistan has been recognized with the emergence of non-governmental organizations (NGOs).

In the case of Pakistan, the civil society that has existed has been manipulated by the ruling elite. Less frequently and much less effectively, the civil society engaged politically with the state to voice its grievances, but it has not been able to build a coherent platform. One reason for this lack of effectiveness and disparity in the civil society vis-à-vis the state is the civil society's lack of organization. In addition, the permeation of ethnic cleavages in Pakistan's civil society has had a detrimental effect on efforts to counter the authoritarianism of the state.

Washbrook (1999) noted a colonial civil society that was "divided" along communal lines was well-suited to British governance that privileged the state as a nonpartisan force for social integration. The communal divide shown in the Hindu-Muslim divide in British India was transformed into an ethnic divide in newly created Pakistan. The communal divide that produced the partition of British India was amplified in a contentious ethnic divide in the newly created Pakistan. The new state was not prepared for a civil society organized along ethnic lines, which fueled and intensified political polarization. Pakistan was established because of religious differences with India, yet the ethnic and linguistic distinctions within the various provinces of the new state nation revealed a diverse civil society.

East Pakistan differed with West Pakistan on the division of political power, while within West Pakistan, the seemingly homogenized civil society was divided on the deep ethnic divide that persisted (Jaffrelot 2002, 18-29). The nationalist movements stemmed from the increasingly diversified regions of Pakistan: the nationalist movement of Baluch in Baluchistan, the Pukhtun nationalist movement from NWFP, and the confrontational political struggle in the province of Sindh between native Sindhis and immigrants from Muslim minority provinces of India, who settled in Sindh following the partition of British India.

Such a regional ethnic divide resulted in a chasm between the political and civil society and the ruling elite. This rift proved to be a challenge for the newly independent state of Pakistan, and the state wrestled with how to suppress existing ethnic, social, and cultural differences (Amin 1988). In the post-

colonial state, the highly differentiated civil society vis-à-vis an evolving political society was a challenge to the evolution of representative institutions.

In the postcolonial setting, the ruling elite squabbled over creating a share of political power in the polity. The political elite expended less energy on pacifying their internal differences than on designing political institutions. Instead, the political society purposefully depoliticized the diverse civil society in the service of an authoritarian state. The internal disarray amongst the political elite paved the way for praetorian encroachment. Individual rights; state accountability to the citizenry; freedoms of expression, dissent, and critical thinking; provincial autonomy and decentralization—all were conveniently banished under the overarching rubric of threats to national security posed by hostile neighbors: Afghanistan to the west, India to the east.

Thus, the state's prioritization of defense over development, combined with the external imperatives of the cold war, opened the door for the rise of civil-military bureaucracies within its power structures. Dominance of the coercive arms of the state over parliamentary ones not only impeded the development of democratic initiatives and civil society (Jalal [1990] 2007; Rais 1997; H. A. Rizvi 2003); it also generated tensions among nascent political institutions of state and pitted military-bureaucratic forces against democratic principles.

This tendency has remained consistent and pervasive since the establishment of Pakistan; up to the present, the state's reliance on authoritative diktats has prevailed. In such a scenario, the emergence of any such voices that challenge the dominance of undemocratic forces has remained on the fringes. There have even been instances, especially during the military coups, when the overtly divided civil society (both critics and the supporters of military rule) has welcomed the military elite to take control of political institutions.

Long-term martial rules in the country have systemically affected the organizational abilities of the citizenry, particularly like-minded associational groups that could develop into an organizational entity or vibrant civil society. Since Pakistan's independence in 1947, its military-dominated authoritarian

governments have coerced, co-opted, and manipulated important vocal groups in civil and political society to suit their own agendas, which included legitimizing and prolonging military rule. Thus, consistent periods of autocratic rule characterized by the arbitrary suspension of political processes, forceful assault on opposition and dissent, and overtly strong centralization of state authority have largely depoliticized the civil society, stunting its evolution and its ability to influence any substantive political change.

For their part, civilian-led governments have all too frequently exceeded the limits of democratic authority and violated parliamentary codes of conduct, making the task of institutionalizing democratic norms and values even more difficult. Given this peculiar pattern of historical development, civil society is weakly organized and unable to regulate non-state governance effectively or to articulate public interests independently and organize for collective action.

Civil Society Actors Under the Military Rules

The state of martial and praetorian rules in Pakistan has much to do with the historical makings of the country, based on the communal and religious divide, as well as its vast borders with hostile neighbors. The political elite's inability and ineffectiveness in reconciling the state-society disconnect have also contributed to the long military rule in the country. The military in Pakistan has thus rationalized its engagement in politics by reserving its veto on matters of national security. Because of its control of the coercive apparatus and its internal bureaucratic cohesion, the military has successively asserted itself on the political and civil society.

Despite the restrictions on civil society, however, two civil society actors have been able to remain relevant to political processes under all conditions. These two actors are the NGOs and the print media, despite the overt control of the military and elected governments alike. Both military and elected governments have always imposed their hegemony on the NGOs and the media through legalistic and coercive means.

In the next chapter, I discuss how these actors in the public sphere have been co-opted, compromised, and coerced to further the dominant discourse advocated by the state in the service of the regime's incumbents. In the course of discussion, I show that these actors challenged the state but also compromised on their objective of contentious politics.

Concluding Remarks

For the advocates of deliberative democracy, state and civil society are the two distinctive "tracks" engaged in communicative interexchange to transform the political system to achieve deliberative democracy. The leading deliberative democrat, Habermas, conceptualized two kinds of deliberation occurring in these two tracks. The state persists in having decision making take place within formal political institutions, that is to say, within the walls of the legislature and through the workings of institutions such as elections and political parties. The state is uniformly administrative in making decisions that regulate society.

Civil society, on the other hand, is attuned to the plurality of interests in society. The kind of deliberation that takes place among civil society is public, decentralized, distributed, informal, and diffuse, with the assumed function of setting the agenda for the formal institutions of the administrative state. For Habermas, the "sluice" metaphor is supposed to capture the relation between the two tracks (the formal and informal); in other words, the "sluice" suggests a filtering mechanism connecting the unstructured deliberations of the people to those of elected elites.

This conceptualization of deliberative democracy is a potent marker to evaluate contemporary democracies in terms of communicative interexchange between the two tracks. But this persuasive theoretical lens is tested when applied to political systems that fall short on democratic principles. The two tracks envisaged by deliberative democrats face a challenge within the political system that combines democratic principles with authoritarian practices. As explained, such political systems are defined as hybrid regimes. In such regimes, as I have discussed, a persistent shadow of authoritarianism is carried forward from previous undemocratic regimes, and the effect creates a lasting impact on the evolving

political system. In the political regime formed out of authoritarianism, the assumption of interactive communicative interexchange thus reduces to a wishful claim. For in such a regime, the actors belonging to state and the nascent civil society are constantly entwined in a game of asserting and reasserting themselves.

The consequence of this constant tussle might result in moments of communicative interexchange between state and civil society, without ever disrupting the hybridity of the political regime. In the chapters to follow, I present and critically evaluate the state and communicative interexchange within the hybrid regime of Pakistan.

CHAPTER 3

ACTORS IN THE PUBLIC SPHERE: POLITICAL PARTIES, PRINT MEDIA, AND NGOS

> Military state authoritarianism in Pakistan has developed in relation to contests between the civil-military bureaucracy and the legislative institutions of the state over autonomy, legitimacy, and access to resources, including the legitimate means of violence. (Naqvi 2013, 280)

Introduction

In the previous chapter, it was discussed, authoritarian rulers are mainly interested in rents and to maximize their time in office. The longer a regime can stay in power, the more resources it can extract over time. In order to secure their survival and to extract rents, there are two possible strategies to make the population comply: cooperation and coercion (Gandhi and Przeworski 2007; Gandhi 2008). Scholars studying rent maximizing dictatorial regimes argue cooperation is not a viable pure strategy (Brownlee 2007; Magaloni 2008; Gandhi and Lust-Okar 2009; Morlino 2009; Schedler 2002, 2010; Svolik 2012). And, since coercion limits the ruling elite in its power to extract resources, it will choose a mixed strategy. Therefore, democratic institutions are the instrument to introduce elements of cooperation.

Hence, in this regard, so as to ensure cooperation, authoritarian regimes gradually construct rules, institutions, and processes to define the distribution of decision-making powers among various groups in the society creating a veneer of democracy. Such a façade however does not guarantee that resulting regime shall be democratic – such regimes, as I have discussed in the previous chapter are called hybrid regimes. In such regimes, the nature of concessions reached during the period(s) of dictatorial rule(s) between regimes' incumbents and the groups - who received these concessions determine the institutional structure of the resulting democratic regime. The argument presented in this chapter asserts that an authoritarian regime inevitably leaves authoritarian footprints on the future political regimes to follow.

Thus, in the case of Pakistan, the ruling elite that includes state institutions such as the military, elected and civil bureaucracy have devised institutions that are fundamentally authoritarian than

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democratic. Most analysts of the Pakistani state and politics view the ruling elite to be in a continual cooperative oligarchic relationship between the landed feudal elites and the civil and military bureaucracy. This ruling elite constitutes the military, bureaucracy, industrialists, feudal landlords, and religious leaders (Jalal [1990] 2007; Waseem 1989; Malik 1997; Siddiqa 2016, 2017). This ruling elite in common parlance is also known as 'establishment'.[1] It is this establishment that decides on the political system of the country; determining matters such as who is to rule over the country? Who should be given political space? Which segments of society have to be curtailed? What state discourse to be generated and strengthened in the public? What counter discourses have to be curtailed, etc.

In contrast to the power of the establishment, the other or the 'subaltern' segments of society, such as the ethnic minorities, women, teachers, peasants, workers, and journalists tend to reflect the subordinate views. Their views stand in contrast to voice the dominant view guarded by the so-called establishment. A noted Pakistani sociologist Hassan Gardezi argues, "There is a deadly combination of forces that sustains the praetorian role of the Pakistani state and retards the process of democratization in the country" (Gardezi 1991, 139). Hence, if subaltern voices contest the dominant view, the state unleashes its coercive apparatus by enactment of institutional measures such as enactment of regulatory laws by which the state censored and controlled counter subordinate voices in forms such as direct violence to exact cooperation by coopting the counter discourses. In short, in contemporary Pakistani society, the elite groups control all the power and resources; they are the ones who are at the top echelons of state authority and power.

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[1] Ayesha Siddiqa, "Mapping the 'Establishment,'" in *Pakistan's Democratic Transition: Change and Persistence*, edited by Ishtiaq Ahmad and Adnan Rafiq (Routledge, 2016), 53-71.

Philip Oldenburg. "Loyalty, disloyalty, and semi-loyalty in Pakistan's hybrid regime," *Commonwealth & Comparative Politics* 55, no. 1 (2017): 82-103.

Also refer to Mushahid Hussain, a former Information Minister under the elected government of Nawaz Sharif from 1997-1999 in newspaper op-ed contends that establishment is made up of only 500 people belonging to the various segments of the society, constituting military and civilians. Please see his newspaper articles:

"Establishment, President and Prime Minister," *The Nation.* Nov. 3, 1996.

"Whither Pakistan's Establishment?" *The Nation.* June 18, 2002.

Chapter Outline

In this chapter, I shall be discussing the actors in the public sphere in case of Pakistan. These actors discussed are political and civil society actors, mainly political parties, print media and non-government respectively. In their own capacities, these actors have been coopted by the various military and elected regimes. These actors have cooperated with the regimes of the day, though their cooperation has been at times extracted by the state through means of coercion.

The following discussion is divided into four parts. In the first part I discuss the role of political parties, print media and the non-government organizations within a political community. The second part discusses political parties and their conduct during times of military and elected rule; the print media especially in the times of the military and elected rule; the third set of actors are the non-government organizations that had occupied the public sphere in the early 90s. And, it was under the third military government of General Pervez Musharraf the NGOs were the enthusiastic partners for implementation of his regime's devolution plan.

The discussion in the third part of the chapter features analysis of the interviews with the representatives of the NGOs working in Pakistan – the views expressed by these representatives delve into the civil society-state communicative engagement on the design of devolution plans in Pakistan.[2] The last part concludes the discussion presented in the chapter summarizing the argument on three actors discussed in this chapter and their conduct vis-à-vis military and elected governments respectively.

But before a detailed discussion of the case of Pakistan is analyzed in the following section, I look at the entities of political parties, print media and non-governmental organizations in a political community. The presence of these entities reflects on the role of political and civil society in generation and endurance of communicative interexchange with the institutions of the state.

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[2] This however, does not suggest that NGOs cooperation to the military regime had provided legitimacy to the rule of Musharraf. In fact, there were NGOs such as the Human Rights Commission of Pakistan (HRCP) that had been a vociferous critic of regime's devolution design.

Why Political Parties; Print Media and Non-Governmental Organizations?

As the title of chapter suggest, in this chapter there are two main actors that are under discussion, I focus my attention to the three constitutive members belonging to the two distinctive group of actors i.e., political society and the civil society. The political parties are one such member that belongs to the political society, and whereas the other two actors belonging to the civil society are the print media and the non-government organizations (NGOs). These actors, I believe, are crucial constituents of any political democracy.

Political Parties

The political parties are the conveyors that not only mobilize the people but also give them the ideological platform by which the electorates are able to identify their political elite. The political elite are the personification of the political parties. The political parties not only provide political contenders to organize on certain ideological positions but political parties also are learning base for the newly emerging political aspirants.

Because political parties are formed to channel demands and voices in a society to the arenas of power, the political parties therefore are an extension of ruling elite. In his discussion on political parties Huntington ([1968] 2006) argued that they enable the expansion of political participation and mobilization. The main argument put forth by Huntington on political parties is that he believes that though elections and legislatures have the elected representatives, however, this alone is not the necessary condition for the presence of proper working political institutions. Huntington contends, it is the political parties that structure the participation of new social groups in politics. He asserted that as political institutions elections and parliament are 'instruments of representation' however it's the political parties, which are the 'instruments of mobilization'. He strongly views that political parties, and the party system are the crucial formal institutions that enable the fostering of political institutions in democracy.

Parties are considered institutionalized when they create ties of loyalty within their members; with voters, and interest groups in the society. The more the political parties have outreach the greater

their organizational complexity. The organizational complexity means that parties' electoral presence is in multiple territories or functional subunits within the state boundaries; the party has regular interaction between its members with their constituents, and most importantly political party is not controlled by any single charismatic leader (Lupu and Riedl 2012, 1348-49).

In the case of Pakistan, the establishment of political parties though have emerged as mobilizing grounds for bringing in and accessing the citizenry by the ruling elite. However, as I have been able to gather data through interviews and documentary evidence, it is found that the political parties lacked any settled formalized ideological stand with which they could develop a direct associational and loyal voter base. The political instability in Pakistan and continuous democratic reversals the political parties have never been able to cement strong loyal voter base.

Pakistan's political parties lack internal political organization along democratic principles. Furthermore, the political parties also lack ideological commitment to democratic politics– the political parties merely bring together aspirants for political power on organizational platform. In other words, political parties in Pakistan operate merely as electoral entities indulging in public activity based on patronage structures. These patronage structure are the base that provide political aspirants to engage in electoral politics. The political aspirants activate patronage to the people in time of electioneering. After election cycle is over these 'entities' become oblivious to the demands of the citizenry (Waseem 2002, 2016b).

The "[y]ears of political atrophy, long and frequent periods of martial law, the failure of representative institutions, and especially the inability to develop and perpetuate responsible political parties" have given rise to "more exclusive and parochial forms of political expression" (Ziring 1988, 798). The military and political elite realize that the political parties' internal structures lack democratic principles; while the former exploits the absence of democratic political commitment, the latter holds onto its parochial practices and even offers military the opportunity to extract legitimacy for its regime(s) through parties' constituencies.

The political parties are minimally ideologically driven; they are instead driven by the individual political aspirants. These political aspirants draw on their familial, ethnic, and linguistic identities to remain relevant on the political landscape. In other words, politicians' relevance to electorates is drawn from their individualistic styles which is an impression of their social, economic and cultural standing in the society. The political party is not the organizing force that brings together the individual political aspirants on certain ideological ground with which the politicians mobilize the electorates. Rather, the electorate are attracted to the material benefits that political contenders promise to the constituents. The political contenders thus assert their social and economic influence over the voters. The political party for political aspirants is a mere rhetorical irritant of contemporary democratic politics.

Print Media

A leading deliberative democrat Jurgen Habermas contends that a political system cannot function properly if the media is not a constitutive part of it. The media generates and amplifies the issues faced in the public space to the other actors within a political system (Habermas 1974, 2006, 415). He argues, "political system constitutes familiar institutions: parliaments, courts, administrative agencies, and government …[whereas] at the periphery of the political system, the public sphere is rooted in networks for wild flows of messages – news, reports, commentaries, talks, scene and images, and shows and movies with an informative, polemical, educational, or entertaining content" (Habermas 2006, 415).

Furthermore, Habermas (2006) argues that through interactions between political institutions and information networks "published public opinions" are generated in the public sphere. According to Habermas, actors that are the source of the "public opinion" are multiple and not limited to any specific entity. These actors belong to the institutions, networks, and civil society. The "politicians and political parties" represent the political institutions, whilst "lobbyists and pressures groups, or actors of civil society" are one constituents of information networks. The other constituents according to Habermas are the "mass-media professionals" (416). The media therefore is the constitutive member of the vibrant civil society that generates "subjectless communication" in the public sphere.

According to deliberative democrats such as Habermas (1974, 1998, 2006); John Dryzek (2000, 2001, 2005); Jane Mansbridge (1996, 1999, 2003); Simone Chambers (2003, 2013), the public sphere is the communicative link between the formal institutions (of the state) and informal networks and association (belonging to the civil society). These scholars argue that in deliberative democracy it is the public sphere that is geared towards development and expression of collective visions. These theorists of democracy demand a return to the practice of politics that values communicative interexchange between the multiple stakeholders within a political system. Thus, politics according to deliberative democrats is not reduced to being an elite occupation in which some of the public take part once every four or five years through elections, but as an ongoing process through which citizens can help to shape both the ends and means of the functioning political democracy.

The citizens' actions within the political democracy are an effect of active vibrancy of the public sphere where the "published political opinions" are generated by the "professionals of the media system – especially journalists who edit news, reports and commentaries" (Habermas 2006, 416). Thus, the debates generated by civil society can affect political institutions when issues and concerns of the public are amplified by information networks. The print media (and now the electronic media) thus play a crucial part to the construction, amplification and communication of the public concerns.

But how does the communicative link between institutions of the state and civil society function in an undemocratic state? In a state that has weak democratic institutions and lacks an active civil society how is public opinion generated? What is the authenticity of public opinion? Under the hybrid regime of Pakistan, the mass-media (focusing on the print media) is under the direct control of the state's coercive apparatus. The military and the political elite have had a censoring influence on what communicative messages were to be generated, amplified and exchanged in the public sphere.

The media, as will be shown in this chapter, endured the authoritarian rules of the ruling elite. My discussion of the print media in this chapter focuses on *how* the state in Pakistan has controlled the newspaper reporting and analysis.

Non-Government Organizations (NGOs)

In theoretical conceptions, civil society is defined as an 'arena' where distinct "kinds of activities" occur across a range of private, political and civic associations and networks (Young 2002, 160). One of civil society's defining features is its capacity to "self-organize" and to "develop communicative interactions that support identities, expand participatory possibilities and create networks of solidarity" (163). Under this definition civil society, it is the arena that encompasses private sphere of families as well as associations, social movements and other forms of public communication, such as the media. However, it excludes state-bounded institutions such as political parties, parliament and the bureaucracy, as well as organizations centered wholly on the market and economic production.

Jurgen Habermas (1992) has argued that civil society's institutional core "is constituted by voluntary unions outside the realm of state and the economy and ranging from churches, cultural associations, and academies to independent media, sport and leisure clubs, debating societies, groups of concerned citizens, and grassroots petitioning drives all the way to occupational associations, political parties, labor unions, and alternative institutions" (453).

One of the actors identified in this research project is the print media and the other the non-government organizations (NGOs). The term NGO was initially coined by the United Nations (UN) and is defined: "a not-for profit, voluntary citizen's group that is organized on a local, national or international level to address issues in support of the public good" (UNROL 2014). Since its inception in 1945, the UN guaranteed space for the civil society within the UN system by citing in its Article 71 of Chapter 10 that NGOs could be accredited to the UN for consulting purposes. As a result, 41 NGOs received consultative status through the Economic and Social Council (ECOSOC) in 1946. Currently, more than 3,400 such organizations are playing a significant role in policy making and implementation at the international level. Introduced by the UN, the term NGO is widely used in conjunction with civil society all over the world, especially in developing countries (United Nations 2011). The UN recognition of the NGOs as civil society actors amplifies their status as the actor other than state and economic. As per the UN provisions

every private body that is independent from government control, not seeking public office, not operating for profit, and not a criminal organization is therefore regarded as NGO (Willets 2001).[3]

Similarly, scholars studying civil society actors do regard NGOs to be an integral part of the civil society. Gray, Bebbington and Collison (2006) suggest that NGOs are part of civil society, and, therefore, the term NGO is to be understood through its location within civil society; Ndegwa (1996) contends that NGOs as being the actors of civil society can influence the rule-making of the state over the society. Whereas, Keck and Sikkink (1998) show that the NGOs provide local citizenry from developing countries transnational platform to mobilize and organize themselves against the dominant cultural discourses and the authoritarian rules of the state.

Likewise, some scholars view NGOs as a "bulwark against the state amassing unbridled power" (Weiss 1999, 143). Others appreciate NGOs for their democratizing potential and view them as essential actors in moving away from authoritative forms of government (O. A. Khan 2001). Civil society organizations such as NGOs have often proven to be the most powerful (if not the only) voice against authoritarianism, religious fundamentalism, repression, and injustice (Ndegwa 1996; Keck and Sikkink 1998; Weiss and Gilani 2001). NGOs play a critical role in providing a check on governments, especially in regions where governments have been historically abusive or corrupt. Scholars studying NGOs in this view regard them as civil society actors designed to empower the disadvantaged and, thereby, alter the balance of social power (Fowler 1991; Fisher 1993; Baiocchi 2002).

But what is the role of NGOs as constitutive component of the civil society in the state that lacks democratic freedoms of speech and association? In such a society where civil society is passive and democratic institutions weak – what role can NGOs play in democratizing the state?

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[3] The NGO Branch of the United Nations Economic and Social Council (ECOSOC) maintains a civil society database of all the registered NGOs with the UN the world over. This database divides the NGOs according their specific fields of activity such as the public administration; social development; population, etc and their organization type for example if the registered NGO is a trade union, media organization, or belong to academia. For more details, please refer to http://esango.un.org/civilsociety/login.do

Part I: Freedoms of Associations and Speech in Pakistan

Though freedom of association is guaranteed under Article 17 of the country's 1973 Constitution,[4] this fundamental right has often been usurped, curtailed, and subjected to restrictions. Thus, restrictions on freedom of association and free speech were the first orders that were passed after the imposition of martial law by all military regimes. In both General Ayub and General Zia's martial law regimes, restrictions on media and, more generally, on free speech remained in place even after the constitution was partly restored.

In contrast to his military predecessors, General Musharraf instead embarked upon a process of gradual political liberalization, including relaxing restrictions on civil liberties. Musharraf's regime afforded many concessions not only to political elites (for example, by affording them limited decision-making power through the establishment of the legislature) but also to more broad-based citizen groups, including the media and judiciary by allowing them to operate relatively independently (Aqil Shah 2016). However, when the judiciary, emboldened by the relative lack of restrictions, demanded Musharraf's exit from power by threatening to forcibly remove him, he resorted to repressive policies. Nevertheless, the judiciary, media, lawyers, and other sections of civil society cooperated to form a movement that resulted in Musharraf's resignation a year after his major crackdown on the judiciary.

Actor 1: Political Parties in Pakistan

Following the formation of the newly independent state of Pakistan, the chief political party that spearheaded the freedom movement, the Pakistan Muslim league, got embroiled in administrative struggles within the party ranks. The political party mobilized support from those provinces of British India where the Muslims were in a minority vis-à-vis Hindus. In the provinces where the Muslims were in a majority, the political party had not been able to reach out to local levels. The political party instead

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[4] Freedom of association and voice was also admissible act of civil and political freedoms under the Government of India, 1935 – that became the interim Constitution of Pakistan until the 1956 Constitution was ratified. Later, under the 1962 Constitution civil and political freedoms of citizens were also granted; though the right to vote for President was reserved through the electoral college raised through Ayub Khan's system of Basic Democracy (BD).

relied heavily on the local landed feudal elite to build the party's connection and its relevance to the Muslim population of the British India. The gulf that existed between the people (belonging to Muslim majority provinces and the provinces where Muslims were in minority) and the party elite led to an increased disunity within the founding political party of Pakistan (Amin 1988; Jaffrelot 2002).

Noted Pakistan scholar, Khalid bin Sayeed, believes this internal turmoil in the party ranks was due to the fact that Pakistan movement was not mobilized by the organizational effort of the political party but instead was driven by the religion of Islam. This was problematic because Islam as the religion and religious identity was not the only factor that united the Muslims in British India. Muslims in British India were not a monolithic cultural, social and an economic group. The Pakistan Muslim League aimed to join the multilingual, multicultural segments of the Muslims living in India. The 'two nation theory' that provided the ideological reasoning for the making of Pakistan emphasized the differences between the religions of Hinduism and Islam but ignored the ethnic differences that existed within the Muslim majority provinces (Sayeed 1959; Waseem 1989; Amin 1988).

From the time in 1947 when the elected representatives formed the cabinet to devise the Constitution of the newly formed country, the founding political party and its leaders relied on the Government of India Act of 1935 to guide the new state in its administrative and governance duties. The founder of the country, Muhammad Ali Jinnah, though a constitutional lawyer retained the executive power to his office as the viceroy (a quintessential imperial position signifying the importance of the British Crown). This act of Jinnah's introduced the 'viceregal' (Sayeed 1954) system in which parliamentary politics was discounted.

Waseem (2002) attributes the continuation of colonial practice as in the office of Governor General to the 'migrant politics' that shaped politics in the early days of Pakistan's formation – the old guard of Muslim League belonged to the Muslim minority provinces of British India and these were the political elites who migrated to Pakistan after partition. Once in Pakistan they had to confront the party

elite who belonged to the Muslim majority provinces such as Punjab, Sindh, NWFP[5], Balochistan and East Pakistan.[6] The political elite became embroiled in a tussle amongst themselves (i.e., the leaders of party from minority provinces and their counterparts from majority provinces) for the control of party and administering of newly independent state.

Naqvi (2013) argues the national stature of Muslim league as a political party diminished by the mid1950s because of internal regional tensions within the party (280). During this initial period of country's foundation, the inefficient organization of the Muslim League paved the way for the entry of civil bureaucracy and military on the political landscape. The civil bureaucracy and military alliance led the administration and governance of the country. Furthermore, the course of tensions within party ranks and growing tension of regional politics between the East and West Pakistan "prompted the civil military bureaucracy to question the suitability of mass electoral democracy" (Naqvi 2013, 280). Consequently, the distrust of the elected institutions of state by the two unelected institutions of the state had the lasting effect overriding the parliamentary politics in Pakistan.

Waseem (1992, 2002, 2006b, 2008) has argued the "dyarchical" arrangement for sharing power between the parliamentary and non-parliamentary forces had created a situation characterized by limited policy choices and an inherently unstable relationship between permanent state apparatuses on the one hand, and political leaders and parties who participate in electoral politics on the other. In other words, the political history of Pakistan is marked by the continuous struggle between the institutions of state (such as legislature and executive) that derive their strength through electoral engagement with the people and those formal institutions that operate based on their specialized and bureaucratic reasoning. The formal

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[5] North West Frontier Province (NWFP) present day Khyber Pukhtunkhawa (KPK).

[6] Present day Bangladesh. The cessation of East Pakistan was the consequence of continual tensions between the two regions of Pakistan over control of state. These tensions were not addressed by the leaders of founding political party the Muslim League. Within the first few years of Pakistan's foundation, many of the founding members of Muslim League belonging to the East Pakistan had formed their own political parties. However, the regional tensions fuelled by the intra party competition over control of state apparatus were not addressed by the political elite. The rise of regionalism in Pakistan aggravated the tensions between the two regions, and which therefore resulted in the eventual cessation of Pakistan's one region into another separate independent sovereign state.

institutions such as the civil bureaucracy, judiciary, and military belong to the latter category of the institutions of that state. It is these unelected institutions of the state that have had a strong effect on institutional building and communicative interexchange with the society.

Early Period and First Martial Law: 1947-1958 and 1958-1969

From 1956 to 1958, three prime ministers, Suharwardy (from Awami League), Ismail Ibrahim Chundrigar (Pakistan Muslim League) and Firoze Khan Noon (Republican Party) followed in rapid succession. These leaders presented the interests of their respective social and cultural groups, Suharwardy representing the interests of the disgruntled East Pakistan (later in 1971 the region became a sovereign independent state Bangladesh). I.I. Chundrigar represented the interests of the old Muslim League the party that had formed Pakistan but was now marginalized because of the emergence of the local leadership in party ranks. Firoze Khan Noon's party Republican Party was launched to neutralize the influence of the political elite from Bengal and the traditional Muslim League.

The 'state of nature' which was rampant in the 50s was inimical to the political development of the country. The political parties of the 50s remained stuck in quagmire to take over the institutional mangement of the regional politics in the newly formed country. As one scholar argued "Pakistan needed a desperate remedy for this malady. And, martial law was the Leviathan which emerged to maintain law and order and public good at the point of sword" (Sayeed 1959, 389-90). Following such turmoil, the political parties were then kept on fringes by military government of General Ayub Khan who by effecting military coup in October 1958 pushed the political elite and parties to the margins of the political landscape.

When General Ayub Khan imposed martial law in October 1958, the very first of his actions was to ban political parties and to impose stricter measures on the print media.[7] Ayub Khan, in March 1959 banned most of the political parties such as Suharwardy's Awami League, Noon's Republican Party

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[7] Actor 2: Print media is discussed in this chapter.

under the martial law Elective Bodies (Disqualification) Order or EBDO. With the implementation of this law, over 150 former cabinet members and 600 former assembly members were indicted for corruption. Those who were found guilty were banned from holding elective office until 31 December 1966. Thus by the virtue of this law, Ayub Khan had neutralized the political elite and divided them (Waseem 1989, 149).

However, Ayub Khan did need public support for legitimizing and strengthening of his rule. He therefore, launched a devolution plan the Basic Democracy under the Basic Democracy Order on October 26, 1959 (a year after the first military coup in October, 1958). The BD was a country-wide system of forming local governments at the village, sub-district and district levels through means of direct election. From across Pakistan, a total of 80,000 Basic Democrats (BDs) as they were called, were elected via universal suffrage. Through the BD, Ayub Khan established a system of an electoral college for the election of a president. Under his rule, General Ayub got himself elected as a President of the country on February 15, 1960 with 75,084 votes out of the total 80,000. When Ayub Khan was elected as the President of the country, the country did not have a Constitution – he was able to devise a Presidential Constitution and presented it to the nation on March 1, 1962.

The Basic Democrats who were 80,000 in number, then elected the members of the national and provincial assemblies in April and May of 1962. Those who contested these elections, even if they were affiliated with political parties, were not able to show party affinity, since the elections were non-partisan. After the political elite had been elected to the legislature, the military dictator launched his political party the Convention Muslim League in September 1962 thereby legalizing the political parties. The policy concession to grant political parties the ability to operate in legislative arena enabled the military regime to maintain close watch on the elected leaders, their political engagement with their electorate, and their commitment with the military regime.

Despite his dictatorial measures to steer the political landscape, Ayub Khan was the first ruler, either military or elected, to have embarked on land reforms. Ayub Khan appointed a Land Reforms

Commission in October, 1958. Based on the Commission's recommendation, the military government set a ceiling of 500 acres of irrigated land, and 1,000 acres of non-irrigated land for individual landholding. This measure allowed millions of acres to be distributed to tenant farmers and who eventually became independent farmers.

Mr. Shahid Javed Burki, an economist by education, and senior civil bureaucrat during Ayub Khan's rule, argued that the independent farmers benefitted from land reforms were the "rural progressives who had become fierce supporters of the Ayub Khan and they were the ones who were also elected as Basic Democrats in 1960".[8] Military regime's initiative to grant ownership rights to the farming community and its policy of industrialization in the country secured Ayub Khan's hold on political power. Thus, Ayub Khan's system established Presidential government over Parliamentarian government. His divisive Basic Democracy (BD) plan; his policy of engaging military elite into his Presidential government; and his populist measure of land reforms had secured him an enduring position against any political mobilization against his military government.

However, the 1965 war with India and the rise of an urban middle class disgruntled with the trickledown effects of state-led industrialization were the factor(s) that led to his ouster. Student protests and discontent among the citizenry and regional divide between East and West Pakistan became the reasons that Ayub Khan handed over power to the then Commander-in-Chief Yahya Khan in 1969 (Maniruzzaman 1971). The rule by Yahya Khan lasted not more than 2 years, from 1969-1971; he

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[8] Interview with Mr. Shahid Javed Burki in Lahore on March 29, 2017. Mr. Burki was a civil bureaucrat who had left government service in 1960s to join World Bank. Please also read chapter "Insiders and Outsiders," in *Pakistan under Bhutto: 1971-1977*, by Shahid Javed Burki (St. Martin's Press, 1980), 11-35.

abrogated the 1962 Constitution; announced general elections in 1971.[9] Civilian transfer of power transitioned in 1972 and Zulfqar Ali Bhutto took charge as the Prime Minister of Pakistan.

Second Martial Law, 1977-1988

Taking over the charge from General Yahya Khan in 1972, Bhutto as the Prime Minister of the country embarked on the making of the new Constitution. The 1973 Constitution was promulgated with the consensus of all opposition parties, Jamiat-ulema-Islam (JUI); Jamat-i-Islami (JI), National Democratic Party (NDP)[10] and other regional parties. The 1973 Constitution established parliamentary form of government, and making the legislature bi-cameral with a National Assembly and a Senate. Bhutto, close to the completion of his government's 5-year term, announced general elections on January 7, 1977 for the National and four provincial assemblies. During his period of government, Bhutto had centralized power to the office of Prime Minster, and had antagonized his adversaries. As a result, there was an alliance of nine opposition political parties which formed the Pakistan National Alliance (PNA) in January to contest jointly the March elections.

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[9] In 1971, the political party Awami League swept victory in East Pakistan and had an overriding majority to form the national government; the Pakistan Peoples Party (PPP) under Zulfiqar Ali Bhutto who had won majority in West Pakistan, but still was not in position to form national government, declined the right to Awami League to form national government. This led to the rise of ethnic riots and division in the country. Yahya Khan ordered military operation in East Pakistan. During the operation, the Bengali separatists solicited support from India, which resulted in war between Pakistan and India. In the end, in 16 December 1971, Pakistan lost to India and East Pakistan is secede to emerge as an independent state of Bangladesh. Hence a chapter on East and West Pakistan rivalry comes to an end with one half of Pakistan established as an independent sovereign state.

[10] Formerly the National Awami Party (NAP). NAP was one of the oldest party in Pakistan that retained its organizational structure intact from early days of electoral politics in united India. The party was launched by Khan Abdul Ghaffar Khan the Pukhtun leader who supported Indian National Congress during the British Raj. In 1970s the party was managed by his son Wali Khan. Wali Khan was a fierce critic of Zulfikar Ali Bhutto's government. Bhutto, had banned NAP on charges of inciting ethnic division in the North West Frontier Province (NWFP) – present day Khyber Pukhtunkawa (KPK). NAP also had opposed the military operation in the province of Balochistan. The operation was launched under the directives of Bhutto against the Baloch insurgency. The local Baloch's demanded provincial autonomy.

In March, 1977 when the elections were held, according to the PPP, the party had won 80 percent

of the 200 seats to National Assembly.[11] The oppositional alliance alleged the elections had been widely

rigged and that the government resources were utilized blatantly to effect the electoral win of the PPP.

The PNA was unequivocal in its criticism of Bhutto's monopoly of power over the state machinery; they

asserted that in Pakistan, "real power did not reside in a political organization, but rather in the

personality of Zulfikar Ali Bhutto and his capacity to use the apparatus of national government to enhance

his status" (Ziring 1977, 591). PNA rejected the results, boycotted provincial elections, and launched an

opposition movement against Bhutto. The alliance had brought both the religious parties (JI, JUI) and

other secular parties (TI, NDP) joined together against Prime Minister Bhutto's one-man, authoritarian

rule. From March 1977 to July 5, 1977 – Bhutto's PPP and opposition alliance was embroiled in vicious

confrontation which reached a conclusion with the military intervening. On July 5, 1977 General Zia-ul-

Haq imposed martial law and banned political activities in the country.

From July 1977 until August 1988 Pakistan was ruled under a military dictatorship. From year

1977 to 1985 the country remained under the direct military rule; it was only in 1985 the General Zia-ul-

Haq announced general elections, allowing only non-partisan contestation for National Assembly and

provincial assemblies. Unlike General Ayub Khan, General Zia-ul-Haq never let the political parties to

embark on any process of organization against the military rule. Ayub Khan had banned the political

parties initially, only to reinstate them in a few years' time; Zia-ul-Haq was shrewd in realizing that some

political parties' support is crucial for lending legitimacy to his regime. Zia-ul-Haq made an amendment

to the Political Parties Act of 1962, according to which only those political parties that published an

electoral manifesto, elected their leader through party elections each year, and submitted their financial

accounts and membership list to the Election Commission were recognized by the state. Most parties did

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[11] The 1973 Constitution provided for a 216-seat National Assembly, or the lower house of the Parliament. The remaining seats were to be filled by ten women and six members of minority communities nominated by the majority party and elected by the convened Assembly.

not register themselves with Election Commission of Pakistan (ECP)[12] and Zia-ul-Haq thus used this as an excuse to hold non-partisan elections not only at the local levels in 1979, 1983, and 1985 but also the general elections in 1985.

Furthermore, during the period from 1977 to 1984, Zia-ul-Haq delayed the general elections for the National Assembly and provincial assemblies. However, when an opposition alliance of 8 political parties was launched under the name Movement for Restoration of Democracy (MRD), Zia-ul-Haq announced general elections for February 1985. However, in a Machiavellian action, Zia-ul-Haq got himself elected as the President through a popular referendum in December 1984, so that when the National Assembly and provincial assemblies are elected in 1985, he remained President.

The MRD that was launched in summer of 1983 comprised oppositional parties opposing the military rule. The MRD was not an ideological bloc of likeminded political parties; instead it was the coming together of oppositional political parties against the military dictator. The MRD comprised of Pakistan Peoples Party (PPP); National Democratic Party (NDP); Pakistan Democratic Party (PDP); Pakistan National Party (PNP); Kisan Mazdoor Party (the Peasant Worker Party, i.e., PWP); Quomi Mahaz Azadi (National Front for Freedom); Jamiat-ulema-Islam (JUI) and Tehreek-e-Istiqlal. Of these political parties in MRD, the one religious party was the JUI. The other religious party the JI did not oppose Zia's dictatorship. The JI is an Islamist party that ideologically never had opposed Zia-ul-Haq's policy of Islamization. JI had welcomed Zia-ul-Haq's use of Islam as religious ideology to direct the state in making of laws to regulate society.

Hasan Askari Rizvi (2003) contends during Zia's military rule, other political parties and their leaders were being persecuted for opposing the military regime's policy of Islamization. The Islamization

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[12] The religious party the JI and other regional party the Pakistan Muslim League – Pagara had registered with the Election Commission of Pakistan (ECP). ECP is the authority that grant the right to political parties to contest elections. Without the sanction of the ECP no political party can initiate political mobilization and recruitment in society. While others, the religious party the Jamiat-ulema-Pakistan (JUP), the other center-left parties such as Pakistan Peoples Party (PPP), Tehreek-il-Istiqlal (TI), National Democratic Party (NDP), National Awami Party (NAP) and other smaller parties had not registered.

of the political community entailed that the state devise and implement the strict interpretation of the Islamic law or *sharia* in the country. The making of such laws meant that democratic principles of civil and political freedoms would be secondary to the Islamic interpretation of governing laws. The implementation of Islamic laws by the military dictator was seen as authoritarian and based on exclusively strict interpretation of Islamic laws (170-73). The one political party that had been supportive of military regime's Islamizaion was the JI. The JI in exchange of their support to the military general enjoyed freedom to engage in political activity (175).

Though the MRD had boycotted the nonpartisan elections of National and the four provincial assemblies, Zia-ul-Haq was able to neutralize the MRD by holding general elections. The neutralization of its opponents was effected by the military regime by imprisoning the leaders of opposition parties; by instructing the print media to not to report any adverse campaign against the nonpartisan election; and by declaring the expressed resentment of the media and political opponents against nonpartisan elections a punishable criminal offence (H. A. Rizvi 2003, 185).

Since some political parties were not recognized political entities by the military regime, this therefore provided opportunity for the President's supporters to gain access to the National and provincial assemblies. Much like the PNA of the 1970s against Bhutto, the MRD also lacked any specific ideological base. The absence of any persuasive ideology, the MRD was no more than a coming together of contenders for power. Some individual members from various political parties and belonging to this alliance defected from the MRD. Their defection from the alliance allowed these individual politicians to remain politically relevant in their constituencies; and to prevent any newcomers in their constituencies (H. A. Rizvi 2003, 185).

These defectors from the MRD were aware of the fact that their access to the legislative forum is possible only through their respective electoral relationship in the local constituencies. These contenders for political power believed that to effect their political influence on their electorate, they must remain actively engaged on the political landscape by contesting in electoral politics. Not only the individual

members of the MRD contested the nonpartisan elections; but there were other candidates who were

vehement supporters of the military dictator. These individual belonged to the political parties and were

supportive of the military regime such as the JI, and the one regional party from province of Sindh the

Pakistan Muslim League –Pagara[13]. The MRD thus collapsed in the wake of nonpartisan elections and its

lack of commitment to challenge the military dictatorship.

The nonpartisan elections of 1985 for National and provincial assemblies meant that in the

absence of the party platforms, candidates had to rely on either their charisma or their ability to be patrons

of gifts in kind, entertainment, public housing, and public sector employment. Politicians dealt with the

complexity of material resource flows not through the administrative infrastructure of the political party

but by having multilevel contacts that ranged from national politics down to the municipal level. Hasan

Askari Rizvi (2003) argues political aspirants contesting the nonpartisan elections "shied away from

major domestic and foreign policy issues and focused on local problems and issues similar to these raised

in the local bodies poll, i.e., construction of roads, streets and hospitals, improvement of sanitation

conditions, installations of street lights, supply of electricity and gas for domestic consumption, etc" and

furthermore due to the military dictator's preference for Islamization the "candidates often highlighted

their personal piety and devotion to Islam" (185).

The effect of these nonpartisan elections on Pakistan's politics was immense. Because of these

elections, the political elite who were elected to the national and provincial legislatures focused their

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[13] Pir Pagara was the religious leader from the province of Sindh. *Pir* literally means spiritual mentor or a teacher, and *Pagara* is the family name. Pir Pagara belonged to the landed elite family who owns large agricultural lands in the rural Sindh. He was the religious figure in the area because of his family lineage going back to a local religious and spiritual leader. Belonging to the landed elite and being a religious figurehead, Pagara commanded loyalty and submission to his authority from the people of his region. His followers who are known as *hur* are organized as a local militia providing security to Pagara's economic and social interests in the region. Because of Pagara's social and economic status, his political affinity to the ruling governments thereby means a loyal local support to the political regimes of the time. Traditionally the Pagara family have been supportive of the military rules. Though the elderly patriarch who was alive in times of Ayub Khan and Zia-ul-Haq's military dictatorships have passed away, the family's political relevance in Pakistan's politics still has not withered.

For a discussion on the religious and spiritual leadership in Pakistan's politics please also refer to:
   Adrian C. Mayer, "'Pīr' and 'Murshid': An Aspect of Religious Leadership in West Pakistan," *Middle Eastern Studies* 3, no. 2 (January 1967): 160-169.

attention onto politically capturing their electoral constituencies. Those elected were not engaged in the making of the laws and rules with which to regulate the society and to effect any substantive political change to the military regime (Ziring 1988).

President General Zia-ul-Haq was thus able to hold general elections on non-party basis in 1985 and got his supported politician, Muhammad Khan Junejo to be elected Prime Minister. Junejo, though handpicked by Zia-ul-Haq, did not remain a regime loyalist for long, as he started to intervene in the public policy matters, much to Zia-ul-Haq's chagrin. One of his early steps was to get political parties legalized in February 1986. The policy confrontations between the President and Prime Minister ranged from issues of reducing defense expenditures, construction of new military bases and lastly, Junejo's attempt in extracting a consensual non-partisan stand on Pakistan's policy on Afghanistan[14] were seen by the military ruler as an encroachment on his executive authority (Rais 1997, 256-58; H. A. Rizvi 2003, 201; Aqil Shah 2014a, 159). As a result, Zia-ul-Haq deposed the government of Junejo in May 1988 and announced new general elections for November 1988. Had Zia-ul-Haq not died in a plane crash in August 1988, he might have again held elections on non-party basis to neutralize the political parties' mobilization of public support against his military rule.

Decade of the 90s and the Third Military Coup of October 1999

The brief political interlude provided by Junejo's government did open up the arena of contestation for political parties to get themselves organized and mobilize public support. The Pakistan Peoples Party (PPP) under the leadership of Bhutto's daughter and political heir Benzair Bhutto won

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[14] The Soviet operation in Afghanistan concluded in 1989 – before Soviets withdrawal of its forces, an international settlement was brokered in Geneva under the auspices of United Nation in which Pakistan, Afghanistan, Soviets and USA participated. Zia-ul-Haq's policy of supporting Afghanistan's resistance against Soviet invasion was in fact the result of US's show of aggression against Soviets. In year 1979 Soviets had moved their forces in Afghanistan, though the build up to Soviet's direct engagement had already been fomented in the early 1970s with the communist upheavals in Afghanistan and the USSR's covert support to communist sympathizers. For details please refer to:
   Olivier Roy, *Islam and Resistance in Afghanistan* (Cambridge University Press, 1986).
   Barnett R. Rubin, and Abubakar Siddique, *Resolving the Pakistan-Afghanistan Stalemate.* Special Report 176, Afghanistan's Working Group (United States Institute of Peace, 2006).
   Kenneth Katzman, *Afghanistan: Post-Taliban Governance, Security, and U.S. Policy.* RL30588, Congressional Research Service (CRS Report for Congress, 2010).

electoral victory in 1988. The other political party that stood against her were the alliance of religious

parties and the Muslim League – called the Islami Jamhoori Iteehad (Islamic Democratic Front). The

alliance's candidate Mian Muhammad Nawaz Sharif and Benazir Bhutto would alternately prevail over

Pakistan's political landscape for the period of the 90s.

Nawaz Sharif was a political aspirant who had been beneficiary of General Zia's military

dictatorship. Sharif was handpicked by the intelligence agency under General Zia's rule,[15] held public

offices under the watchful eyes of the military government and was groomed to lead the political alliance

against the Benazir Bhutto.

The decade of the 90s was marked by the dictatorial legacy of Zia-ul-Haq, and his authoritarian

innovation into the 1973 Constitution that had rendered the Parliamentary Constitution a mockery of

parliamentary institutions. Confrontation over the control of executive between the elected institution of

legislature and the military in time of direct military rule and civilian government remained pervasive in

Pakistan's politics. The confrontation was accentuated with Zia-ul-Haq's enduring legacy in the edifice of

the 8th Amendment that granted the President the extra-constitutional powers to dissolve the elected

legislatures without letting the elected parliament to complete its 5-year term. Both Sharif and Bhutto

would become casualties of this dictatorial action.

During Bhutto and Sharif's control over the power of the state, each of them however did collude

with the institution of military to the disadvantage of the other. However, each of these political leaders

did not initiate democratic principles within their party ranks; the political process in Pakistan remained

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[15] The rise of Sharif in Pakistan's politics is a case paradigmatic of military dictatorship's engagement in politics. The political aspirants such as Sharif, was dependent on his benefactor (i.e., the military) for electoral success and securing of political positions. Christophe Jaffrelot argues, "[General] Jillani [head of Pakistan intelligence agency the Inter Services Intelligence (ISS)] appointed [Nawaz] Sharif finance minister of Punjab … [Gillani] continued to chaperon him, then appointed him chief minister of the province, while Zia relied on him [Sharif] to help develop the Muslim League in Punjab" (Jaffrelot 2015, 241).

personality driven. These political leaders remained embroiled in a severe political clash with each other, and did not engage in making any substantive changes to the political culture of the country.

The democracy experienced by the citizens of Pakistan lacked political debate within the institutions of state and with the civil society on the policy issues such as revival of democratic system in the country that ensured civil and political freedoms and economic uplift of the citizens. During the 90s the two major political parties, the PPP and PML-N were embroiled in a vendetta against each other. This continual confrontation had a dismal effect on peoples' expectation with the democratic politics. The political process in Pakistan during the pseudo-democratic transitional period of the 90s is marked by interparty rivalry and confrontation between civil and military balance on the making of state policies.

On the issue of civil-military balance in the 90s – the situation reached to a climax with the 1999 Kargil Operation on the Kashmir border with India. The Kargil is the border location between India and Pakistan and is situated in the territory of disputed Kashmir region. Kargil became part of the Indian occupied Kashmir and since the 90s there is an active freedom movement in Indian-occupied Kashmir. The governments in Pakistan (both military and elected) have always shown their support to the ensuing freedom movement in Indian occupied Kashmir. Both Pakistan and India have also fought wars over the disputed territory of Kashmir, there is a third of geographic area that is under the control of Pakistan and whilst the two-thirds of the territory of Kashmir is occupied by India.

In the summer of 1999 there was a resurgence of freedom movement in Kashmir which was fueled by the material support provided by the state of Pakistan to the local Kashmiri insurgents in area of Kargil. The Pakistan military and its intelligence agencies had initiated insurgency against the Indian military. The Kargil campaign was planned and devised by the military intelligentsia and the elected government of Nawaz Sharif (who was the Prime Minister at the time) was informed of such an operation.

Nawaz Sharif however later claimed that he was unaware of the military's support for the insurgency in the Indian Kashmir and General Musharraf, then the Chief of Armed Services (COAS),

contended the operation was with the mutual understanding of the civil and military elite.[16] With the

failed Kargil operation that brought international disrespect to Pakistan's position on Kashmir dispute, the

tensions between the military generals and civilian leadership furthered the gap between the two

institutions of the state. The elected leadership in an attempt to rein over the military institution sacked

General Musharraf from his position of COAS. The move was seen by the military leadership as betrayal

of the country's supreme defense institution; the military therefore reacted against such a civilian

executive decree.

The confrontation between the elected government and military general culminated into the

military coup of October 12, 1999. The military seized the control of the state apparatus in a bloodless

coup and the entire government machinery was put under martial law. General Musharraf, supported by

the other senior-ranking generals in the armed forces, took control over the state's governing apparatus.

General Musharraf chose to be addressed as the Chief Executive and not the Chief Martial

Administrator as had his two predecessors. And unlike his predecessors' policy of banning political

parties only to allow them to partake in political process later, General Musharraf announced the stricter

measures against the leaders of the political parties the PPP and PML-N who he believed were the culprits

who had unleashed the scourge of corruption in the country. The deposed Nawaz Sharif was put under

arrest on charges of corruption and his adversary Benazir Bhutto chose to live in self-imposed exile in

fear that if she returned, she would also have faced the similar treatment at the hands of the military junta.

In an attempt to gain legitimacy for his military rule, General Musharraf's policies towards civil

society actors were more permissive than the previous elected and military leaders (see discussion under

Actor 2: Print Media and Actor 3: NGOs). In terms of the control over the political society, General

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[16] General Musharraf claims that Sharif knew of the Kargil Operation, Musharraf claims in his autobiography that army had briefed Sharif twice to explain its soon to be initiated actions in the area of Kargil in the region of Indian Occupied Kashmir (Musharraf 2006, 95-96). Sharif on the other hand denies that any briefing on Kargil operation was ever given to him by the military. See "Army Rejects Sharif's Claim," BBC, June 13, 2000, http://news.bbc.co.uk/2/hi/south_asia/787795.stm.

Musharraf's regime benefitted from the divisions within the political society. To gain control of the political society, General Musharraf's regime devised a plan for devolution of power to grassroots.[17] Though the stated objective of this plan was to devolve decision-making power to local levels, it was an attempt by the military government to gain outreach in the society. The plan for devolution was introduced to the people as the project of true democracy in which the state created an enabling environment for local citizenry to be involved in matters of local governance.

But I strongly believe, and this view shared by others also, that the motives of General Musharraf's regime were to create a group of local constituents' representatives who would provide a support base for his military rule and the continuity of his regime. In the course of research for dissertation, the civil society actors interviewed and the documentary material reviewed confirmed that military regime devised devolution plan was to create a pliant supportive political base that abide by the executive decree imposed by the military dictatorship. After all, the timing of the Local Government Plan 2001 (LGP) and General Musharraf's proclaimed presidential referendum of April 2002 suggests that military dictatorship had purposively planned for LGP in order to gain popular support for General Musharraf.

LGP was announced in March 2000 by General Musharraf and work on its implementation strategy was undertaken by the military's constituted think-tank the National Reconstruction Bureau (NRB). According to the strategy devised by the NRB, it was proposed that a series of local elections to be held in the 92 districts countrywide so as to elect district mayors or *Nazims*. After having the local leadership is elected, the local councils shall be operationalized within a year's time i.e., by March 2001. By the March 2002 the LGP was in effect across the country with district mayors elected and the local councils established, hence the military regime achieved its one of the objectives.

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[17] The Local Government Plan 2001, will be discussed in the next chapter; in the next chapter I look this military devised strategy of generating legitimacy for their military rule.

During the process of making of LGP, General Musharraf's regime had initiated a series of policy engagement exchanges with the political and civil society. The political parties PPP and PML-N that had been marginalized because of their leaders' arrests, showed no interest in exchange of ideas on the making of the plan, whereas the other politicians who had been marginalized under the civilian rule of Bhutto and Sharif were clamoring for an active role in the military setup of the General Musharraf. It was during this time the period from December 2000 to April 2002 that a new political party, a variant of Pakistan Muslim League[18] was formed under the auspices of military regime.[19] This new variant of PML (Q) was in fact a party that brought to the fore another of familial lineage in Pakistan's politics, the Chaudhrys of Gujarat.[20] The patriarch Chaudhry Shujaat Hussain and his cousin Chaudhry Pervez Elahi led the formation of the political party and their support to General Musharraf.

The established local governments then proved their utility for the military dictator when presidential referendum was announced. The motive of the referendum was to get General Musharraf elected to the office of President for a limit of five years. The local governments that had been established across the country were the instrumental factor in securing popular support base for General Musharraf military rule. General Musharraf's military rule was cemented when he was elected president in country-wide presidential referendum in April 2002 – just a month after the country-wide establishment of local governments.

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[18] Having a letter 'Q' in the end to denote its affinity to the founder of the country Quaid-e-Azam Muhammad Ali Jinnah. Jinnah in Pakistan is commonly referred to as *Quaid-i-Azam* literal meaning the great leader – the Urdu word *Quaid* means *Leader*.

[19] In his memoir, "In the Line of Fire: A Memoir" General Musharraf in telling narrative admits that political party was required by his regime so as to further his 'agenda' of reviving the country: "I needed a national political party to support my agenda. I had the option of forming a new party, but I decided … to revive the Pakistan Muslim League. The party of Quaid-e-Azam Muhammad Ali Jinnah that led us to freedom to our own country" (Musharraf 2006, 166).

[20] Gujarat is a rural district in Punjab province.

Political Parties in Pakistan: Dynastic, Opportunist, and Unapologetic

The conduct of Pakistani political parties denotes that contestation in electoral politics is their only experience of democratic politics. For contenders of political power (military and civilian leaders) electoral politics determines their political relevance in the society. Democratic politics is defined by the success or failure in elections – in case of the success wider recognition, while failing in elections portends end of political career. However, success in elections the democratic experience does not mean crafting, designing political institutions; it merely means control of political power and recognition in society.

The political elite therefore have not worked to strengthen their political experience by forging ideological connection with their constituents. I believe the ruling elite does not regard maintaining, securing and investing in the communicative political connection with their electorates as a worthwhile political act. This act of being engaged and invested in the political communicative connection demands that political elite engage in decision-making and deliberation over the rule-making for the service of their constituents. Such political service demands from the ruling elite a certain discipline to the institutional rules.

The foremost of these rules is the supremacy of the institutions of state, such as the Constitution, legislature, judiciary and other administrative apparatuses of the state. The ruling elite, including the military generals and the political parties' leadership have looked to the electoral arena as one of the only conditions qualifying the system as a democracy. The ruling elite have not considered the fact that democracy is more than just a system of electing leaders; democracy also puts demand on the elected, civil bureaucracy, and military to respect the other institutions of the state so as to strengthen rule of law. In Pakistan the ruling elite have minimal institutional regard for all institutions of the state the respect for institutions is rather seen as only secondary.

To put it differently, democracy in Pakistan is denoted by electoral competition, and electoral competition is seen as means towards the end of political power. Aslam (2017) contends, military and the

political elite collaborate; while Abbas (2005) argues that with time the "army rule mutates into a hybrid democracy, with a few turncoats and some new political faces becoming willing tools of the new setup" (183). The political events in the country showcase how over the years the political parties have only been active in moments of electioneering. Their presence in policy making, rule devising, institutional designing deliberation and communicative exchange is missing from the institutional landscape.

Granted, the presence of an active engagement of the political (elected) elite in making of laws had been severely restricted because of the overbearing control of the military. But even in those moments of restrictive controlling regimes, certain political actors did play their role, minimal though it might be.[21] These acts, I believe are reflective of resilience of the political society. When they were united for the cause of rule of law, the political elite in government and those who were in the opposition have brought about a democratic moment. However, in Pakistan the democratic moment(s) have been too few and momentary. One of the causes for lack of political elites' commitment to democratic politics is the absence of organizational platforms of political parties that brings together the political aspirants for ideological commitments. Furthermore, the political parties lack ideological commitment to stand against and oppose unelected institutions such as military, bureaucracy to encroach upon the political landscape.

The major political parties as identified in Appendix B have all had a role in military governments and elected governments. These political parties have for reasons of safeguarding their political role have increasingly relied on military-bureaucracy establishment for continual relevance on political landscape. It seems to me that political parties lack ideological commitment to democratic politics. Moreover, for reasons of political expediency, the political parties engage in center to right politics and favor religious undertones.

For example, the short-lived elected government of Junejo from 1985 to 1988 aimed to establish itself as a popular government. But the elected government under Junejo was not the result of partisan

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[21] Please refer to the discussion on Junejo's policy confrontation with Zia-ul-Haq.

engagement in electoral politics. It was only the aftermath of non-partisan elections in 1985 under the military rule of General Zia-ul-Haq that within the legislature the military dictator granted political elite to identify themselves with political parties. This was aimed to identify the political elite and their partisan engagement with the military dictator. Prime Minister Junejo who was favored by the military dictator formed the elected government with the likeminded political elite.

However, in an attempt to craft legislative and executive position independent of the military dictator, Junejo lacked the ideological opposition to military rule. The political elite who had come to extend their partisan loyalty to Junejo soon ascertained that their new position of challenging military dictator threatened their political future. Hence, any ideological position for bringing democratic rule in country was given up to secure political office under the military's rule. This trend of safeguarding the personal electoral positions in order to secure political offices have been paradigmatic of all individual political aspirants and the political parties in Pakistan.

In his discussion on the ineffectiveness of the political parties to sustain the democratic principles, Jaffrelot (2015) contends, there are two practices of "party nomadism and dynastic patrimonialism" in Pakistan's political parties (271) that motivate the political elite to engage in "unparalleled opportunism" so as to extract rents from the state when the opportunity becomes available. "Party nomadism" suggests the politicians' fluidity in terms of party affiliation – changing the party as and when a different party offers the best deal in extraction of rents. This practice also coincides with military takeovers, which often try to weaken the major political parties. Many politicians switched parties when the military dictator, General Musharraf, created the Pakistan Muslim League—Quaid, often called 'the king's party', before the 2002 election, after disqualifying the leaders of both the PPP and PML-N from running for election.

The second practice that Jaffrelot (2015) calls "dynastic patrimonialism" is the most crucial of the ills of party politics specific to the case of Pakistan. It refers to the familial lineages that define the politician's qualification and her ability to navigate through the political landscape. Furthermore, it also

suggests a kind social and economic prowess essential to electoral success. Thus, candidates are powerful in and of themselves, beyond their parties. According to a report in the local newspaper *Dawn*, the percentage of the National Assembly and members of Provincial Assemblies belonging to political families had increased from 37 percent in 1970 to 50 per cent in 1993, before falling to 44 percent in 2008.[22] Familial lineage solidifies a politician's connection to the constituency and in mobilizing masses (Rumi 2011).

These families have a strong social and economic presence in the local constituencies, and by virtue of their strong presence in their respective geographic areas they engage in electoral politics so as to maintain and strengthen their political authority over the region. In Pakistan, the patronage offered by the political families takes the form of direct face-to-face interactions and strengthened through the proverbial traditional bonds between them and their constituents (Shafqat 1990, 42-44).

The dynastic political engagement of the families is derived from their entrenchment in the local constituencies' social, and economic fabric. The dynastic families engage in electoral politics so as to enhance their presence in the society. Traditionally in Pakistan the dynastic families belonged to the rural landowner and the tribal kinships. This has largely remained unchanged, though with time the dynastic arrangement has expanded and now includes families from urban, religious and military backgrounds (Rumi 2011). But no matter the origins of dynastic families, the objective of their engagement in politics is to entrench themselves in the political landscape. These dynastic families by virtue of their social, economic and thus the political status award the material benefits in their constituencies.

Candidates from the dynastic families therefore rely on their family's social status as their ability to be patrons of gifts in kind such as public housing, health, education, security from lawlessness and public sector employment to their electorates. The voters therefore in order to fulfill their material needs succumb to the might of strong political families and vote for the traditionally strong social and

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[22] For details please see, Alizeh Kohari, "Political Dynasties in Pakistan." *Dawn.com,* May 9, 2013. https://www.dawn.com/news/1026679/herald-exclusive-political-dynasties-in-pakistan (accessed July 30, 2017).

economically families to political offices. For the voters, there are not more than piecemeal material gains; the political families, on the other hand, secure their electoral strongholds, preventing any new entrants to political landscape by remaining active in the local politics of their constituencies.

As a result, the pattern of political competition that has evolved among the political parties is to be dependent on dynastic families to capture the hearts and minds of the voters.[23] As argued by Jaffrelot (2015) "patrimonial practices [born out of familial lineage belonging to a political dynasty] explain the dynastic inclinations of all families at the head not only of constituencies, but also of political organizations" (274). Political parties also rely on the strong family lineages to yield them the desired electoral results so as to form and secure government. The political families therefore become heavily invested in stimulating the mobilization of constituencies by offering direct material incentives. Political competition thus grants the members of political families a formidable role in the making and exploitation of their individual access to the political offices.

Actor 2: Print Media

Pakistan has a record of vibrant, private, and independent print media despite the overt control of the government for most of its history. A noted journalist, Zamir Niazi[24] is known for his detailed account of the state's repressive controls on the media. Niazi (2006, 2010) highlights that there were thirty-two English dailies and an equal number of weeklies being produced in 1937; within the next ten years, the

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[23] The famous Bhutto family from the rural district of Sindh is one such example of the political family engaged in politics. The family is also heading the Pakistan Peoples Party (PPP). Their rival political family the Sharif of Punjab is another example of political family heading the Pakistan Muslim League – Nawaz. There are other examples of political families from across Pakistan, the Wali of KPK who are heading the Awami National Party (ANP). There are other political families who do not head any particular political party but they are long associated with these other major political parties. The examples are Jatoi, Khuro, Merani from Sindh. The Qureshi, Gillani, Leghari from Southern Punjab. The Durrani, Khattak from the province of KPK.
   Please also refer to Ali Cheema, Hassan Javid, and Muhammad Farooq Naseer, *Dynastic Politics in Punjab: Facts, Myths and Their Implications,* Working Paper No.01-13 (Institution of Development and Economic Alternatives (IDEAS) 2013).

[24] Zamir Niazi's books *Press in Chains* and *The Press Under Siege* present a detailed review of censorship policies under colonial and post-colonial period in the newly independent Pakistan. The books also discuss in detail how the print media coped with these restrictions and found ways to register their grievances. In this chapter, under the section "Actor 2: Print Media" I present the overview of the print media in Pakistan, relying on the works of Zamir Niazi, Shuja Nawaz, Christophe Jaffrelot and others.

number of publications increased to 51 dailies and 258 weeklies. This gigantic increase in print media is reflective of the fact that these publications played a pivotal role in raising awareness among the Indian population and in mobilizing Hindus and Muslims towards the goal of independence. Niazi contends that in the years immediately before Partition in 1947, newspapers from all corners of India were in print and available. Notable among them were the Urdu daily Nawa-i-Waqat[25] published from Lahore; English daily Dawn and Urdu daily Manshoor[26] published from Delhi; English daily Morning News published from Calcutta; and English dailies Eastern Times and Pakistan Times published from Lahore. These newspapers, Niazi argues, played crucial part in mobilizing support for Pakistani independence.

However, in the post-colonial period from 1947 to the 1958 (the time of the first military coup), Pakistan's political elite showed discontent towards the independent print media. The reasons for political elite's discontentment echoed the similar control measures imposed under the colonial period during the British Raj. Like their colonial predecessors, the newly independent state believed an unregulated media fuels publics' discontent towards state. The state, they believed, must therefore control the media, generating such state narratives and public discourse that helps it to capture the society.

Contrary to the popular belief that it was only the military dictatorship(s) that suppressed the freedom and independence of press, Pakistan civilian governments have shown themselves to be equally repressive, even draconian. The first repressive measure against the free print media was launched in October 1948 under the Public Safety Ordinance. With the promulgation of this Ordinance, civil liberties, including the freedom of speech and expression were curtailed. The Ordinance empowered the government with the discretionary powers to stop publications of any newspaper without the requirement to provide any reason.

This Ordinance opened a new chapter on the curtailment of civil liberties in the newly independent state of Pakistan. Another repressive law, the Security of Pakistan Act, introduced in 1952,

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[25] Title of newspaper translated in English: *Voice of the Time* (translation is mine).

[26] Title of newspaper translated in English: *Manifesto* (translation is mine).

allowed the federal and provincial governments to close down any publication and arrest the publisher, editor or writer if the government believed that a new story or editorial was likely to endanger the defense, external affairs, or security of Pakistan.

General Ayub Khan (1958-1969)

Military rulers' close attention to news media, and to the power of propaganda in general, became immediately clear when their first representative took control of the country. One of the first measures taken by General Ayub Khan, after the declaration of martial law in 1958, was the establishment of the Bureau of National Research and Reconstruction (BNR&R), which later became the Ministry of Information and Broadcasting. Following an approach to the media that still seems to exist, the BNR&R embarked on a campaign of hiring journalists who were well known and willing to lend their names to commentaries that were published in national newspapers in support of government policies (Nawaz 2008, 173; Niazi 2006, 111).

The military government of General Ayub Khan took control over the Progressive Papers Limited (PPL) newspaper group in April 1959. It was a massive setback to press freedom and Pakistan's civil society as the people were deprived of accessing the critical and oppositional discourses contesting the military rule. Strict control over allocation of officially imported newsprint and government advertising helped maintain official dominance. Following its assuming control of PPL, the military regime also took over the Associated Press of Pakistan (APP), thus making newspapers that did not have a large group of correspondents, dependent on an official source of information (Jaffrelot 2015, 414; Nawaz 1983, 938).

In 1960, the government introduced another repressive law: *Maintenance of Public Order Ordinance*. This law restrains Pakistan's media even today. As and when required, this law allows the government to prohibit the publication of material, impose pre-censorship, close down publications for an unspecified time, prohibit the entry of a publication into any province, require disclosure of sources and make arrests.

Furthermore, in year 1963, the military regime introduced the *Press & Publications Ordinance*. This law was seen as more authoritarian than the press laws under colonial rule. Hundreds of dailies and publishing houses were closed down and scores of journalists were jailed. Shuja Nawaz (2008) contends the law has been invoked periodically by both military and civilian regimes which enables the authorities to exert control over the news media, holding not only editors and publishers, but also printers and distributors liable for punishment if they printed anything counter to the government's views (Nawaz 2008, 174).

General Ayub Khan's regime also introduced another authoritarian practice, the so-called press advice. A newspaper house receives a telephone call from government's Press Information Department (PID) which gives advice to the newspaper which news or paragraph should be highlighted, played down or totally suppressed (H. A. Rizvi 2003, 86-96, 114).

Prime Minister Zulfiqar Ali Bhutto (1972-1977)

When it comes to the coercive measures to control media, the elected government of Z.A. Bhutto was no better than the military dictator. Bhutto's government acquired full control over the press in 1972 when it issued directives to all government, semi-government, and autonomous, semi-autonomous institutions to release program and policy advertisements[27] through the PID. Even to this date, the PID has sole authority to determine which newspaper will, or will not get, a quota of advertisement. Through this measure the government of Bhutto managed print media groups by regulating their monetary earnings with the government.

During the 1977 election campaigning, Bhutto's government controlled the print media and oppositional voices were never given space not because print media did not have access to the dissenting voices, but because print media was constrained in how it covered the opposition's proceedings. Ziring

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[27] The policy and program advertisements include government's devised projects of public safety, health, education, etc. Such advertisements of government's initiated projects inform the general public of development initiatives undertaken by the government all across Pakistan.

(1977) noted "up until the very last week of campaign the government controlled newspapers avoided giving equal coverage to the opposition and while Prime Minister Bhutto's pictures were published daily, the [Pakistan National Alliance (PNA)][28] Alliance leaders were nowhere to be seen" (589). Niazi (2006, 2010) notes several newspapers and journalists were intimidated during Bhutto's rule and several publications were closed down for not supporting the regime in its measures to control over the dissenting, oppositional voices in the democratic political landscape (Niazi 2010, 157).

General Zia-ul-Haq (1977-1988)

General Zia-ul-Haq seized power in July 1977 in a bloodless coup. His rule from 1977-1988 saw substantive backsliding in terms of civic and political freedoms in the country. Through the measures of *Press and Publication Ordinance* first invoked under General Ayub Khan – General Zia-ul-Haq went far ahead in administrating the repressive measures. Under his regime, the press was directly censored, and also expected to exercise self-censorship on its news coverage, editorial and analysis. In the early 1980s newspapers were required to deliver drafts of each edition before printing to the censor office for clearance (H. A. Rizvi 2003, 179-180; Niazi 2010). Talbot (2002) contends, in addition to restrictions on the freedom of expression, Zia-ul-Haq's regime also imposed severe punishments on those who did not abide by those restrictions, the military regime would publicly flog the dissidents including journalists and political workers (Talbot 2002, 316; Aziz 2015).

In a brazen show of his absolute dictatorial power, General Zia-ul-Haq declared in a speech: "I could close down all the newspapers, say, for a period of five years, and nobody would be in a position to raise any voice against it."[29]

Newspaper newsrooms, editors, and journalists were directly monitored by the state, ensuring that all published material met the state requirements for supporting General Zia-ul-Haq and his regime. Besides censorship of media, his regime also imposed a complete ban on coverage of political parties,

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[28] For Pakistan National Alliance (PNA) please read under Actors 1: Political Parties in Pakistan.

[29] "Government Can't Be Pressurised. Zia for Understanding with Politicians." *Dawn,* March 22, 1982.

activities for the restoration of democracy, or protests against the martial law regime. For example, in the same speech cited above, General Zia-ul-Haq warned against contentious politics on the part of all the political parties and any other dissenting groups in the civil society. He advised them that "by coming out on the roads for this purpose [of creating pressure on regime to lift ban on political activism so as to] create problems for me they will also create problems for themselves."[30]

The Period of the 1990s: Benazir Bhutto and Nawaz Sharif

Although the restrictions were most severe during dictatorial regimes, the democratic governments including Zulfiqar Ali Bhutto's and the successive elected governments (Benazir Bhutto and Nawaz Sharif) also were not less vindictive than under the military rule. The elected governments as is shown in this section did not allow the press to grow. The Press and Publications Ordinance was kept in place and the harassment of journalists continued.

Under Benazir Bhutto's (daughter of Zulfiqar Ali Bhutto) government, though democratic euphoria had swept through the civil society, the wave did not break with the authoritarian legacies of the past. During the democratically elected governments of Benazir Bhutto (1988-1990;1993-1996) and Nawaz Sharif (1990-1992; 1997-1999), thirty-six journalists lost their lives while scores of others were assaulted. The Human Rights Commission of Pakistan (HRCP) in their 1999 report discuss at length the numerous examples of intimidation of the media by state agencies, religious groups and drug mafia.

The government of Nawaz Sharif (1997-1999) introduced several new measures to subject the print media to state control by issuing a directive to the newspapers to be less critical of his government.[31] The newspapers that defied his directives were then accused by his government of tax evasion. His

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[30] Ibid.

[31] Nawaz Sharif is considered a protégé of General Zia-ul-Haq. Sharif's emergence and continued presence on political landscape is due to the various political offices he had held because of being closest to military leadership. Though Sharif's tryst with the military elite concluded when he was elected Prime Minister in 1997. However, his political rise to power is attributed to his close alliance with the military establishment. Sharif had first served as Finance Minister in Punjab Provincial Government, then a Chief Minister of Punjab province during General Zia-ul-Haq's martial law. After General Zia's death in 1988, Sharif led the alliance against Benazir Bhutto's PPP.

government arrested one newspaper owner for drug trafficking and kidnapped another for courting Indian interests. Mr. Rahmat Shah Afridi, the editor-in-chief of the English daily *The Frontier Post*, published several stories that exposed massive corruption in the Nawaz Sharif's government. Afridi was arrested on charges of drug smuggling. Another editor of an English weekly *The Friday Times*, Mr. Najam Sethi who had criticized the policies of the Sharif government at a forum held in India, and had given interview to a BBC documentary on corruption in Nawaz Sharif's government was arrested on charges of treason. Police raided his house late at night and forcibly took him to prison (HRCP 1999, 135-36 ; Jaffrelot 2015, 417-18).

Sharif's government also launched an attack on the freedom of press by targeting one of the largest print media houses in the country, *Daily Jung*. Sharif's government issued a directive to the *Jung* group to sack sixteen journalists from the newspaper because they had been critical of Sharif's government; the government also issued an order to the newspaper not to print anything against the 15th Amendment to Constitution.[32] The 15th Amendment also known as 'Shariat Bill'[33] promulgated under Nawaz Sharif's government vested extraordinary powers to the elected Prime Minister thus centralizing powers in the executive, thereby increasing the power of federal government at the expense of the federating units. The Nawaz Sharif's government conveniently used Islam as an ideological base for the 'Shariat Bill'. Anyone opposing this undemocratic amendment was threatened with dire consequences by the Prime Minister himself (O. A. Khan 2001, 280-81; Ziauddin 2013).

The Jung group refused to give in to the directives of Sharif's government. For this act of defiance the group was punished for its boldness by the tax administration; however, journalists responded by staging a nine-day countrywide hunger strike. Several political parties and civic groups joined the struggle to protect freedom of expression. One of the civil society actors, the NGOs,

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[32] The 15th Amendment to the Constitution gave extraordinary powers to the Prime Minister in silencing the oppositional voices in the National Assembly. With the effect of this Amendment, Sharif could bar parliamentarians from expressing disagreements with their leader (HRCP 1999, 134).

[33] "Shariat" is an Arabic word. This literally means actions as prescribed according to Islamic law.

vehemently supported and participated in the struggle of the press because of their own grievances against the government. The Sharif government was in the process of revising the *Societies Registration Act of 1860* – which could give powers to the government to effect state's directive onto the work of NGOs by controlling their financial independence. This act of the Sharif government was seen by the NGOs as an attack on their independence (HRCP 1999, 148). Thus with the participation of the disparate and diverse voices, *The Jung* group was able to overcome the Sharif's government's onslaught on its operations and newspaper business. The government was then forced to withdraw its legal cases against the organization (HRCP 1999, 134-43).

General Pervez Musharraf (1999-2008)

General Pervez Musharraf came onto the political landscape with a military coup initiated by his acolytes in the military. His dictatorial rule had many trappings of democracy; the liberalization policies introduced under his regime were a break from the legacies of the past. The policies of a relatively free press laid the basis for wide-ranging debate in public sphere, the devolution of electoral power at grassroots and an active judiciary. Like dictators in the past, General Pervez Musharraf vowed that returning to "real" democracy rather than "sham" democracy was the objective of his rule.[34]

In the course of my data gathering and interviews with the civil society actors, I have been reminded constantly by the *hardliners* (those who oppose military government's policies) and *soft-liners* (those who support the military government's policies) that the liberalization policies of General Pervez Musharraf distinguish his military dictatorship from all the previous regimes, both civilian and military. I. A. Rehman, one of the most senior and oldest journalist in the print media, known for his independent journalism and a hardliner, contends, the "liberalization policies of General Pervez Musharraf were

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[34] Consider his national address of October 17, 1999, where he said: "Quite clearly what Pakistan has experienced in recent years has been merely a label of democracy, not the essence of it ... I shall not allow the people to be taken back to the era of sham democracy but to a true one." Text of the speech is available at: http://www.pakistani.org/pakistan/constitution/post_12oct99/musharraf_address_17oct1999.html

designed to legitimize the military rule, however opened space in the public arena to be mobilized."[35] It was under his military government that the print and electronic media established itself as a forceful independent actor in the public sphere (Khan and Joseph 2008; Mezzera and Sial 2010).[36] The media developed and flourished during Musharraf's regime. Salman Abid, a civil society activist and a respected journalist, while recounting the history of freedom of press in Pakistan, stated: "no one can deny the attitude of the Musharraf government towards the print media which was permissive in comparison to previous civilian and military governments".[37]

The *one* characteristic liberalization policy of General Pervez Musharraf's regime was opening up the space for print and electronic media. Many commentators however believe that although broadcast media gained independence during the Musharraf regime, the motivation of this development was not to promote democratic values; rather, it was much more strategic (Siddiqa 2009). Khan and Joseph (2008) and Mezzera and Sial (2010) argue media liberalization can be attributed to the 1999 Kargil War between India and Pakistan.

According to the non-profit organization *Intermedia* in its Annual Report for year 2005-2006, millions of Pakistanis tuned in to Indian satellite television for live coverage of the war because "in the absence of private [Pakistani] broadcast media and with state-owned TV and radio telling them virtually nothing of Pakistan's military setbacks [in Kargil]" (Intermedia 2007).Hence, less than a year after the Kargil conflict, and few months after General Pervez Musharraf's military coup, the Minister for Information Javed Jabbar explained Pakistan's intentions in liberalizing the electronic-media sector as an attempt "to develop an indigenous capacity to counter increasing Indian propaganda (Intermedia 2007)."

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[35] Interview with Mr. I. A. Rehman, Director, Human Rights Commission of Pakistan (HRCP) August 2, 2017, at HRCP Secretariat Lahore, Pakistan.

[36] See Ayaz Amir's weekly column: "Creative Anarchy Pakistani Style," *Dawn News,* August 9, 2002. Can also be accessed at https://asianstudies.github.io/area-studies/SouthAsia/SAserials/Dawn/2002/aug102002.html#crea

[37] Interview with Mr. Salman Abid, Regional Director, Strengthening Participatory Organizations (SPO) – Mr. Abid is a respected journalist, and is a regular contributor to the local newspapers, and reporter to international news agency such as Voice of America (VoA); British Broadcasting Corporation (BBC) and others. Interview at SPO Regional Office in Lahore, August 4, 2017.

Therefore, within two years, Musharraf's military government had opened the electronic

broadcasting arena to privately owned media houses. Independent electronic media stations were issued

licenses of operation in January 2002 only after setting up a regulatory body, the Pakistan Electronic

Media Regulatory Authority (PEMRA). PEMRA was headed by a 12-member committee, which was

dominated by bureaucrats of the General Pervez Musharraf's regime. Under PEMRA regulations, the new

channels were expected to conform to a code of conduct "to ensure decency and responsibility", and their

broadcasts were "to be strictly and regularly monitored". The Code of Conduct expressly prohibited any

"aspersions against the ... integrity of Armed Forces of Pakistan" (Siddiqa 2007, 98; Khan and Joseph

2008, 35; Mezzera and Sial 2010, 26-27).

General Pervez Musharraf strongly believed that his regime's liberalization policy of providing

the public space to the media broadcasters reflects on his democratic credentials and his commitment to

democracy. In one of the speeches delivered at Council on Foreign Relations (CFR) in September 2006

he stated proudly "Civil discourse has taken a quantum leap through open discussion on the air waves on

issues related to state and society". [38] There was such a large impact of the opening up of government

media that, within one year, in the words of weekly columnist Ayaz Amir "[T]he live political discussion

on TV is something [which] no government, military or political, ever risked ... has become a regular

feature these days, which means another taboo has been broken" and that "the openness of the press and

even the gradual opening of...the state television, is taken for granted nowadays. This too in a military

government. But only a few years ago this would have been unthinkable."[39]

Because of General Pervez Musharraf's liberalization policy towards print and electronic media,

there are now more than 40 TV channels (54 satellite-TV licenses issued); 50 FM radio stations (102

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[38] Council on Foreign Relations, *A Conversation with Pervez Musharraf,* September 26, 2006.
http://www.cfr.org/publication/11540/conversation_with_pervez_musharraf_rush_transcript_federal_news_service.
html (accessed November 21, 2011).

[39] See Ayaz Amir's weekly column: "Creative Anarchy Pakistani Style," *Dawn,* August 9, 2002. Can also be
accessed at https://asianstudies.github.io/area-studies/SouthAsia/SAserials/Dawn/2002/aug102002.html#crea

licenses issued); and 1,218 local cable-TV operators (Khan and Joseph 2008; Mezzera and Sial 2010). The government- controlled Pakistan Television (PTV) network has four channels, reaching nearly 90 percent of the country, while the 25 state-run radio stations, which broadcast in nineteen languages, have a countrywide reach (PEMRA 2002). According to an estimate, the country has 85 television channels; most of these channels are news channels which telecast talk shows devoting considerable discussion to politics and social issues in the country. While there are 15 million Pakistanis who read newspapers, there are 90 million Pakistani who have access to television (Khan and Joseph 2008; Mezzera and Sial 2010). The opening up of media in Pakistan under General Musharraf created an environment where information from multiple sources was being disseminated and made available in the public space. The citizens for the first time were able to access this information through the critical privately owned electronic and print media against the state-controlled media.

But the media organizations in Pakistan have traditionally been cautious of going against the state. However, this does not mean that the media organizations were supportive of state's authoritarianism – though the media organizations criticized the policies of the government, the criticism was not focused on how the ruling elite manipulates political institutions like , the entrenchment of security agencies in the political landscape; the dynastic political organization within the political parties, etc. Owing to their organizational interest, the media organizations have not had engaged in any direct confrontation with the state. The media organizations therefore have been an extension of amplifying the official discourse that is favorable of the military to the detriment of political society. Siddiqa (2016) argues that media organizations, by voicing official discourse, forge alliances with the state's establishment comprising military, civil bureaucracy and a neutralized political elite. It seems to me that the media organizations also have moved towards center to right, similar to the course of the political parties. In the next chapter I show that how under the different military and elected rules each of the governments have had an effect on the public discourse generated by the media organizations.

Actor 3: Non-Government Organizations (NGOs)

Habermas (1998, 2006) contends civil society occupies a unique space in society, one where civil society through its social networks has low cost access to information about citizen needs and government action. The basis of these groups in social networks generate communicative power which the civil society groups sustain in the public sphere. The voices generated by civil society actors in the public sphere is what Habermas terms is the communicative power. The civil society actors indeed are the agents of change, so to speak. These agents of change raise their voices in the public sphere and attempt to influence the administrative power of the state.

As societies have grown in complexity and diversity so have the citizens of contemporary societies changed, adopted and grown into mobilizing and organizing themselves. The mobilization efforts of the citizens are increasingly under the pressure of financial and organizational constraints. In such adversity and faced with the paucity of resources of individual citizens, many other actors have emerged on the societal landscape. These emerged actors or players are the collective citizen associations, and groups that have come together to form alliances and networks. These alliances or network give an organizational and unified platform to certain specific interests persistent and or latent in contemporary societies.

One such actor that qualifies as a civil society actor are the non-governmental organizations (NGOs) that have emerged in the international and domestic political arenas. These actors are non-governmental because they do not represent the interests of any sovereign political entity; rather they are independent entities working on highly specific and specialized interests that citizens of the contemporary world face. The examples of such non-governmental organizations or actors are service-delivery organizations such as United Nations Development Fund (UNDP); Save the Children Fund; Doctors Without Borders, etc. There are other NGOs that are characterized as faith-based organizations, for example, Catholic Relief; Christian Aid; Muslim Aid, etc. There are the advocacy and rights-based organizations such as the Action Aid; Oxfam; Human Rights Watch; Amnesty International, etc.

The emergence of NGOs in the world is largely due to the fact of increased complexity and diversity in the modern societies; the growth of NGOs in the developing nations is most noteworthy, not only because developing nations are experiencing changes in cultural and social complexity but because the state apparatus in these developing countries have not been able to meet the socio-economic needs of the population.

Service-delivery NGOs provide development services to the citizenry such as education, health care, and community mobilization; they also organize citizen groups and create awareness among the local populations. The role of advocacy organizations is therefore to raise awareness among the people to demand the protection of their fundamental rights from their respective governments.

And, while some scholars feel that NGOs are a positive phenomenon - a sign of democratization and liberalization - others do not share this enthusiasm (Yudice 1998; Spires 2011). As George Yudice (1998) asks: "[D]oes not the effervescence of NGOs cut two ways: helping to buttress a public sector evacuated by the state and the same time making it possible for the state to steer clear of what was once seen as its responsibility?" (373) Though the state has been relieved of its basic responsibility towards the citizens and taken over by the NGOs, this responsibility reversal however does not directly mean that the NGOs are independent of the state. As Morris-Suzuki (2000) has argued: ''NGOs may pursue change, but they can equally work to maintain existing social and political systems'' (68). NGOs as constitutive members of civil society are not independent of the state's regulatory laws and even its directives in some cases.

In a case such as China, for example, the state apparatus utilizes its authority over the workings and the supposed independence of the non-governmental organizations (Hsu 2010, Spires 2011). Similarly, in the case of Pakistan, Zaidi (2008a) argues "a number of Pakistani NGOs have become the state's partners, to the mutual benefit of both. Development NGOs that emerged to fill gaps left by government failure now serve as official "advisors" to various state institutions gaining publicity, credentials, and lucrative contracts in the process" (39).While NGOs have certainly become more

prominent as the state has abdicated its responsibilities, yet this does not mean that state has lost its control over these civil society actors. In fact, it has been observed that although the state apparatus' capacity to deliver services might have deteriorated, yet its coercive apparatus is stronger than before.

The questions therefore then arise are: Can NGOs remain independent actors vis-à-vis the state? Do NGOs have democratizing potential? Should they be considered as agents of democracy and liberalization? There are several studies that look into these questions and have relevant answers for this research enquiry: Ndegwa's (1996) study of the advocacy work of the two NGOs in Kenya; Baiocchi's (2002) research in Porto Alegre; and Fung and Wright's (2003) model of Empowered Participatory Governance (EPG), presented in a volume of edited work on the different community-civil society initiatives in the various parts of the world (developing and developed countries).

NGOs' Work and Their Effect on State-Society Interaction

Ndegwa (1996) argues that NGOs (and civil society more generally) do not necessarily lead to political liberalization; that is, NGOs are not necessarily "central to opposing undemocratic governments and to furthering and consolidating democracy" (2). He argues that NGOs have the potential to be progressive or regressive. He finds that the two NGOs he researched in Kenya are very different in their agendas. While one does not politicize its activities, the other is actively involved in consciousness-raising and empowerment of the targeted community. His analysis, though important once again in highlighting the links between the state and civil society, proves unsatisfactory as he explains away the differences as arising merely from the "willingness of the leadership of these organizations to use organizational resources against the repressive state . . . this political will stems from a fairly arbitrary element of personal leadership" (Ndegwa 1996, 111).

Fung and Wright's (2001, 2003) concept of Empowered Participatory Governance (EPG) is based on five successful experiments from across the world in the USA, Brazil and India. Fung and Wright's (2003) work highlights the innovative institutional measures combining the mobilization efforts of civic associations of citizens' neighborhood committees and their local state officials. The communicative

interaction between state and citizenry was mediated by the NGOs. The NGOs were instrumental in bringing the state and citizenry onto a common platform in order to better utilize state's resources according to the common daily needs of the citizenry. Thus NGOs provided financial and technical services in raising awareness in mobilizing and organizing communities in their interactions with the local authorities.

The common daily problems faced by the communities pertained to their social development needs such as peace in the neighborhood, accessibility to basic facilities such as education, health, etc., and in making the cohesive community development plans. To the advocates of EPG, Fung and Wright (2001, 2003) contend, this kind of institutional architecture introduces accountability at a dual level – to a coordinating body above and to civil society below (Fung 2002, 2003, 2012). Fung (2002, 2006) believes, civil society groups can promote learning and necessary skills to make participatory bodies work. By mobilizing citizens to remain active through the entire public-policy cycle, civil society actors help to ensure the longevity of participatory bodies.

Baiocchi's (2002) work is another excellent example of research that takes into account the context within which NGOs operate. Like Fung and Wright (2001, 2003), Baiocchi also does not pose NGOs as either pro-state or anti-state, instead, he argues for a "relational" (7) framework when analyzing state-civil society relations.

The "relational" approach between the state and civil society therefore emphasizes the communicative interaction between the state and civil society as opposed to an emphasis on contention alone. The communicative interaction under the relational approach focuses on all of the ways in which various parts of civil society interact with the state (formal, informal settings, meetings, protests etc.) and attempts to understand how it is that these interactions affect the functioning of civil society at large (Baiocchi 2002, 7; Fung and Wright 2003, 25-28). In this relational model, three factors influence the state-civil society relationship(s): 1) degree of state openness (authoritarian vs. democratic etc.); 2) types of constraints on civil society (placed by the state, such as censorship, lack of freedom of the press); and

3) "institutional forms of state-society interfaces" (such as office of a legislator, town hall meeting). Thus the nature of the relationship between the state and civil society can vary at different times and in different countries depending on these three factors.

Much like the work of Fung and Wright (2001, 2003) and Baiocchi (2002), my work also emphasizes that state and civil society need to be studied relationally. I find that when the state is increasingly authoritative in its actions against the civil society, the voices in the civil society are led by the state directives. Yet there are still moments of transgressions against the state-directed schema. However, as the state sheds its responsibility towards its citizens by not providing them the basic development needs of the society (e.g., services such as health, education), associations and oppositional voices in the society start to emerge.

It is in this moment of state lapse that civil society actors organize and mobilize themselves in the service of the citizens' needs and demands. However, the state as an entity can never remain completely aloof from societal demands and pressures; the state is after all, to use Weber's classic definition, in control of legitimate means of force and violence. Thus even if the authority of the state over the years has shrunk, its relevance has not disappeared. The case of Pakistan is testimony to this very contention that state's influence over the society and civil society in particular has never entirely waned.

My discussions above of how the authoritarian practices of both the military and elected leadership have influenced and controlled the political parties and associations of free speech such the media in Pakistan showcases that state's coercive and hegemonic control have directed the state-society interaction. They still do. As I discuss in the following section, NGOs are subject to this control as well.

Part II: NGOs as Civil Society Actors in Pakistan

In Pakistan, civil society is a misunderstood concept. The concept is misunderstood because the traditional civic associations, such as trade unions, student unions, and workers' unions, hardly exist in the society. And civil society is a contentious organizational entity because civil society includes not in traditional sense the civic associations organized by the citizens, but all non-government organizations

that create awareness of citizens' rights and thus mobilize citizens in pursuance of basic services such as housing, health, education, and livelihood are colloquially widely known as *the* civil society.

In the cases of unions, their mobilization, organization and functions have always been severely restricted by the authoritarian state. The country's eight thousand registered unions represent just over 5 percent of the total employed labor force, partly because the agricultural and informal sectors, which employ the majority workforce, are excluded from unionization under current laws (Sattar and Baig 2001). Trade union numbers are also falling owing to privatization, public-sector downsizing, and a general decline in industrial activity (Sattar and Baig 2001).

The nascent independent media on the other hand have come onto the societal landscape only recently. The media organizations driven by their corporate interests have great influence on information generation and opinion making in the society. Owing their outreach in the society to the liberalization policies of the military state, the media organizations are cautious of their newfound freedom seldom engage in direct confrontation with the state (Siddiqa 2009). Furthermore, being the economic entity as the media organizations are, their objective remains to earn profits and expand on their businesses in media industry. The table on media organizations in Pakistan (Table B-2: Media groups in Pakistan at Appendix B) shows that the leading business families in Pakistan have invested not only in print media but in entertainment industry also.

In the course of my field work in Pakistan, the civil society activists and academics interviewed, all have pointed to the fact that since any citizen organized and mobilized associations in Pakistan are missing, therefore the NGOs as the organizational entity have taken over the operational definition of the civil society in Pakistan.

Because the state has withdrawn from providing basic services to the citizens, the NGOs therefore also have increased in scale and scope of their work in Pakistan. Though faced with structural impediments in terms of overt and direct control over the work of NGOs, the authoritarian state under the

military rule of General Musharraf (1999-2007) did relax its control over the NGOs because of the support that NGOs provided to the state in terms of the development programs in the country.

The data on the NGOs working in Pakistan is scant, an issue I encountered while collecting data. To see how many NGOs had come into being under the different military and civilian governments turned out to be an impossible task. I was not able to gather decade-wise breakdown of the number of NGOs in Pakistan. If I had concentrated on a specific period such as the military dictatorship of General Ayub Khan, then I would have had to include the NGOs which operated in East Pakistan. This therefore would have reduced the number NGOs in operation under Prime Minister Bhutto's time. Under the military rule of General Zia-ul-Haq the number of NGOs increased because of the external security effects of the Afghan war in the neighboring Afghanistan and the influx of the Afghan refugees in Pakistan. These organizations including the local and international NGOs all reduced their operations in Pakistan with the Soviet withdrawal from Afghanistan. Likewise, if I had concentrated on the military rule of Musharraf, then I would have had to include all those NGOs that emerged in the aftermath of earthquake of 2005. During that time period i.e., 2005 there were number of NGOs (local and international) that started its operations in Pakistan, but then within few years' time these NGOs withered away for paucity of resources such as funds, technical expertise.

State Rules and Regulations on NGOs Registration

There are eighteen different laws under which NGOs can be registered. However, the most common under which the NGOs are registered are six (Ismail 2002, 5). The fact that all but two of the six of these laws are colonial instruments reinforces the image that official NGO policy has changed little since country independence from the British Raj. The laws from the colonial period that persist even today are Societies Act (1860); the Trust Act (1882); Charitable Endowments Act (1890); the Co-operative Act (1925). The other two laws which were devised were crafted under the military dictatorships: under General Ayub Khan, it was the Voluntary Social Welfare Agencies (Registration and

Control) Ordinance (1961); and under General Zia-ul-Haq, the Companies Ordinance (1984). Table 2 lists

these laws and the provisions that each provide to the NGO.

Table 2: The Acts/Laws Under Which NGOs Are Registered

Act/Law	Provisions
Societies Registration Act, 1860	This act provides for the registration of voluntary organizations engaged primarily in activities in the areas of culture, science, and charity.
Trusts Act, 1882	This act provides for the registration of certain assets as a trust and authorizes activities for charitable objectives. According to this Act, the trustees are bestowed the ownership of the property. Trusts are granted a high degree of independence.
Cooperative Societies Act, 1925	This act authorizes activities of economic organizations such as Consumer Society, Housing Society, and Banking Society.
Charitable Endowments Act (1890)	This act provides for the registration of assets for charitable purposes. The Act grants authority to the Government to appoint a Treasurer for better financial management of Trusts, thus ensuring the management and safeguarding of any Trust property which might be in financial difficulty.
Voluntary Social Welfare Agencies Registration and Control Ordinance, 1961	This ordinance authorizes institutions established for social welfare services such as education, health, and women.
Companies Ordinance, 1984	This ordinance provides for the registration of non-profit companies which undertake activities promoting commerce, art, science, religion, sports, social services, and charity.

Source: Nejima 2002, 101-102; Ismail 2002, 4-11

However, there is no system whereby non-functional NGOs are struck off the registration

records. Consequently, many NGOs that have become defunct continue to be listed. These registration

lists, therefore, present a false picture of the sector. Since there are six different laws that record the

registration and define the legal status of the NGOs in Pakistan, the mutual co-ordination among Pakistani

NGOs is very weak. If one NGO is registered with the Social Welfare Agencies Ordinance, then it reports

to the provincial authority and not necessarily to the federal authority. Similarly, the NGO that is

registered under the Companies Ordinance then it reports only to the federal authority. All these NGOs

therefore even if they are operating in the same geographic area, operate under distinctive registration rules and each NGO also does not necessarily communicate their program initiatives with the other NGOs for the specific region thus duplicating and saturating their efforts in the same region.

However, this began to change in the 1990s when the elected governments embarked on developing measures to control the scope and space available to NGOs. In 1995-96, a large number of organizations from across the country joined hands to form the Pakistan NGO Forum (PNF). According to estimates, the membership of NGOs to PNF in 2000 stood to be around 2,500 (Ghaus-Pasha, Jamal, and Iqbal 2002). Similarly, the NGO Resource Center (NGORC), a project of the Agha Khan Foundation, aims to build the capacity of the NGO sector by conducting research and analysis on key development sector issues such as legal and fiscal frame-works for NGOs, NGO registration, and NGO-corporate partnerships.

Growing Number of NGOs in Pakistan

Reliable data on the number of NGOs operating in Pakistan is scant. The data that exists is arranged and surveyed by international donor agencies like the United Nations Development Programme (UNDP) and other international agencies such as Asian Development Bank (ADB) and World Bank (WB). These agencies sometimes do commission surveys of civil society to know how many NGOs are working in Pakistan.

There are various studies available on the number of NGOs in Pakistan. A study by United Nations Development Fund (UNDP) which was conducted in 1991 identified 4,833 NGOs working across Pakistan.[40] Another study conducted by the UNDP and cited by the Asian Development Bank (ADB) in its publication on NGOs in Pakistan notes that "number of NGOs in Pakistan is between 8,000

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[40] The survey noted that of these, 2,714 were located in the Punjab, 1,742 in Sindh, 213 in Balochistan and 163 in the NWFP. The survey also revealed that 70 percent of organizations were urban-based. For further details, please refer to Adnan Sattar and Rabia Baig, "Civil Society in Pakistan: A Preliminary Report on the CIVICUS Index on Civil Society Project in Pakistan." CIVICUS Index on Civil Society Occasional Paper Series, Volume 1: Issue 11, NGO Resource Center (Agha Khan Foundation, 2001). Also available at https://www.scribd.com/document/24006641/Civicus-i-n-d-e-x

and 16,000. ADB publication asserted, many of the organizations, however, may simply be. If

nonregistered NGOs and CBOs are added to those registered under the six laws, then the number of

Pakistani NGOs could be anywhere between 25,000 and 35,000 (ADB 1999, 4)."

By end of the first decade of the new millennium, the number of NGOs reported by the

international agencies, such as International Center for Not-for-Profit Law (ICNL)[41] had increased to

45,000 – though the official state-level reports suggest that number of NGOs in Pakistan may have risen

to 100,000 (*Dawn* 2009).[42] In addition to the increase in the numbers of the NGOs in Pakistan, their role

in the public sphere also grew since the state granted these entities the authority to engage in the

development work in the society.

During the 1980s and the 1990s, according to a report by NGO Resource Center, the state was

unresponsive to the growing needs of the burgeoning population. The military and the successive civilian

governments were faced with the issues of controlling the institutions of the state. These internal clashes

within the institutions of the state created a vacuum between the state and the society which therefore

resulted in the growth of NGO sector in Pakistan. This claim was supported by the late Omar Asghar

Khan, leading civil society activist who in the early period of 90s formed a NGO called SUNGI in the

northern region of Pakistan.

Omar Asghar Khan was also one of the Cabinet Ministers appointed by General Pervez

Musharraf during his period of direct military rule (1999-2002). Omar Asghar Khan (2001) argued

emphatically that due to "failure of the mainstream political parties to respond to people's aspirations for

socio-economic change has led to a general disillusionment with traditional forms of politics dominated

by feudal and big business interests, and the lack of a political debate on issues of poverty, distributive

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[41] ICNL is an international agency based in Washington and funded through McArthur Foundation and US
Assistance for International Development (USAID) maintains the latest information on the civil society
organizations freedom to work in the different regions of the world.

[42] Please see these newspaper/periodical report:
  Data on NGOs being collected, *Dawn* June 30, 2009. And, Faiza Shah. "The Rise of NGO's and Their Harmful
Impact on Pakistan," in *Herald*, April 27, 2014.

justice, women's rights and environmental degradation" (283). The space which was formed because of citizens' dissatisfaction with the state was then remedied by the growing number of NGOs. The NGOs, Khan argued, strengthen civil society by creating and expanding space for the citizens by questioning decision-making institutions and systems in which the state and the ruling elite have occupied a dominant position in the society, thus leaving little space for oppressed to voice their needs and interests (283).

Scholars studying growth of NGOs in Pakistan argue that it was during the time of military rule by Zia-ul-Haq when the number of citizen-based initiatives and associations started to emerge on the social landscape. One explanation for this growth, according to a study by ADB suggests that this growth in local-based citizen association was due to the devolution plan that was under implementation during Zia's regime: "During the 1980s, many new NGOs emerged to avail [themselves from the funds made available] of the funding set aside for development through local bodies (district, municipal, town, and local councils) (ADB 1999, 3)." Furthermore, the ADB report contends that since elections under Zia's rule were non-partisan therefore "many legislators encouraged the growth of new NGOs to absorb the special funds available to them for the development of their constituencies (ADB 1999, 3)." According to the Local Bodies Ordinance of 1979, the local political elite was given substantive development funds which were to be utilized to meet the development needs of the local community (ADB 1999, 3).

Governments and Their Interaction with the NGOs – More Antagonism than Partnership

The state in Pakistan has been consistent in imposing restrictions on civic and political freedoms of its citizens. Hence, the course of the repression as experienced by the political parties, and the media also was also experienced by the burgeoning sector of NGOs in the society. According to ICNL, Pakistan's legal framework, instead of providing a facilitative regulatory environment for the NGOs to work, is characterized ambiguous administrative guidelines, arbitrary application of the law, and official discretion to refuse registration or even dissolve organizations without the right to appeal.

The state therefore has been overly attentive to the kind of work that these relatively independent entities were performing in the society (Ghaus-Pasha, Iqbal, and Mumtaz 2002). These agencies have

never been fully independent because all the NGOs working in Pakistan have to register with the state; otherwise these agencies are not allowed to undertake any of the service, advocacy and right-based work in Pakistan. The state as the license issuing authority that grants the non-government organizations to openly engage in development of advocacy work. The organizations if they are registered with the state are exempted from paying tax (as being a nonprofit entity). The NGOs as registered entities therefore can also apply for the financial grants from the state agencies in the field of service, advocacy and right-based work. By being registered with the state, the NGOs are identified as a recognized entities therefore allowed to engage with other international organizations such as UN agencies, and other international NGOs for example Oxfam, Save the Children, Médecins Sans Frontières, etc (ADB 1999; Ghaus-Pasha and Iqbal 2003; Ismail 2002).

Following the end of Zia's rule in 1988, the elected governments of both the Pakistan People's Party (in power from 1988-90 and then in 1993-96) and Pakistan Muslim League Nawaz League (PML-N) (1990-93 and 1997-99) had adopted a generally supportive attitude toward civil society organizations, especially those providing social welfare services. These organizations were seen as supplementary measures to support the works of the state's goals of providing services to the citizens. The one episode of the state-NGO linkage was evident from the Eight Five-Plan (1993-98).[43] Under the Eight Five-Plan the government promoted the Social Action Program (SAP) with support from World Bank (WB) and Asian Development Bank (ADB). The discussion paper on SAP under the Eight Five-year plan made repeated references to the participation of NGOs in the state-society partnership (Nejima 2002). Thus to implement the SAP, a policy was developed to facilitate activities through community organizations in the four fields of basic education, basic health, and sanitation, waterworks, and sewer systems in rural villages, and population planning.

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[43] The Five-Year plans is the state planning initiative through which the state identifies the key policy areas for the period of five years and the plan highlights the initiatives that successive elected government might as well select for the development of the country.

While the state might express its appreciation of the participation of the NGOs in development initiatives, the state remained highly vigilant to the activities of the NGOs. The second government of Benazir Bhutto (1993-96) proposed an NGO bill to parliament that provided for intrusive regulation of nonprofits through mandatory registration, compulsory auditing, detailed information disclosure, and gave the government the power to seize NGO assets and terminate their operations. Bhutto's government proposed the bill to rein over the project initiatives of the NGOs across Pakistan. The NGOs were able to expand their outreach thereby creating performance pressure on the legislators to design similar initiatives in the respective constituencies. The bill was not made into law, as the government of Benazir Bhutto was dissolved in 1996. It was also during this time that the Pakistan Development Forum (PDF) was also mobilized, a consortium of 2,500 NGOs working in Pakistan. The PDF was instrumental in lobbying against proposing this bill in the parliament (ADB 1999; Nejima 2002; Ghaus-Pasha, Iqbal, and Mumtaz 2002).

However, two years later, the other major party, the PML-N led by Nawaz Sharif, went ahead and ordered intelligence inquiries and deregistration of a large number of NGOs in the wake of a growing friction between the government and the NGO sector on issues such as human rights, prevention of violence against women, and minority rights. According to Omar Asghar Khan, the proposed bill, called the 15th Amendment (known as Sharia Bill) to the 1973 Constitution, gave extraordinary powers to the Prime Minister and through this Bill, the government of Nawaz Sharif pledged implement the Islamic law in the country – thereby bringing all the so-called liberal sections of the society under state's direct control. The NGOs opposed this proposed bill and along with the media and political parties organized protests nationwide. The government of Nawaz Sharif "went to an extent of calling NGOs anti-Islam and anti-state"; furthermore "about 2,500 NGOs were dissolved by the Punjab, NWFP and Sindh governments" (O. A. Khan 2001, 281).

In 1999 the elected government of Nawaz Sharif was removed by the military coup launched by General Pervez Musharraf. The 'Sharia Bill' which was proposed under the 15th Amendment could not be

promulgated in law because of the dissolution of the parliament under General Musharraf's coup. Musharraf's government in his early days under the military rule (1999-2002) had invited some of the leading figures belonging to the civil society to join him in resolving the chaos and bringing order to the society that became exceedingly disoriented with chaotic performance of the politically elected government. Within few days of controlling the state apparatus, General Pervez Musharraf announced an ostensibly radical devolution plan (the Local Government Plan 2001) and recruited NGO figures such as Dr. Attiya Inayatullah (known as a civil society women's rights campaigner), Mr. Javed Jabbar (an advocate of independent media; Jabbar was managing a NGO in the *Thar desert)* and Mr. Omar Asghar Khan (the head of the NGO SUNGI and leading social rights campaigner) to serve in government positions.

The civil society in Pakistan welcomed such initiatives by Musharraf and supported his rule of liberalizing the media and public sphere. In my analysis of the newspaper articles of the period 2000-2001, I noticed that the civil society actors such as print media and the domestic intelligentsia were enamored of the new military ruler and his policies of freeing up the society for the new millennium.

Aqil Shah (2004) in his analysis of the state-civil society interaction under General Musharraf's rule, contends civil society support for military rule was due to the 'public disenchantment' with the experience of democratization in the 90s. The public and intelligentsia were equally disoriented with the performance of democratic governments, and when Musharraf came onto the political landscape, the NGOs and the media were caught in the "dilemma posed by a 'reform oriented' army general." One of NGO activists cited in Aqil Shah (2004) discussed the predicament NGOs faced: "we were caught between principles and practicality. We have to deal with a military government, and we have to engage with it, but we cannot condone a military set-up. But there is also a clear consensus that the (democratically elected) government should not be restored" (376). These sentiments were echoed by the NGOs and the intelligentsia; the cooperation of the leading civil society activists and the NGOs with the

new military ruler was testament to their disenchantments with the democratic cycle the country had experienced in the last decade or so.

A volume of essays by Anita Weiss and Zulfiqar Gillani titled *Power and Civil Society in Pakistan* (2001) holds the view that the kind of democratic politics exhibited by the leading political parties in power left ordinary Pakistanis disoriented and disenchanted with the idea of democratic politics. Furthermore, the structural forces such as weak economy, the high volatility in civil-military relations, the dysfunctional political parties and self-aggrandizement of political elite pushed the nascent democracy into disarray. Weiss and Gillani (2001) asserted "after a dozen years of floundering democracy, a new breed of military rule seems to have emerged, hindered not by the politics of selfishness but by the sentiment of love of country and compatriots… the military government seems breaking new ground by assigning capable, qualified people to hold key positions in government" (ix).

The military regime of General Musharraf charmed the civil society for developing state-civil society interactive engagement so as to benefit the citizenry. By engaging some of the leading figures belonging to the civil society more generally and NGOs in particular (the likes of Mr. Javed Jabbar, Mr. Omar Asghar Khan, Dr. Atiya Innayatullah) the military regime of Musharraf was able to construct an acceptable and a likeable image of the military government. These were the figures who were well respected in the civil society for their contributions in the fields of media, human rights activism, and community development. The military regime benefitted from this engagement with the leading members of the civil society so as to gain popular acceptance in the society. While these members of civil society, who many believe were equally disenchanted with the politics of the country, saw in General Musharraf a military general with an agenda to address political chaos that had cumulated with dysfunctional political elite.

In my interviews with the civil society activists, working with the various NGOs, I found that they all agreed that it was the disenchantment experienced with the regressive democratic practices of the elected leaders that the civil society lent its support to the military regime. In this sense, as one of the

prominent figures in the contemporary NGOs work field in Pakistan, Harris Khalique argued, civil society provided "a sort of good governance narrative to the military regime," especially since Musharraf's military regime had crafted an image in the society of portraying Musharraf as being distinctive from his military predecessors.[44]

Another NGO representative, Sarwar Bari from PATTAN, an Islamabad-based NGO that was at the forefront of supporting Musharraf's regime, strongly believes that the mantra of "good governance" as one of the policy "reform measures" was something that "had been missing in the policy discourse, though in the public discourse, the general public had been raising their concerns on the ineffectiveness and inefficiency of government institutions." Bari contends, "Musharraf's regime read the public pulse and was able to craft changes in the institutions" and it was his regime's willingness to work with the civil society that "made Musharraf a popular general among the civil society actors".[45]

Aqil Shah (2004) in his discussion on civil society-military regime collaboration highlights that it was the disaffection with the democratic experience that led the civil society elites to accept the military intervention as a "necessary evil to cleanse politics and governance". Furthermore, it was this collaboration with the civil society that allowed the military to craft the support for reform initiatives in the society (377). Shah asserts the reform measures announced by the military regime and its cooptation of the civil society was "crucial to the military's ability to neutralize external concerns about its coercive actions and acquire semblance of legitimacy otherwise missing in the domestic context" (377).

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[44] Interview with Mr. Harris Khalique. Interview with the author July 18, 2017 in Islamabad. He is the team leader at DAI (Development Alternative, Inc) a US-based development planning and assistance organization in its country office in Islamabad, Pakistan. Currently, DAI is managing seven developmental projects in the field of education, governance, across Pakistan with financial support from donor agencies such as Department for International Development Fund (DFID); European Commission (EC); US Assistance for International Development (USAID) and others international multilateral donor agencies.

[45] Interview with Mr. Sarwar Bari, the Chief Executive of PATTAN, as Islamabad-based NGO working with rural communities across Pakistan. PATTAN was in the forefront of the implementation of the Local Government Plan introduced by Musharraf's regime in 2001. PATTAN produced reports on the local elections held for local offices in 2002 and 2005. Interview with the author in Islamabad, March 13, 2017.

Harris Khalique, in sharing his insight on the nature of partnership and collaboration echoes the sentiments of that NGO activist whom Aqil Shah (2004) cited in his discussion on civil society activism during Musharraf's regime. That is, NGO representatives were faced with the predicament either to remain impassive to the malpractice of the democratic government or to welcome military general with his publicly announced reform agenda. The rule of the previously civilian governments rendered state institutions ineffective leaving the citizens with an indelible dissatisfaction with democratic governments. Seemingly the progressive agenda of the military dictator for creating participatory spaces for the ignored segments of the society, such as women, workers, peasants, and minorities, found enthusiastic allies in the civil society. Both Harris Khalique and Sarwar Bari contended the military general was more progressive than the regressive minded political elite – the political parties and the politicians were keen during the 90s to secure political space for themselves while shrinking the democratic space for civil society.

But all this does not suggest that the military regime of General Musharraf remained a promoter of civil and political freedoms. Nevertheless, since the liberalization policies of Musharraf's regime were devised to present his government as distinct from the last military governments of General Ayub and General Zia and as being more progressive and democratic than the previous elected governments of Benazir Bhutto and Nawaz Sharif, these liberalization policies did open up the public sphere.

However, such liberalization initiated by authoritarian rulers often turns out to be a dangerous gamble. As O'Donnell and Schmitter (1986) remind us, once an authoritarian regime permits even limited contestation, it sends out the signal to society that the "costs of collective action" are no longer high. As a result, previously severely restricted arenas of opposition become available for contestation, especially if "exemplary individuals" were willing to probe the boundaries of the regime's tolerance for societal freedom. The independence enjoyed by civil society began to be exhibited by the vibrant media and other actors in civil society when they started to question Musharraf's hybridized political order that combined military-backed political elites in the national legislature.

In the case of Musharraf's liberalized military regime, the one incident that led to the cataclysmic fall of Musharraf's regime is the unconstitutional dismissal of the Chief Justice Iftikhar Muhammad Chaudhry of the Supreme Court of Pakistan and the consequent Lawyers Movement from years 2007-2009. In an act of executive highhandedness, Musharraf dismissed Chief Justice of Pakistan (CJP) Mr. Iftikhar Muhammad Chaudhry in March 2007. The Chief Justice had been considered Musharraf's protégé in his early days of military rule (1999-2005)[46]; however, CJP argued that his dismissal by Musharraf was unconstitutional (Ghias 2010; S. Ahmed 2015).

General Musharraf had dismissed CJP because the latter had been judicially active in critiquing the military government on its poor performance towards fulfilling its reform agenda (Ahmed and Stephan 2010, 492-94; Ghias 2010, 990-96). Furthermore, and most crucially, the CJP was seen as opposing military ruler's intention to get reelected as a president again after his first term had expired in April 2007. The military dictatorship needed the approval of the country's highest judiciary; however, when it became evident that CJP disagreed with General Musharraf's decision to continue his active military service as Chief of Army Staff (COAS) of Pakistan military and the president, the military ruler moved to eliminate Iftikhar Muhammad Chaudhry from his position of CJP (Kalhan 2013, 42-46).[47] The series of events then unfolded a direct confrontation between the judiciary and the military dictator; as a consequence, the goodwill earned by the military government with the people and civil society was severally damaged (Ahmed and Stephan 2010; A. S. Akhtar 2010).

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[46] Looking at the career of CJP Iftikhar Muhammad Chaudhry, it is a revelation that following his appointment in 2005 as CJP, his tacit and unequivocal support to the military ruler General Musharraf followed a downward trend. Before he was appointed as the Chief Justice, he has been supportive of military regime and its policies. A look at his pre-appointment career shows that in May 2000, Justice Chaudhry was amongst the twelve (12) judges of the Supreme Court of Pakistan who supported the military coup led by General Musharraf in October 1999. Similarly, in 2002 along with the nine (9) other judges on the bench, he legalized Musharraf's non constitutional presidential referendum; this referendum had enabled General Musharraf to remain President until year 2007 (along with the top military position). But in year 2007 as the CJP Iftikhar Muhammad Chaudhry challenged the dictatorial authority of the military ruler.

[47] For more details, please read "Notes: The Pakistani Lawyers' Movement and the Popular Currency of Judicial Power," *Harvard Law Review* (2009-2010): 1705-1726.

During the course of this public upheaval and dissent against the military dictator, the two actors of civil society, NGOs and the media (print and electronic) provided citizens and lawyers the space for amplification of their grievances. These were the alternative spaces which were missing or were under state's direct control during the 50s, 60s, 70s, 80s, and 90s. However, the situation started to change during the late 80s and then in the 90s.

The NGOs and the media that had grown under the military regime of General Pervez Musharraf had provided the people alternative space to launch and amplify their grievances against the regime. Traditionally, it is the political parties that facilitate the people in channeling and redressing their grievances. However, the lack of institutionalization of political parties in Pakistan propelled the other alternative venues to emerge. The NGOs and the media organizations allowed the people to use these two civil society actors to raise issues with the state.

Part III: Ruling Governments – Military and Post-Military Styles

In my discussion of the actors, political parties, media and the NGOs, I have presented a historical account of how these actors belonging to the political society and civil society in Pakistan have performed and acted under the military and elected governments. There is a predictable pattern that developed. The weakened civilian elected governments are taken over by the army. But soon the Pakistan's normally fractious civil society and political parties eventually become tired of the military rule; and they join forces temporarily to push for the restoration of civilian rule, secured by means of at least nominally democratic elections.

The history of Pakistan has witnessed several tumultuous trysts with democratic politics. Alavi (1972) argues the politics of Pakistan is characterized by the discord between the elected bodies on one hand versus the bureaucratic and military oligarchy on the other. These three institutions of the state have had no regard for respecting the democratic institutions (Naqvi 2013, 280). Waseem (2002, 2006b) contends Pakistan has not been able to break away from the legacies of the past that go back to the very

formation of the country. Waseem therefore argues that this distrust led to discounting of the role of parliamentary sovereignty (Waseem 2006b, 2008, 2015).

Agreeing with Alavi (1972) and Waseem (2002, 2006b), Naqvi (2013) contends the permanency of the martial rules in Pakistan signifies that the postcolonial state has struggled to resolve the question of who should define the executive. There has been a constant tension and "contest between the civil-military bureaucracy and the legislative institutions of the state (280) .

The three military dictatorships that Pakistan have experienced are marked by their distinctive effects on the society. Ayub Khan's period (1958-1969) was a time of economic vibrancy but restricted political participation of the people. Zia-ul-Haq's (1977-1988) military dictatorship is characterized by religious fervor and marginalization of political freedoms. Pervez Musharraf (1999-2007) military rule is known for its liberalization policies towards civil society.

While Ayub Khan restricted civil and political freedoms in the country, the economic performance of his regime had a galvanizing effect on the societal groups to organize themselves against the military dictatorship. The period of Ayub Khan's military government is known as the "development decade" during which the military general had initiated economic development programs but his military regime lacked commitment to develop the political institutions. The vacuum thus created between the state and the people was thus taken up by the nascent political parties to bridge (Aqil Shah 2014a, 95-106).

During the period from 1972 to 1977, the emergence of political party Pakistan Peoples Party (PPP) under the leadership of Zulfiqar Ali Bhutto manipulated the military's defeat against India in 1971 and thrived on mobilizing the societal grievances against the previous military rule(s). During the prime ministerial reign of Z.A. Bhutto, he systemically subverted any oppositional voices against his government (Ziring 1977, 582-83).

It was during his government that state of Pakistan moved towards the religious right. This trend of stoking religious sentiments was later perpetuated under Zia's military rule via state-level policies in

all fields of society – education, foreign policy, development planning, etc. Bhutto was, however, the one

leader who could bring all the opposition parties, regional, ethnic, nationalists and religious to a

consensus on the parliamentary form of Constitution – the 1973 Constitution. Z.A. Bhutto was however

ruled through executive arrogance and his "use of institutions often contravened the democratic ideals"

which therefore makes him "more an authoritarian than a parliamentarian" (Jaffrelot 2015, 238, 295).

The blatant disregard for the political institutions that was initiated under the populist Z.A. Bhutto

was exacerbated under the military dictator General Zia-ul-Haq. General Zia-ul-Haq has had lasting effect

on the society and under his rule the military blatantly engaged in the politics of the country. Like Ayub

Khan, Zia-ul-Haq manipulated the political institutions, but unlike Ayub Khan, Zia-ul-Haq did continue

with the 1973 Constitution. However, by introduction of article 58-2(b) in the 1972 Constitution, Zia gave

extraordinary and constitutional powers to the President – which meant the President could dissolve the

elected legislature. This Constitutional manipulation by Zia was the bane of the many elected

governments that followed the 1988 general elections (Kalhan 2013, 25-33).[48] On the other hand, there is

sharp contrast between the quality of democracy that emerged in Pakistan in 2008 after Musharraf's

dictatorial rule and the democracy that emerged in 1988 after Zia's regime.

Far from being perfect, nine years of Musharraf's dictatorial regime allowed the judiciary to

amass some independence from the executive and the legislature so that it continues to challenge the

present democratic government (O. Siddique 2015). The relative freedom of expression during

Musharraf's regime allowed the media to flourish, and now it is an integral part of the government's

accountability system. On the other hand, General Zia-ul-Haq's 11-year regime was largely repressive

and, consequently, the democratic system that emerged lacked the basic institutional structures required

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[48] For a detailed discussion on the Article 58 2(B) also known as the Eighth Amendment in the 1973 Constitution of Pakistan please refer to Osama Siddique, "The Jurisprudence of Dissolutions: Presidential Power to Dissolve Assemblies Under the Pakistani Constitution and Its Discontents," *Arizona Journal of International & Comparative Law* 23, no. 3 (2006): 615-715.

for democratic functioning. The democratic government (of PPP)[49] which was formed following

Musharraf's military rule was a result of bargaining between the citizens and the dictator, while Zia-ul-

Haq's regime came to a sudden end due to his death. This difference is reflected in the institutional

structure of the democracy that followed.

However, the striking feature(s) common to the rule of these three military rulers is the fact that

all followed the narrative initiated by Ayub Khan that Pakistan's military was the guardian of the country

and it is patriotic duty of soldiers to save Pakistan from the unruly political chaos unleashed by the

opportunist political elite. Jaffrelot (2015) contends it was the coup of Ayub Khan in 1958 that had

> introduced the prototypical coup by consensus that was destined to repeat itself. This 'model' is defined by five complementary features: (a) the army behind its leader (and never behind some colonel); (b) takes over peacefully; (c) to replace politicians or bureaucrats made out to be dangerous for the nation – and corrupt; (d) with the blessing, of the judicial apparatus; (e) the general leading the coup having been placed at the head of the army by the very figure he removed from power. This model would repeat itself with variants in 1977 and 1999. (305)

The three dictatorships have shared the following similarities: a military general supported by his generals

control state apparatus through bloodless coup; isolate the political society only to coopt it later for

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[49] The PPP's government was formed in 2008. The elected government was a coalition; the major coalition partner was PPP's rival political party the PML-N.

legitimizing the military government; a strengthened military regime supported by its strong benefactor, the United States.[50]

However, the degree of repression exhibited by the military regimes in their policy towards the political society, civil society (media, NGOs) varied distinctively: military regimes did impose measures to restrict contentious politics. However, each military regime did face push back from within the repressed entities in the society. For example, Ayub Khan faced the disenfranchised segments of society which were dissatisfied with his regime's economic success; opposition to Zia-ul-Haq's theocratic military rule was cautiously led by the marginalized liberal voices in the media and civil society. The dictatorial rule of General Musharraf was challenged by the very segments of civil society (i.e., media and NGOs) that had been able to assert their presence in society only because of liberalization policies of his government.

Part IV: Concluding Points

Political society and civil society form the basis of any political community. Political parties are the principal protagonist of a political society. Parties provide the ideological platform from which the

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[50] From country's foundation, Pakistan has benefitted from its diplomatic ties with USA. During Ayub Khan's military government, USA provided military and economic aid to Pakistan. The economic and military aid provided to Pakistan was to prevent Pakistan to join the communist USSR. In return Pakistan provided US and its allies access to airfields from where US initiated "intelligence collection …. to monitor Soviet missile capabilities" (Aqil Shah, 2014, 92).

According to a recently released intelligence report by CIA, in the early days of Zia-ul-Haq's military regime, USA had shown reservation on the military coup, but with the Soviet occupation of Afghanistan, USA's attitude tempered down and Zia-ul-Haq's military regime benefitted from the financial largess provided by the USA against Soviets for Pakistan's support for Afghan Jihad. The CIA report can be accessed at:
https://www.cia.gov/library/readingroom/docs/CIA-RDP06T00412R000200070001-1.pdf

In 1999, when Musharraf came onto the political landscape, initially his military regime was disregarded by the USA as being dictatorial, however, Musharraf regime's fate changed with September 11, 2001 attacks on World Trade Center in USA which eventually led to USA's military intervention in Afghanistan. Pakistan's geopolitical position has benefitted the military dictators and their external benefactors at the cost of evolution of democratic institutions in the country. For further details, please see:

Hassan N. Gardezi and Jamil Rashid, "Pakistan at the Crossroads," *South Asia Bulletin* 8 (1988): 1-5.

Aasim Sajjad Akhtar, "Pakistan : Crisis of a Frontline State," *Journal of Contemporary Asia* 40, no. 1 (2010): 105-122.

Shuja Nawaz, *Crossed Swords: Pakistan, Its Army, and the Wars Within* (Oxford University Press, 2008).

Aqil Shah, "Marching Toward Martial Law," in *The Army and Democracy: Military Politics in Pakistan,* by Aqil Shah (Harvard University Press, 2014), 72-93.

Aqil Shah, "The Military and Democracy," in *Pakistan at Crossroads: Domestic Dynamics and External Pressures*, edited by Christophe Jaffrelot (Columbia University Press , 2016), 23-61.

contenders to political power can mobilize societal demands (Huntington [1968] 2006). On the other hand, it is the civil society that brings people together to engage in self-organized groups, to create public space where citizens can act and communicate freely, independent of the state. The civil society is the realm outside of political parties where individuals and groups aim to democratize the state rather than to capture the state (Kaldor 2003, 8-9, Edwards 2014, 7-15).[51] Civil society, however, can only strengthen the political process; but it is the function of the parties to articulate popular sentiment and provide a platform for citizens to coordinate their activities.

I believe, even with all its discontents and pathologies, political and civil society does have a presence in Pakistan. As it has been discussed in this chapter, the three actors belonging to political society (political parties) and civil society (media and NGOs) have performed under severe pressures and restrictions imposed on them by the hybridized political order enacted under the authoritarian rulers – which include the military generals and the elected civilian leadership.

In Pakistan, however, the mainstream political parties, the PPP, PML-N, JI and others were both unwilling and unable to perform as they kept trying to forge alliances with the military's encroachment on political landscape and dictatorial rule. The members of political elite, who comprise these political parties, still remain the intermediary between state and the citizens and are the fountainhead of political support in Pakistan. But strong familial lineage and dynastic politics which are the basis of their support, give them the luxury of not responding to public pressure.

Furthermore, I believe, the people are ambivalent towards democracy. In other words, there is an absence of strong public sentiment in favor of democratic politics as well. Citizens also are actively entwined in maintaining localized clientele relationships because for them these are the most efficient

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[51] Please refer to discussion in Chapter 2, and for further reading please refer to:
  Michael Walzer, "The Concept of Civil Society," in *Toward a Global Civil Society*, by Michael Walzer (Berghahn Books, 1995) 7-28.
  Iris Marion Young, "State, Civil Society and Social Justice," in *Democracy's Values*, edited by Ian Shapiro and Casiano Hacker-Cordsn (Cambridge University Press, 1999), 141-162.
  Simone Chambers, "A Critical Theory of Civil Society," in *Alternative Conceptions of Civil Society* , edited by Simone Chambers and Will Kymlicka (Princeton University Press, 2002), 90-112.

way of acquiring material benefits from patronage based system of localized politics.[52] At the same time, citizens also aspire to a democratic system of governance that maintains rule of law in society, provides freedom of expression and more liberty to the people. But citizens as self-organized and self-asserting groups in communicative engagement with the state is lacking.

Similarly, the civil society in Pakistan also has a dubious presence. Its activism within the society, and its engagement with the state for a creation of a public space has had momentary upsurges. Civil society did engage in contentious politics against authoritarianism of the military and elected regimes; however, there are only episodic moments of democratic revivals. Any continual mobilization by the civil society, its engagement within the society and with the state is missing.

In one confrontation, civil society, did find a space to organize against the authoritarian state. This gradual momentum was accelerated under the military rule of the last military general, General Musharraf. This civic and political momentum gained by citizenry itself was the result of liberalization policies of General Musharraf's military regime. The liberalization of the media and openness towards NGOs signaled to the civil society that the costs of engaging in contentious politics were lower than what was used to be the case under the previous military dictatorships. For example, the strategic choices and the symbolic leadership provided by the CJP Iftikhar Muhammad Chaudhry, helped unite and galvanize opposition in both civil and political society in year 2007. It was during the momentum that had built during the Lawyers Movement that the political parties were able to get organized in their opposition to the military dictator.

In 2006, the major political parties led by Benazir Bhutto and Nawaz Sharif had signed the Charter of Democracy (CoD) pledging their support to each other in their opposition to the military

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[52] In chapter 4, discussion on local government plans highlight that military governments were able to forge civil-military partnership based on, and by making politics localized. By making politics localized the qualitative distance between the constituency and legislative politics was dissolved, the political elite elected rushed to forge alliance with military governments to have its share in the hybridized politics of the country.

dictator and for the return of democratic politics.[53] At the time of signing this *Charter* the leaders of oppositional political parties were in exile in London. Away from Pakistan's military government, the signatories pledged not to "join a military regime or any military sponsored government" or "solicit the support of military to come into power or to dislodge a democratic government," but instead to embrace a "bipartisan" ethos that accepts "the due role of the opposition" and—whether in opposition or in government—not to "undermine each other through extraconstitutional ways" ("Text of the Charter of Democracy" 2006).

The political parties signing the CoD however could not be actively engaged in political opposition against the military regime until political society had joined the Lawyers movement. The Lawyers Movement which was initiated by the civil society in 2007 directly challenged the military ruler, this movement for restoration of deposed CJP gained popular support for initiating contentious politics against military regime (Ahmed and Stephan 2010, 495-96; Kalhan 2013, 51-52).

However, the point that guides my investigation in this research is Musharraf regime's interactive exchange with civil society most particularly the NGOs in the designing, devising, planning and implementation of the plan of enactment of local governments all across Pakistan. This plan of devolution, though administratively and structurally distinct from the plans which were implemented under General Ayub and General Zia, allowed the military regime to coopt the political and civil society. The military regime secured its control over the political landscape through the local governance plan and it also made partners in civil society through the technical and financial support provided by the NGOs.

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[53] CoD was signed between the opposition parties against the military dictatorship of General Musharraf. The protagonists of this agreement were Benazir Bhutto of PPP and Nawaz Sharif of PML-N. As one civil society activist believes, "CoD was primarily an affirmation of peace between these two major parties and their agreement to unite against the military general" (Interview with Harris Khalique by the author, July 19, 2017).

CoD was signed between the opposition political parties outside of Pakistan in London in May 2006. Since the leaders of major political parties PPP and PML-N had been banned from entering Pakistan by the military ruler.

In the next chapter I present the empirical evidence on how the designing of Local Government Plan 2001 had taken shape through an analysis of the interviews conducted with the civil society actors, such as journalists and NGOs, on *how* the plan was devised.

Through an analysis of the newspaper articles for the period 2000-2001, I ask *How* was the plan received in civil society? *What* did the actors in civil society think of the plan then and what do they think now (in retrospect)? And, *why* is it that the political government in 2008 accepted the idea of devolution initiated by the preceding military regime?

CHAPTER 4

WHY PLAN FOR DEVOLUTION? THE PLANNING
FOR THE LOCAL GOVERNMENT PLAN 2001

May the people who hold the power in the polis maintain their office confidently: a system of rule that looks ahead and concerns itself with the welfare of the community.

Aeschylus, *The Suppliants*

Principle of Policy in the 1973 Constitution.
The State shall encourage local government institutions composed of elected representatives of the areas concerned. And, in such institutions special representation will be given to peasants, workers and women.

Article 32, 1973 Constitution of Pakistan

The Provincial Governments in the 1973 Constitution.
Each province shall, by law, establish a local government system and devolve political, administrative and financial responsibility and authority to the elected representatives of the local governments.

Article 140, 1973 Constitution of Pakistan

Local Government in the 1973 Constitution.
Each province shall, by law, establish a local government system and devolve political, administrative and financial responsibility and authority to the elected representatives of the local governments.
Elections to the local governments shall be held by the Election Commission of Pakistan.

Article 140-A, 1973 Constitution of Pakistan

Introduction

Scholars studying the military's engagement in Pakistan focus on the military as a specialized

bureaucracy circumventing democratic institutions (H. A. Rizvi 2003; Aqil Shah 2014a, 2014b). Others

have evaluated the military's corporate enterprise in securing its economic interests (Siddiqa 2007). There

are others who have analyzed the military's utilization of religious rhetoric so as to position the military

as the defender of Islam (Haqqani 2005). In a similar vein, scholars who have studied institutional design

in the context of Pakistan have stressed that the state of Pakistan has never found balance between

electoral, legislature, judicial, and executive institutions (Waseem 1989; Jalal [1990] 2007). I believe the

emphasis has been on studying the institutional transgressions of the military as an institution. Scholars tend to downplay the fact that the political society also is responsible for the dismal democratic culture. Similarly, the role of civil society has largely been obscured by the political society's lack of resilience against the military's intervention in politics.

In this chapter, I highlight, analyze, and critically evaluate the role of civil society in its engagement with the state in designing one institutional measure. This chapter presents the case of devolution planning in Pakistan. In this chapter, through the critical voices raised by the civil society (print media and interviews with civil society activists), I highlight the fact that the civil society was not engaged with the military regimes of Generals Ayub Khan and Zia-ul-Haq.

The argument that I am presenting in this research does not reject the *fact* that in order to legitimize their rule, the military regimes depended on the decentralization and devolution plans. I agree that all three plans (1959, 1979, and 2001) were designed to undermine the formal political institutions in the country; the military elite had a clear intention of subverting any of the oppositional voices. Under the military dictatorship of General Ayub (1958-1969) and General Zia (1977-1988), devolution plans were devised and implemented based on the institutional design constructed by the military leadership in consultation with the administrative bureaucracy.[1] These plans, however, did not involve the civil society; the public sphere was treated as being dormant and as an unwanted antagonist that had to be subverted.

However, leading figures from the civil society of Pakistan, such as the widely recognized non-government organizations (NGOs), did participate in the debate and discussion on the proposed Local Government Plan 2001 (LGP) initiated by the military regime of General Musharraf. Although these civil society actors criticized the motivation to legitimize military rule behind this plan, they all were unanimous in their position on the *need* for devolution of power to the grassroots. The NGOs were also

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[1] The devolution plan implemented under the military government of General Zia had been designed by the civilian leadership under Zulfiqar Ali Bhutto in 1972. This devolution plan, however, was not implemented during Bhutto's civilian leadership. It was only under Zia's military rule that the plan was implemented and Local Bodies elections were held on a non-party basis in 1979 and 1983. For more details, please refer to Rizvi and Khatoon (2007) and Zaidi (2005b).

the vehement supporters of the LGP. They believed "the military regime has reached out to the civil society actors more so than the previous military dictators and elected political governments."[2]

I used primary and secondary sources as the foundational base for my analysis. My analysis of devolution planning in Pakistan was based on secondary research material on the history of institutional politics, with special focus on devolution; the primary source of data was the collection of interview data with civil society activists, academics, bureaucrats, and political actors. I analyzed a military publication (from the year 2000); and a review of documentary sources collected from civil society organizations. The interviews with civil society actors provided me with data for critical review of the underlying motives of the military and elected governments. I corroborated the data from the interviews with the secondary research material and documentary evidence collected from the NGO sector in Pakistan. Furthermore, based on the interviews, I categorized the responses of interviewees into three categories: the *cynics, critics,* and *supporters*. These categories were developed to contextualize the opinions of civil and political society in the case of devolution in Pakistan.

Outline of the Chapter

This chapter is divided into six parts. The *first part* looks into the decentralization and devolution discourse as a component of governance strategy. The *second part* discusses the first two devolution plans under General Ayub (Basic Democracy) and General Zia (Local Government Ordinance). This part also discusses the political consequence of the devolution plans on the politics of Pakistan. The *third part* presents a crucial discussion on civil service reforms commissioned by the civilian and military governments. These civil service reforms were commissioned to bring changes in the civil bureaucratic apparatus.

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[2] In interviews with activists working in the NGO sector in Pakistan, this point was repeated the most often. These are the workers who have worked in the sector over the last three decades and have seen the democratically elected governments' attitude toward local government and opening the political space for marginalized segments of society. Interview with Harris Khalique, July 18, 2017; Interview with Bilal Naqeeb, July 31, 2017; Interview with Salman Abid, August 4, 2017; Interview with Zahid Islam, November 16, 2016; Interview with Azhar Bashir Malik, August 17, 2017; Interview with Malick Shahbaz, August 24, 2017; Interview with Irfan Mufti, August 21, 2017; Interview with Sarwar Bari, March 13, 2017; Interview with Omar Javed, September 7, 2017.

The *fourth part* looks into the democratic decade of the 1990s, the underperformance of elected governments, and the rise of the non-government sector in Pakistan. The discussion in this part is carried forward to the *fifth part*, which opens up discussion on the LGP devised by the military regime of General Pervez Musharraf and how that regime communicatively engaged with civil society actors such as the NGOs in planning and implementing the LGP. In this part of my discussion, I present a conceptual map of the various actors in the public sphere belonging to academia, NGOs, civil bureaucracy, and political society and how they shared their experiences with the LGP. Finally, in the concluding section, I summarize my argument on the collective role of the actors of the state, military, civil bureaucracy, and political elite, as well as the part that civil society played with regard to devolution planning in Pakistan.

Part I: Decentralization and Devolution as a Governance Strategy

The literature on local government acknowledges that local government can, and does, exist within authoritarian regimes. Therefore, it can then be claimed that local government is not exclusively a democratic phenomenon and need not be participatory in the least. Looking at the case of devolution plans designed under military regimes in Pakistan, the claim seems to be validated.

Generally, local government simply refers to particular institutions, created by the Constitution, legislation, or executive order, that deliver specific services in a delineated and relatively small geographic area within a state. *Local governance*, however, is a broader term, indicating the "formation and execution of collective action at the local level" (Anwar Shah and Furhawn Shah 2007, 73). Among local government reforms, decentralization is one such type of reform. Primarily, decentralization occurs under the framework of devolution of power, i.e., the transfer of powers, resources, and administrative responsibility from central to sub-national, regional, or local authorities and elected representatives. The basic principle governing the devolution of functions and resources is that of subsidiarity which means: what can be done best at a particular local level should be done at that level and not at higher levels (Bardhan 2002, 185).

Typically, there are three forms of decentralization: political, administrative, and fiscal. Decentralization is believed to promise a range of benefits in the way that it reduces the power of an "overextended or predatory state." By fragmenting central authority and introducing more intergovernmental competition and checks and balances (Bardhan 2002, 4), it promises to make government more responsive and efficient while ensuring local, cultural, and political autonomy and control to local self-governing communities.

Proponents of political decentralization argue that bringing decision makers closer to their constituencies enables greater citizen access and more flexibility to local conditions; devolving authority allows for more citizen participation and accountability. Political decentralization gives citizens, through their elected leaders, more power in public decision making. It is often associated with a pluralistic setting and a representative government (Weingast 1995). Several scholars have argued for more inclusion in policy process as a way to improve governance, especially economic governance; scholars, however, have argued that the benefits of decentralization are inevitably contingent upon a functioning democratic government (Bardhan 2002).

The objective of decentralization is to make local-level governance more responsive to citizens by diluting the centralized authority; that is to say, the mega structures of decision making in a polity have to be devolved (Fung and Wright 2001, Faguet 2014). In other words, "for decentralization to be really effective, it has to accompany serious attempts to change existing power structures within communities and to improve the opportunities for participation and voice and engaging the hitherto disadvantaged or disenfranchised in the political process" (Bardhan 2002, 202).

Thus, according to scholars, the reform agenda for decentralization focuses on fostering local institutions that are geared toward development of people-centric policies (Fung and Wright 2001; Bardhan 2002). Decentralization centers on effective participation of citizens in setting public policy priorities. If the local institutions are strong, then citizens can hold their elected accountable in time and in a cost-effective manner. This, therefore, creates an environment of public transparency between citizens

and the local state institutions. In absence of strong local institutions, the levels of accountability and

transparency between centralized state institutions and citizens at the grassroots remain distorted.

Decentralization aims to resolve the slack between the citizens at the grassroots and the centralized state

institutions (Fung and Wright 2001; Fung 2012; Bardhan 2002; Faguet 2014; Parkinson 2004).

Part II: The First Two Devolution Plans in Pakistan: Ayub's in 1959 and Zia's in 1979

> The army's promotion of local government as a space of legitimacy and political tutelage is a
> paradigmatic feature of its extraconstitutional reason of state. (Naqvi 2013, 279)

Local governments had existed in Pakistan from the time of the British Raj, but these local

institutions were seen merely as measures to control and monitor local politics. The local institutions of

the time were not devised to involve local communities in policy making for their regions; they were

authorized merely to keep the locals away from directly retaliating against the imperial crown of the

British colonial empire (S. S. Rizvi 1980; Z. Islam 2014, 2015). In my interview with former bureaucrat

Roedaad Khan, he argued "[I]n times of the Raj the British had allowed for limited political control to the

subjects; similarly, the military rulers also carried such a controlling syndrome allowing for minimal

political control to the people."[3]

Local government elections are adopted by military rulers to manage the domestic elite upon

whom the dictator relies for regime stability. In addition, elections at local levels are important sources of

information for the military ruler, through which he and his administration gauges their regime's support

in the public sphere. Critics of the military regimes and their plans of local governments have argued that

the local government elections work as a kind of mechanism for the "selection of those individuals who

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[3] Mr. Roedaad Khan, a former high-ranking bureaucrat who served under three military dictators and elected governments from 1951-1993. Khan served under the military dictators General Ayub Khan (1958-1969), General Yahaya Khan (1969-1971), Prime Minister Zulfiqar Ali Bhutto (1972-1978), General Zia-ul-Haq (1978-1988), Prime Minister Benazir Bhutto (1988-1990), and Prime Minister Nawaz Sharif (1990-1993). Interview with the author, January 25, 2017.

shall generate and guard discourses in the public sphere that support the military rulers to strengthen their rule."[4]

The Start: Basic Democracy Led by Military and Bureaucratic Elite

Under General Ayub Khan, the system of Basic Democracy (BD) was devised after he imposed martial law in 1958. The designing and planning of this program were undertaken by the special office of the Bureau of National Research & Reconstruction (BNR&R), which was set up by the military regime. The plan devised by the BNR&R was implemented by the military and the civil bureaucracy throughout the entire country. BNR&R was headed by Brigadier F. R. Khan. BNR&R was the military regime's devised institution for designing the plan for BD. During the designing of the plan, the military regime never consulted any of the actors in civil society, such as academia, print media, or citizen groups.[5]

The Basic Democracy Order was launched in October 1959, and by December 1959, 80,000 local officials were elected as Basic Democrats. The BD system envisaged a four-tier hierarchical system of governance. The 37,959 villages in Pakistan were divided into Union Councils in rural areas and Town and Union Committees in urban areas.[6] The next highest tier was that of Tehsil Councils in rural areas and Municipal Committees and Cantonment boards in urban areas, followed by District Councils and, finally, the fourth tier of Divisional Councils. It was the lowest tier, that of Union Councils and Town and Union Committees, that had members elected on the basis of adult franchise, who then elected a chairman from amongst themselves.

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[4] Dr. Hassan Nasir, Secretary General, National Party (NP). NP is a regional political party from the province of Balochistan. Dr. Nasir has been a member of NP for the last 15 years. During General Zia's rule, Dr. Nasir was a student leader and was imprisoned for his political activism. He later fled from Pakistan and lived in Europe during the 1990s. He joined NP because, as he explains, it "is a political party that is ideologically left." Interview with the author in Islamabad on February 18, 2017.

[5] Khursheed-ul Hassan, "National Reconstruction Bureau to Be Set Up – Will Enjoy Wide Powers," *Dawn,* December 4, 1958.

[6] The areas with a population of more than 14,000 inhabitants were categorized as Town Committees, and areas where the population was less than 14,000 inhabitants were the Union Committees (S. S. Rizvi 1980, 34).

The higher tiers had some members who were indirectly elected by these directly elected members, as well as members nominated by the government. The system was highly restrictive in its participatory and electoral framework, since the far more important position of the chairman of Municipal Committee was appointed by the government. The civil bureaucrats appointed by the Central and Provincial governments, such as the Deputy Commissioner (DC) and the Commissioner, would be appointed as chairmen of the Municipal Committee, the District Committee, and the divisions (Sayeed 1967, 248-50; Zaidi 2015, 332).

The 80,000 Basic Democrats (BDs) who were elected to the committees, in fact, became the electoral college for the election of President General Ayub Khan. General Ayub Khan, after being elected the president of the country, was able to rule with the system of BD as his constituency. According to Shahid Javed Burki, who had served as a bureaucrat under the military regime of General Ayub, "The system of BD was not a project in enactment of democracy, it was devised by the military regime to help it implement the aid received by the US state which was called PL-480 towards implementation of the Village-Agriculture and Industrial Development (VAID) program."[7] Therefore, for the implementation of VAID, Burki argues, "the military ruler needed administrative bureaucracy to work closely with the people at village levels, but in essence the locals did not have authority to decide over matters of local governance." Scholar Khalid Bin Sayeed (1967) shared a similar observation on the system of BD. He asserted that the system was as basic as its title; the locally elected members to the committees had no powers devolved to them, and the decisions on the development of the community remained under the control of the civil administrative bureaucracy (244-46).[8]

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[7] Interview with the author in Lahore on March 29, 2017.

[8] Also see: Harry J. Friedman, "Pakistan's Experiment in Basic Democracies," *Pacific Affairs* 33, no. 2 (June 1960): 107-125.

Harry J. Friedman, "Notes on Pakistan's Basic Democracies," *Asian Survey* 1, no. 10 (December 1961): 19-24.

The Next Stage: Establishment of Local Bodies Led by Military and Bureaucratic Elite

1n 1972, after Zulfiqar Ali Bhutto had emerged on the political landscape as the populist leader of the Pakistan Peoples Party (PPP), he dissolved the military-devised BD system and announced a new system of "three-tier local government to replace the BD system." Bhutto was unequivocal in his criticism of the BD system, and he believed it was "a system that reduced democracy to farce."[9] Bhutto had announced his intention to launch a new Local Bodies plan, and indeed two Local Government Ordinances were introduced in 1972 and in 1975, but they were never implemented. This was a contradiction to the populist discourse espoused by Bhutto's Pakistan Peoples Party (PPP). However, as many observers of Pakistan politics contend, despite his populist appeal, Bhutto never could have pursued the elections to local bodies for the fear that opposition parties might win the electoral base at the local levels and damage the support base held by PPP.[10]

Following the general elections in 1977, General Zia-ul-Haq imposed martial law and stunted the continuance of a democratic process. After postponing and delaying general elections for national and provincial assemblies according to the 1973 Constitution, General Zia-ul-Haq instead announced a plan for local governments in June 1979, essentially the same local government plan that was earlier devised by Zulfiqar Ali Bhutto in 1972 and 1975. General Zia-ul-Haq's military government amended provisions in the local government ordinance of 1975 and announced local government elections. When these local government elections were announced, the political parties criticized this policy initiative, arguing that elections to local governments, in the absence of provincial and national governments, would be

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[9] "Steps to Restore Democracy: Three-Tier Local Government to Replace BD System." *Dawn.* January 23, 1972.

[10] In my interviews with academics, senior retired civil servants, and the representatives of civil society organizations, all 29 of the interviewees repeated the same response as to *why* Bhutto did not hold elections at local levels despite having control over the Central government and his party's achievement of the promulgation of the 1973 Constitution of Pakistan.

detrimental to the restoration of democracy in the country.[11] The criticism did not deter General Zia-ul-Haq from launching another military-civil bureaucracy-devised local government plan across Pakistan.

Political Significance of the Local Government Ordinance (LGO) 1979

Under the LGO 1979, there was a four-tiered municipal governance in urban areas—Town Committees, Municipal Committees, Municipal Corporation, and Metropolitan Corporation.[12] There was a three-tiered system of local government in operation in the rural areas, where Union Councils, Tehsil or Taluka[13] Councils, and District Councils existed. Under the LGO 1979, elections for all local bodies were held in 1979, 1983, and 1987. After the elections of all the members of the unit, the chairman, vice-chairmen and mayors were all elected on the basis of indirect vote from within the local council. In each election cycle from 1979 to 1987, 80,000 seats were contested in each election, of which 89 percent of the representatives belonged to rural local councils (Zaidi 2015, 335). Depending on the availability of the trained human resource and the technical skills in each urban and rural area, the services provided by these councils were limited, and these councils therefore relied on either the Central government or the existing civil bureaucratic setup in each district.

As Zaidi (2015) asserted, "[D]espite the large number of legislative functions of local councils and their often extensive organization and management structures, *very few functions by local councils were actually carried out.*"[14] Furthermore, like his predecessor, the military government of General Zia-

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[11] "PPP to Continue Opposing Civic Election Plan – Haneef Khan," *Dawn,* June 10, 1979.
   "JUI Shoora's Resolution: General Elections Before Civic Polls," *Dawn,* June 11, 1979.
   "Qaumi ittehad nay pahelay baldiatee intikhaab karanay kee mukhalifat ka ilan kar diya." *Daily Jung,* June 12, 1979. Translated as "PNA opposes the holding of local bodies elections before general elections."
   "Baldiati intikhab pehlay karaey gaye tou mulk mein intishar paida ho jaya ga, Mulana Mufti Mahmud." *Daily Jung.* June 10, 1979. Translated as "Holding of local bodies elections before general elections will increase chaos in the country, Mufti Mahmud."

[12] In the two largest cities, Lahore and Karachi, the Metropolitan Corporation, by virtue of the sizes of the cities and their population, had a far more diverse and extensive organizational structure than the other urban cities (S. S. Rizvi 1980; Zaidi 2015).

[13] Tehsil or Taluka is an administrative unit within a district, smaller than the district and bigger than the union council in terms of its size and population.

[14] Italics in original.

ul-Haq did not engage with any of the actors in civil society for the making the local government plan service-delivery oriented.

General Zia-ul-Haq devised the local government plan to centralize power with the military and civil bureaucratic elite. And, in order to emasculate the political parties and the political institutions of the legislature at both the national and provincial levels, the elected bodies at the local levels, through the District Councils, gave General Zia-ul-Haq's military regime an electoral connection to the society. Since the political parties had been vocal in criticizing the local government elections before the general elections in 1979, this therefore gave space for some new political contenders to contest the local government elections. Furthermore, the traditional political parties rejected the local-level elections, and the political competition had also been reduced, thus signaling an opening for new candidates vying for political power. As Ali Cheema contended, the "army was at the helm of political centralization. Under General Zia, the army controlled the federal and provincial levels with a legitimization strategy strengthened through the electoral representation at the local levels."[15]

I believe these new contenders for power extended their loyalty to the military rule to remain electorally relevant in their constituencies and politically significant to the military ruler. The military regime of General Zia-ul-Haq benefitted from the entry of the new political contenders on the local level in absence of any direct political competition at such levels and at the provincial and federal levels. Thus, the military regime of Zia-ul-Haq held the local government elections in 1979, 1983, and then in 1987. The 1979 and 1983 local government elections are important in the sense that these elections were held before the general elections in 1985. General Zia-ul-Haq realized the benefits of having nonpartisan elections at the local levels and therefore replicated the same order when he announced the general elections in 1985.

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[15] Dr. Ali Cheema, Professor of Economics at Lahore University of Management Sciences. Interview with the author, March 27, 2017.

The nonpartisan elections at the local levels and their replication at the general level in 1985 had a huge impact in the emergence of localized politics at the national level. "Zia had used these local bodies elections as a litmus test to his regime's popularity; when the local bodies elections were held in 1979 and 1983 many political contenders who were elected belonged to the Pakistan People's Party; this therefore made Zia to persecute partisan politics at all levels, local, provincial and federal levels."[16] However, the military regime of General Zia-ul-Haq was able to draw broad-based support for the local governments "because of the relative importance given to this tier of government by the large developmental funds channeled through it."[17] The military intervention and interference in politics led to the emergence of localization and personalization of politics at the local level (Ziring 1988, 1997; Cheema, Khwaja, and Qadir 2005, Cheema and Sayeed 2006, Cheema and Mohmand 2008).

The military regime carefully selected and favored many social groups that challenged the political mobilization of political parties. A very large number of individuals who had been trained for the first time in politics through the local bodies emerged later as members of the national and provincial assemblies in 1985 and in subsequent elections. One media report cited by S. Akbar Zaidi (2015) claimed that in 1985, of the 240 members of the Punjab Provincial Assembly, 124 were sitting councilors at the Tehsil and/or District Councils; of the 11 Metropolitan/Municipal Corporations in the provinces of Punjab and Sindh, at one time or another, the mayors of as many as 10 Metropolitan/Municipal Corporations had been members of the National Assembly or members of the Provincial Assembly. When the general elections were in held in 1993, it was estimated that more than 70 percent of the members of the Punjab and national assemblies had started their political careers from local bodies (see Zaidi 2015, 337, footnote 29).

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[16] Dr. Mohammad Waseem, Professor of Political Science at Lahore University of Management Sciences. Interview with the author, November 29, 2016.

[17] Mr. Salman Abid, Regional Head of Strengthening Participatory Organization (SPO). Interview with the author in Lahore, August 4, 2017.

One member of the civil society organization Free and Fair Election Network (FAFEN), an Islamabad-based organization that monitors election processes, contended that the local bodies election that had been held under General Zia-ul-Haq's military regime, "even if they were non-partisan contests, it nevertheless had solidified a political class to emerge in local areas, and this class of political elite gained control at the national and provincial level legislature levels in time of democratic transition that followed from 1988 onwards."[18]

Additionally, these nonpartisan elections at local levels "brought in a large number of local level politicians who had become prominent in their own geographic region or constituency at the local level, contested the 1985 elections and were thus propelled to provincial and national status, as were some political parties."[19] Political parties such as Mohajir Quami Movement (MQM), which later was renamed Muttahida Quomi Movement (MQM), came into existence under General Zia-ul-Haq's rule and became a powerful regional contender for political control in Sindh in the 1990s.[20]

A group of political elite that had been elected in the 1985 general elections under General Zia-ul-Haq started to reorganize themselves to reconstitute and reactivate - Pakistan Muslim League (PML). The political elite were favored by the military regime over the oppositional political elite having affiliation with Pakistan People Party (PPP). Later in the decade of the 1990s, this political party came to be known for its leader, Muhammad Nawaz Sharif. The traditional stronghold of this party is the populous Punjab province. The party credited its leader for political reorganization and came to be known as the Pakistan

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[18] Mr. Muddasir Rizvi, Head of Programs, Free and Fair Election Network (FAFEN). Interview with the author in Islamabad, February 15, 2017.

[19] Ibid.

[20] MQM was also in support of the rule of General Musharraf and extended its allegiance to his dictatorship.

Muslim League (PML-N).[21] This political party and its main rival party, the PPP, had formed elected governments during the 1990s.

These are examples of political parties that emerged on the political scene under the two military regimes. Most of their members had launched their political careers as nonpartisan candidates at local levels in 1979 and 1983. However, with time, the political parties reorganized their members to channel political parties' access to provincial and national assemblies.[22]

In the absence of elected assemblies, local governments were the only popularly elected bodies. I believe these locally elected political elite became politically relevant for the military regime for three reasons: (a) it kept the people connected electorally to their representatives; (b) it channeled peoples' discontentment with democratic politics squarely at the local levels and did not let it spill over at the national level; and (c) since many new political contenders contested the local elections, it therefore fragmented the political parties and their opposition to the military regime. The locally elected political elite and the local governments therefore played an important political role in legitimizing the rule of the military regime. The locally elected political elite also became a political channel for the military regimes, for they had been raised as a new cadre of political elite.

For the local governments to perform at grassroots, the administrative structure of state provided the necessary technical and administrative support. The civil bureaucracy therefore was in service of the military dictatorships. The military rulers and the later elected governments however also initiated various steps to reform the bureaucratic apparatus of the state. The devolution plans devised by the military

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[21]In the 2000s, with the military coup by General Musharraf, another version of the Pakistan Muslim League remerged on the political landscape. The Pakistan Muslim League–Quaid (PML-Q), which was launched under the military regime of General Pervez Musharraf, was another political party in alliance with his military regime with a stronghold in the populous province of Punjab. By the time PML-Q was launched, the PML-N was in disfavor with the military elite. However, many members of PML-N and PPP had joined the newly launched PML-Q in order to secure their political relevance among their constituencies. Two thirds of the candidates fielded by the PML-Q in the 2002 general elections defected from the PPP and PML-N. Please see media report: Hassan Akbar, "The Rise of the King's Party," *Newsline Magazine,* October 2002. Also available at http://newslinemagazine.com/magazine/the-rise-of-the-kings-party/

[22] For discussion on political parties in Pakistan, please refer to chapter 3.

governments were also seen by the designer as a step towards the reformation of bureaucratic apparatus. Next section of this chapter looks into the various civil reforms initiated by the state.

Part III: Civil Service Reforms Commissioned by the Civilian and Military Governments

At the time of Pakistan's independence, the civil bureaucracy inherited from the British Raj provided the administrative workforce for the newly created country. The Civil Service of Pakistan (CSP) was Pakistan's version of the colonial Indian Civil Service (ICS). The ICS had provided the hierarchal chain of command linking the field administration (i.e., at the districts) to the provincial and federal tiers. Under the British rule, the civil bureaucracy functioned under the viceroy. The characteristic feature of British colonial administration was that none of the positions to these offices (district, provincial, federal) were elected.

The CSP inherited these characteristics from ICS under colonial times. Nasir Islam (1989) contended the CSP had no experience of working as subordinates to elected politicians (272). The CSP maintained its colonial prestige of deep understanding of the administrative laws and thus provided the crucial bureaucratic workforce[23] to the state of Pakistan (Niaz 2010, 89-96). The CSP, at the time of Pakistan's independence, was comprised of 157 officers; 99 officers were Muslim ICS, and 50 were British ICS who were hired by the Pakistan government on a contractual basis to fill the personnel shortage (N. Islam 1989, 273).[24]

The elitist orientation of the service structure of CSP was the most crucial feature of its prestige in the civil bureaucracy. The political elite relied on the CSP to manage the administration of the newly established country. However, at the same time, the political elite initiated the review and performance

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[23] The CSP inherited from colonial administration was hierarchal and was based on rank classification. There were four categories: Class I, II, III, and IV. Of these classes, Class I was vertically organized into twelve cadres known as the Central Superior Services, which included the CSP and the Police Service of Pakistan (PSP). The most premium official rank within the CSP was the administration of the districts as the Deputy Collector or Deputy Commissioner (DC). This position meant that the DC was the head of the district administration overseeing matters of law and order and revenue collection in the districts.

[24] Jaffrelot (2002) argues the Muslim ICS officers were 95 whereas Islam (1989) believes Muslim ICS officers were 99.

appraisal of the working efficiency of the CSP. From 1949 to 1962, attempts were made by the political and military elite to reform civil services in Pakistan, reducing its colonial prestige and making it more specialized to serve the development and administrative needs of the people.[25]

In the 1960s, under the military rule of General Ayub Khan, two evaluative commissions were initiated—one in 1961 and the other in 1962. Both commissions recommended to the military ruler that the CSP must root out its colonial mindset of ruling over the people; the office of DC under the CSP must be reoriented to serve the people rather than to act and rule as a colonial governor in the districts. However, the recommendations made in the two reports—the Ahmad Report of 1961 and the Cornelius Report of 1962—were not implemented by the military government. On the contrary, under Ayub Khan's system of BD, the DC effectively had become district governors that not only controlled functions of district administration but "also acted as the political representatives of the president" (Niaz 2010, 104).

Civil Services Reforms under Bhutto (1973) and General Zia (1978)

The governments before General Ayub and his military government did not produce measures to reform the civil services. However, in the aftermath of the events of 1971, the elected government of Zulfiqar Ali Bhutto initiated the reformation of the civil services and administrative bureaucracy. Those measures were devised to bring control of the state's bureaucracy under the elected office of the prime

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[25] In 1949, the first commission under the chief justice of Pakistan, Justice Munir recommended scaling down the salaries of the CSP. The Egger Report of 1953 was submitted by R. Egger, who was an expert from the United States Agency for International Development (USAID). He recommended that the CSP must unify all its cadres so that the colonial prestige of the CSP was scaled down. The Gladieux Report, commissioned in 1955, recommended that the office of Deputy Commissioner (DC) under the CSP must be devolved at the grassroots.

minister.[26] However, hardly any measures were devised by the elected regime to strengthen the locally

elected officials parallel to the administrative bureaucracy.

Similar measures were taken up by General Zia-ul-Haq; not only did the military ruler devise

policies to subordinate civil bureaucracy to the military regime, but he also gave the military a direct entry

to the public administration via the civil bureaucracy (Wilder 2009). Under General Zia-ul-Haq, the army

was given a 10 percent share of positions in the civil administration. This meant that serving military

officers and retired officers could be transferred to the civil bureaucracy and, more broadly, this meant the

military's direct engagement in the civil administration.

Christophe Jaffrelot (2015) noted that "between 1980 and 1985, 96 army officers entered the

CSS[27] while 115 were recruited on contract and in 1985, a military official was appointed head of the civil

intelligence bureau for the first time" (330). Under General Zia-ul-Haq, a fact-finding team under the

leadership of senior civil services bureaucrat Anwar-ul-Haq was commissioned. The report did not advise

any revolutionary changes to the officer cadre of the District Management Group (DMG). Instead, "it

retained deputy commissioners as the linchpin of the provincial administrative system" while the "elected

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[26] During the elected government of Zulfiqar Ali Bhutto, the Civil Services of Pakistan was affected by his adversarial policy. Bhutto had decreed the forced retirement of "1,300 civil service officers" from active service (Wilder 2009, 22). Niaz (2010), however, argued that more than 2,000 civil servants had been sacked by Bhutto's government (112). Scholars believe this was to send a message to the civil bureaucracy that the executive branch— the office of the prime minister—was in control of civil administration and the state bureaucracy (N. Islam 1989; Kennedy 1985). On the contrary, Christophe Jaffrelot (2015) believes that although Bhutto's stated objective was to "get rid of a centralized bureaucracy," the aim was to "concentrate more power in his hands once he had disposed of an administration that had controlled the state for years" (234).

[27] Central Superior Services, the elite service corps of Pakistan's civil administration, consists of specialized groups such as the Police Service (providing the officer cadre for internal national security), the Foreign Service (providing Pakistan's diplomats), and the District Management Group (DMG) that provides the officer cadre for district administration for the position of DC.

officials (for example, the chairmen of the district councils) were reduced to auxiliary roles" (Shafqat 2013, 106).[28]

Civil Services Reform under the Elected Government of Nawaz Sharif (1997-1999)

Under the elected government of Nawaz Sharif (1997-1999), two investigative missions were commissioned to advise the government on how to make the civil administration most responsive to the changing domestic, national needs and to make them more effective in delivering services to the people. One report, the *Fakhar Imam (1999) Report of the Commission on Administrative Restructuring on Re-Engineering of the Federal Government,* recommended that "the prime minister personally oversee the process of restructuring and reengineering civil services reforms and the government" (Shafqat 2013, 107).

The other report commissioned at the behest of Nawaz Sharif's government was compiled in 1998 by the World Bank (WB)[29] and was titled *Pakistan: A Framework for Civil Service Reform in Pakistan*. The World Bank noted the "politicization of civil service decision-making. Political interference has reduced the effectiveness and professionalism of the civil service, while at the same time politicians have often failed to exercise their oversight role in the wider public interest" (World Bank 1998, ii).

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[28] Furthermore, Saeed Shafqat (2013) contended that under the military dictatorship of General Zia-ul-Haq, the civil bureaucracy conforming to Zia's "Islamization program" had to revise its curriculum at the Civil Services Academy, Lahore; and thus with regard to practices, "the overall environment induced changes in attitudes and conduct, and the very notion of public service was expected to conform to Islamic rituals and symbolism. During this period great effort was made to change the image, conduct, and behavior of the Pakistani bureaucracy. A visible manifestation was the new dress code instituted for civil servants; the model civil servant changed from someone who wore Western garb to someone who wore the local *shalwar kameez* (long shirt and baggy pants) and was expected to pray in the office" (Shafqat 2013, 111). Italics in original.

Please also see: Andrew R. Wilder, "The Politics of Civil Service Reform in Pakistan," *Journal of International Affairs* 63, no. 1 (2009): 19-37.

[29] The other two multilateral donor organizations, the Department for International Development (DFID) and the Asian Development Bank (ADB), also did provide technical support in collecting the data on the civil services reforms in Pakistan. These three multilateral donor organizations—the WB, DFID, and ADB—did provide financial and technical assistance to the military government of General Pervez Musharraf when the Local Government Plan 2001 was implemented in Pakistan.

This report made strong observations of the lack of responsive local governments, stating that "the lack of effectively functioning, politically accountable local governments in Pakistan leaves a vacuum," and in such a scenario, "[R]ural communities are increasingly relying on their own efforts to develop local village infrastructure and social services. Although greater reliance on community/NGO and private efforts is generally a positive development," the report cautioned that "when this occurs in the core areas of responsibility of the public sector it is a worrisome sign of disillusionment with the latter's inability to deliver" (World Bank 1998, 28). The WB recommended devolution as one of the means to improve government in Pakistan.

Though it was Nawaz Sharif's elected government that had commissioned these above-mentioned reports, there is no evidence that the government acted on either of the two commissions' recommendations. Saeed Shafqat argued, "[S]such reports were commissioned merely to give the impression to the civil society that government is deliberating on bringing reforms to the civil administration; in reality, however, the government has minimal commitment to change the status quo."[30]

Part IV: The Decade of the 1990s

The decade of the 1990s is known for the return of partisan electoral democracy in Pakistan. During this period, the elected governments moved between the two major political parties, the PPP and PML-N. However, neither of these political parties worked on the issue to reconcile their political differences to move toward the consolidation of democracy in terms of strengthening political institutions. The period between the 1988 and 1999 is termed the "democratic interregnum" (Weiss and Khattak 2013, 7). Democracy during this period remained transitional, in the sense that the political elite remained focused on their electoral success rather than on making policies for the creation of an enabling political environment. When major political parties are prevented by military rulers from engaging in politics,

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[30] Dr. Saeed Shafqat, Professor of Political Science at Center for Public Policy & Governance, FC College University, Lahore. Interview with the author in Lahore, November 28, 2016.

those political parties express a strong dispensation for democracy. However, once these political parties

are in government, they "change and demonstrated authoritarian tendencies" (Shafqat 2002, 213).

Weiss and Khattak (2013) argued that the elected governments during the decade of the '90s

"seemed more intent with staying in power than with taking chances to enact substantive change" (7).

Dismal Economic Performance of the Elected Governments and the International Financial Institutions (IFIs)

The decade of the '90s saw the return of democratically elected governments. The period also

brought with it economic hardships for the country. During the military rule of General Zia-ul-Haq, the

country had witnessed a large volume of international humanitarian aid for the country. This humanitarian

aid was provided to Pakistan for its contribution to the ongoing Afghan Jihad in neighboring Afghanistan

against the Soviet invasion. From 1979 to 1989, Pakistan received financial assistance from the

International Financial Institutions (IFIs) such as the World Bank (WB), International Monetary Fund

(IMF), and the Asian Development Bank (ADB). The WB and IMF had made available to Pakistan an

extended loan facility to help it manage its budget deficit, and the Reagan administration provided a

US$3.2 billion economic and military aid package to Pakistan in 1981 (Gwertzman 1981).

General Zia-ul-Haq's regime also accessed loan facilities made available through the IMF. Under

the Extended Fund Facility (EFF) in November 1980, the government of General Zia-ul-Haq had an

agreement to receive Special Drawing Rights (SDR)[31] of 1.27 billion from IMF. During this period, the

IFIs' Structural Adjustment Program was also being established in developing countries. Since Pakistan

had been receiving international aid from the West during the Afghan Jihad, it did not experience any

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[31] Special Drawing Rights (SDR) are artificial assets created by the IMF and made up of a weighted basket of the world's top five currencies that includes the U.S. dollar, the Euro, the Chinese renminbi, the Japanese yen, and the British pound sterling. For further details please see: http://www.imf.org/en/About/Factsheets/Sheets/2016/08/01/14/51/Special-Drawing-Right-SDR

serious effects from the Structural Adjustment Program[32] (A. S. Akhtar 2013, 49-50). But as soon as the Soviet forces withdrew from Afghanistan, and with the demise of General Zia-ul-Haq, the economic situation of the country started to deteriorate.

With the return of electoral democracy in Pakistan, the elected government found itself severely handicapped by the loan conditionality imposed by the IFIs. During the 1990s, the IFIs put economic pressure on the country to reduce its public expenditure and develop new measures in its governance policies. The elected governments did manage to receive loans from the IFIs, but the elected governments did not accomplish any measures to reform governance. During this same period, the country also witnessed the rise of the NGOs as the third sector in the country. The NGOs that had initially started operating during the Afghan Jihad did not terminate their operations; in fact, local affiliates were created and domestic NGOs established their operations across Pakistan. These NGOs had valuable technical expertise in community mobilization and development.

Omar Asghar Khan, a leading development practitioner (who later joined the cabinet of General Pervez Musharraf), credited the NGOs for helping the people in the wake of an unresponsive political government. According to Khan, the democratically elected governments did not initiate direct engagement with the people to respond to their developmental needs; this void was filled by the NGOs (O. A. Khan 2001). In filling this gap, others argued the NGOs were the interface between the donor agencies and the local communities, and, similarly, NGO also serviced the gap between the state and the people (Naviwala 2010).

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[32] The Structural Adjustment Program is loan conditionality that is imposed by the IFIs to the countries that apply for loans from the IFIs. This program requires that a country reduces its public expenditure and liberalizes its economy for foreign competition. According to the Structural Adjustment Program, countries therefore privatize their national industry and access to natural resources for outside entrepreneurs and corporate interests. The general argument for the Structural Adjustment Program is that it makes the economy more resilient and forces the economy to open itself to external competition. For further information on the Structural Adjustment Program, please read: S. Akbar Zaidi, "Structural Adjustment Programmes: Composition and Effects," in *Issues in Pakistan's Economy: A Political Economy Perspective* (Oxford University Press, 2015), 458-482.

NGOs as the Third Sector in Pakistan

In the last chapter, I discussed the emergence of the NGOs as civil society actors in Pakistan. In Pakistan, as I have argued, the existence of the civil society is a misunderstood concept and a complex entity. The civil society, in the traditional sense, is an entity of citizens organized into civic associations, and trade unions, but in Pakistan, such is not the embodiment of civil society. As Christophe Jaffrelot (2015) contended, "[T]rade unions' weakness partly explains why in Pakistan, "civil society" is often understood as a synonym for NGO" (427). In Pakistan, the NGO as a sector was strengthened as a consequence of the Soviet invasion of Afghanistan. With Afghan refugees in Pakistan during the ongoing conflict in Afghanistan, international aid agencies opened operations in Pakistan and supported local organizations in initiating humanitarian programs to aid the refugees.

International humanitarian and development organizations such as the United Nations and its affiliates opened their operations in the country, but worked closely with Pakistan-based domestic non-profit organizations. It was during this period that the number of NGOs in Pakistan multiplied. Likewise, other international agencies, such as the United States Agency for International Development (USAID), the Department for International Development (DFID), and Canadian International Development Agency (CIDA), had also initiated their operations in support of Pakistan's government to manage the refugee crisis and also to help establish the local NGOs. The establishment of local NGOs was encouraged by the military regime to absorb the special funds made available for development programs (Nejima 2002, 97).[33]

But with the Soviet withdrawal from Afghanistan, these agencies cut back on their operations. The funds that had been available to these agencies were utilized to establish domestic agencies that would provide technical support to the state's agencies in providing basic services in the rural and urban

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[33] Please also see: Adnan Sattar and Rabia Baig, "Civil Society in Pakistan: A Preliminary Report on the CIVICUS Index on Civil Society Project in Pakistan," *CIVICUS Index on Civil Society Occasional Paper Series,* Volume 1: Issue 11 (NGO Resource Center, Agha Khan Foundation, 2001), i-ii, 30.

areas of Pakistan (O. A. Khan 2001). The local organizations that were formed with international funds, for example, the Strengthening Participatory Organization (SPO), were established under an agreement between CIDA in 1994 and the Pakistan government, with the purpose of supporting NGOs in rural areas.

The Trust for Voluntary Organization (TVO) was created in 1990 by the Pakistan government to provide financial support to NGOs under an agreement with the USAID. The South Asian Partnership (SAP-PK) was set up in 1989 as the Pakistani affiliate of an association of voluntary agencies in Canada and South Asia. The fact that NGOs emerged as a distinct phenomenon in the 1980s can largely be attributed to the influence of international NGOs working in Pakistan (Ghaus-Pasha and Iqbal 2003; Bano 2012).

Table 3 presents the list of the NGOs that were formed in the 1980s; these organizations were formed as NGOs independent from the government of Pakistan. These organizations, however, were registered entities under the laws of the state.

Table 3: List of NGOs Established in the 1980s

Name of the Organization	Year Established	Nature of Work
Human Rights Commission of Pakistan	1986	Rights-based organization, works for minority and women rights.
Aurat Foundation[34]	1986	Rights-based organization, works for women's rights.
SUNGI[35]	1989	Service-delivery organization, works with the local communities in the rural areas of Pakistan, especially the province of KPK.

Source: NGO Resource Center 2000

All these Pakistan-grown NGOs and think tanks collaborated with and were provided funding support from the international NGOs and think tanks working in Pakistan. Although these organizations were established as independent entities from the government, they relied on funds from the international donor agencies. These organizations do not disclose their funding sources to outside persons such as myself. However, by law they have to share their funding sources to the state agencies.

In my interviews with the staff of these organizations, such as the HRCP, SAP-PK, SPO, and SUNGI, all of them admitted that the various international donor agencies are providing them the funds to operate in Pakistan. But the projects that these organizations undertake for the various donor agencies are only short-term, not lasting for more than 3 years. In some cases, the donor agencies commission research studies, such as on the rights of women under women-specific laws by the state, child protection laws,

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[34] *Aurat* in Urdu means woman. This organization was launched by Nigar Ahmad, a leading women's rights campaigner.

[35] *SUNGI* in Hindko—a dialect of Punjabi spoken in the hilly region of upper Punjab province and KPK—means friend or companion. The organization was launched by Omar Asghar Khan; he was a leading social rights campaigner with political aspirations, though he could not secure electoral victory due to his adversarial campaigning against the military rule of General Zia-ul-Haq. He, however, did establish an NGO in the province of KPK in the late 1980s—the SUNGI Foundation. When General Pervez Musharraf came to power with the military coup in October 1999, Omar Asghar Khan was asked to join General Musharraf's cabinet of advisors. Khan severed his association with the SUNGI Foundation and joined the cabinet as Minister for Labor, and Minister for Rural Development and Local Government. In 2002, he launched his political party, but just before the general elections of 2002, he died. His death is marked with controversies; some argue he committed suicide, while others believe he was murdered.

minority rights under the Constitution of Pakistan, etc. One NGO representative candidly conceded

NGOs' reliance on external funding; he contended, "The NGO sector in Pakistan are the mere

contractors; we do what we are told by the donor agencies. If, for example, the donors are interested in

devolution programs as they were in Musharraf's time, the entire NGO sector therefore engaged in

implementing the program at the grassroots. We, as I said to you, are contractors."[36]

As I have mentioned, during the 1980s, the NGOs started to reemerge as the third sector, other

than the state and the economy. The elected governments of the '90s, especially the government of Nawaz

Sharif, built partnerships with this newly reconstituted NGO sector. However, also during the decade of

the '90s, Pakistan's elected governments faced credit shortfalls, resulting in a deficit in their budget.

During this time, the IFIs, such as WB and IMF, placed conditions on the governments to drastically cut

down on public expenditure. This, therefore, led the state to build partnerships with the NGOs sector to

engage in programs that would serve the needs of the people.

In her analysis of state-NGO partnerships in Pakistan, Susumu Nejima (2002) argued that because

of the powerful influence of donors, the Pakistan government began to play a favorable role in the

activities of the NGOs. Furthermore, she asserted, "[T]he one concrete example of this change in

governments' attitude was the Eighth Five-Year Plan (1993–98).[37] During the period of this plan the

government promoted the Social Action Programme (SAP) with support from the World Bank and the

Asian Development Bank. Under the SAP, a policy was laid to facilitate activities through community

organizations in the four fields of basic education, basic health and sanitation, waterworks and sewerage

systems in rural villages, and population planning" (Nejima 2002, 103-4).

As mentioned in the beginning of this section, I argue that the decade of the '90s was also the

decade of democracy. However, it was during this decade that Pakistan's dismal economic performance

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[36] Mr. Harris Khalique, Team Leader for AAWAZ Voice and Accountability Program at DAI Consulting, Inc. Interview with the author in Islamabad, July 18, 2017.

[37] It must be noted that from 1993 to 1998, Pakistan witnessed the elected rule of three elected governments: 1992-1994, Nawaz Sharif's PML-N; 1995-1996, Benazir Bhutto's PPP; 1997-1999, again, Nawaz Sharif's PML-N.

and its increased reliance on the IFIs began to be felt by the people. The SAP, which was devised by the elected government under Nawaz Sharif, looked toward building partnerships with the NGO sector. SAP had a budget of US$7.7 billion and had an important requirement of community participation through the involvement of NGOs (Bano 2008, 91).[38] This paved the way for the NGO sector to formally enter into development activities. Much of the emphasis, however, was for the use of these nonprofit organizations as agents for social service delivery in order to reduce the fiscal burden on government, so as to meet the demands of public expenditure. Consequently, a large endowment was given to government-sponsored voluntary organizations such as National Rural Support Program (NRSP); the Pakistan Poverty Alleviation Fund (PPAF) was made operational; fiscal incentives were given for corporate and individual philanthropy; and space was created within the Social Action Program for a greater role by NGOs (Ghaus-Pasha and Iqbal 2003, 24).

During the 1990s, international donor agencies provided monetary support to the elected governments, but they also pressured the governments to enact governance reforms, especially in the civil service and in working closely with the NGOs. The elected governments, however, remained recalcitrant to the demands of the international donor agencies. The civil service reforms that were recommended by WB in 1998 were not accepted by the elected government. However, this changed with the third military dictatorship. The military rule of General Pervez Musharraf not only enacted reforms in the civil bureaucracy, but it also engaged with the international donor agencies and opened the regime to work with the civil society actors in Pakistan.

Prelude to the Local Government Plan 2001 (LGP)

In my interviews with civil society activists, 16 out of 17 of them believed the military regime's immediate attention to the local government is attributed to the members of General Musharraf's first

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[38] WB had given two loans of US$200 million and US$250 million, including meeting the 10 percent of costs on social projects under SAP (Birdsall, Malik, and Vaishnav 2005, 17). For further details on WB lending under SAP to Pakistan, please see Nancy Birdsall, Adeel Malik, and Milan Vaishnav, *Poverty and the Social Sectors: The World Bank in Pakistan 1990-2003*. Prepared for the World Bank's Operations Evaluation Department, Center for Global Development, 2005.

cabinet. The cabinet members included Mr. Omar Asghar Khan, Mr. Javed Jabbar, and Dr. Atiya

Inayatullah. These three members were known figures in the NGO sector. Omar Asghar Khan, of SUNGI

in the province of Khyber Pukhtunkhwa (KPK), and Javed Jabbar, of Baahn Beli in the province of

Sindh, were working in the rural areas of Pakistan. Dr. Atiya Inayatullah was known for his work in

Planned Parenthood and population welfare. All three were aware of the ongoing debate and demands

emanating from civil society for reforms in civil service and reviving local governments.

However, one of the bureaucrats who had previously worked for the military's enacted think tank

National Reconstruction Bureau (NRB) asserted that "NRB had devised this plan, and NRB had its own

team of experts. These cabinet members had minimal influence on setting the agenda for NRB."[39] On the

contrary, his colleague from NRB, who had also worked on the planning of the LGP as a private

consultant representing civil society, held a slightly different opinion. He admitted that the members of

Musharraf's cabinet were selected before NRB had started its planning for the LGP; however, he argued

"there was no direct linkage between NRB and Mr. Omar Asghar Khan. But at the top level the

coordination mechanism that existed, he was part of that. But I don't believe his role was any more than

that."[40]

Nevertheless, I strongly believe that Mr. Omar Asghar Khan's role cannot be denied in apprising

the military government of the ongoing debates on civil service reforms and reviving local governments.

Omar Asghar Khan was highly respected in the NGO sector for his grassroots development initiatives. He

held strong opinions about reviving local governments and believed in the military government's agenda

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[39] Interview with Mr. Ikramullah Ghauri. Mr. Ghauri was member of the five-member team of NRB led by General Tanvir Naqvi that generated the strategy document on the Local Government Plan 2001. This document was shared with civil society organizations when it was produced in March 2000. Interview with the author in Islamabad, February 28 and March 4, 2017.

[40] Interview with Mr. Azhar Bashir Malik. Mr. Malik was associated with NRB for the planning and implementation of the LGP from 2000 to 2003. In 2003, he joined an NRB-funded NGO, the Devolution Trust for Community Empowerment (DTCE). While working with the DTCE, he oversaw the implementation of the LGP in 60 districts across Pakistan. In 2016, he left the DTCE and established his own development consultancy, the *Development Counterpart*. Interview with the author in Islamabad on August 17, 2017.

of good governance.[41] Khan represented the military government in its coordination with the civil society organizations and international donor agencies. He was instrumental in bringing local organizations, such as Sustainable Development Policy Institute (SDPI), and international donor agencies, such as Asia Foundation in Pakistan, UNDP, ADB, WB, DFID, CIDA and the Norwegian Agency for Development (NORAD), to assist the NRB in developing the LGP (Niaz 2010, 149-50).

Furthermore, there are others who argue that the military regime had already been in preparation for taking up the role of bringing reforms to civil service and establishing local governments. In its annual report on the state of governance in Pakistan in 2000, Human Rights Watch observed that in order to strengthen his control on the political landscape, "Sharif pursued what proved to be an untenable strategy: relying on the army as an instrument of governance while attempting to assert control over the army itself." Furthermore, the report indicated that by giving the army the "administration of the country's largest public sector utility, army-run organizations were awarded a contract for all major development projects in Punjab, and troops were called out to conduct the census," and the elected government of Nawaz Sharif involved the military in the domestic administration and governance (Human Rights Watch 2000).[42] This overreliance on the military to resolve the country's governance problems gave the military critical insight into bureaucratic and political shortcomings. Thus, not surprisingly, as Aqil Shah (2014a) contended, "[A]rmy monitoring teams were the prelude to the military government's planned restructuring of the government machinery" (198).

I believe the military's involvement in the domestic tasks of governance exposed the elected government's administrative weaknesses. The performance shortcomings of the elected governments became more prominent in the public sphere. The public could see the military engaged in domestic affairs that should have been performed by the civilian government. The government's inefficiency did

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[41] See media report: "Iqtedar sey moorsi siasat aur jageedaro ki ajaradaari khatam kar dee jaya gee, Omar Asghar." *Daily Jung,* August 4, 2000. Translated as "Dynastic politics and feudals will be eradicated from politics."

[42] Human Rights Watch, "Reform or Repression? Post-Coup Abuses in Pakistan," October 2000. Available at https://www.hrw.org/reports/2000/pakistan/pakio09-02.htm

not go unnoticed by international aid agencies also. The WB report, discussed above, highlighted

governance discrepancies and governments' ineffectiveness in undertaking governance reforms.[43] The

lack of effective governance by the elected regime and its overreliance on the military enabled the future

military government of General Pervez Musharraf to undertake reforms at the level of civil administration

and local governance soon after he assumed power.

Part V: Local Government Plan 2001 (LGP) under General Pervez Musharraf's Regime

According to the deliberative theory of democracy, while government agents may be responsible

for establishing policies for regulating the society, it is the role of civil society organizations to work with

citizens to shape these policies into effective plans. A focus on civil society requires viewing

governments' policy making and deliberation over collective decisions within the broader political

landscape. Within the theory of deliberative democracy, the pattern of deliberating over collective

decisions recognizes that planning for decisions that affect the political community must not be confined

to discrete forums such as most formal political institutions, either through elections, contestation over

policies between the political parties, or debates over laws in the legislature.

Instead, the deliberative canvas is far bigger and must include other spheres. Drawing on

Mansbridge (1999),[44] Hendriks (2006) defined the deliberative system as "a series of arenas where . . .

communicative practices that foster critical, public reflection" take place (499). These can include

discrete forums in government (like committee meetings and task forces) or in civil society (like public

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[43] The WB's report (1998) on civil service reforms is available online and can be accessed at: http://documents.worldbank.org/curated/en/307081468774919191/Pakistan-A-framework-for-civil-service-reform-in-Pakistan.

   For comparison, the reports commissioned by the various governments of Pakistan are available on request to the relevant government departments.

   For this research I have relied on the analyses of civil services reforms based on the work by Nasir Islam (1989), Niaz (2010), and Shafqat (1999, 2013).

[44] See also: Jane Mansbridge, James Bohman, Simone Chambers, Thomas Christiano, Archon Fung, Parkinson, John, Dennis F Thompson, and Mark Warren, "A Systemic Approach to Deliberative Democracy," in *Deliberative Systems: Deliberative Democracy at the Large Scale*, by John Parkinson and Jane Mansbridge (Cambridge University Press, 2013), 1-26.

seminars and church events) but go beyond these to also include public deliberation in courts, legislatures, news media, and even "everyday talk" (Mansbridge 1999).

The military regime of General Pervez Musharraf instituted local governance structure by engaging with civil society actors in the public sphere. It was the first time in Pakistan's history that the state engaged with the civil society to implement, if not to design, governance reforms. The Local Government Plan 2001 was devised to bring in "revolution by devolution." Through this plan, the state engaged with the civil society actors and was able to craft a radical plan, which did bring certain remarkable changes to the political landscape.

Speech by General Musharraf on Reforming the Institutions of the State

In his first address as military dictator to the nation on October 17, 1999, after he took over in a bloodless coup on October 12, 1999, General Musharraf laid out his agenda to reform the institutions of the state. The agenda consisted of seven points; the program for "devolution" was the sixth point on his agenda.

> My dear countrymen. The choice before us on 12th October was between saving the body—that is the nation, at the cost of losing a limb—which is the Constitution, or saving the limb and losing the whole body. The Constitution is but a part of the nation; therefore, I chose to save the nation and yet took care not to sacrifice the Constitution. The Constitution has only been temporarily held in abeyance. This is not martial law, only another path towards democracy. The armed forces have no intention to stay in charge any longer than is absolutely necessary to pave the way for true democracy to flourish in Pakistan.
>
> Ever since 12th October I have deliberated, carried out consultations and crystallized my views about the future course to be adopted. I wish to share these with you today.
>
> My dear countrymen, our aims and objectives shall be:
>
> 1. Rebuild national confidence and morale.
> 2. Strengthen the federation, remove inter provincial disharmony and restore national cohesion.
> 3. Revive the economy and restore investor confidence.
> 4. Ensure law and order and dispense speedy justice.
> 5. Depoliticise state institutions.
> 6. Devolution of power to the grassroots level.
> 7. Ensure swift and across the board accountability.

Good governance is the pre-requisite to achieve these objectives. In the past, our governments have ruled the people. It is time now for the governments to serve the people.

(Excerpt from General Musharraf's First Speech to the Nation**,** October 17, 1999)

In his address to the nation, the general presented a new project of the state that he termed "the 7-point agenda," which, according to him, was devised after "consultations." While not explaining with *whom* these consultations had taken place, the 7-point agenda focused on rebuilding the state, regaining political and economic stability, ensuring law and order, and requiring accountability for those who were corrupt. The civil society actors whom I interviewed in the course of this research believe these many "consultations" were the consequence of the military's increased role in the country's internal domestic engagements, such as the monitoring teams employed to make institutions of the state viable.[45]

Through agenda point 6, the general presents the project of devolving power to the grassroots. For General Pervez Musharraf, good governance was critical to making a success of the 7-point agenda and became *the* project of the military coup. Through his military government, the general aimed to reform the state's very purpose: from ruling the subjects to serving the citizens. I believe that military regimes, as in the past, have focused on using certain vocabulary to reach the people. Each military ruler has emphasized democracy as system of government, but a system that was possible only with the military's engagement in politics. I believe the use of language by the three generals directs us to how they envisaged resolving the problem of governance. The language spoken by Ayub Khan centered on serving the people; he asserted, "I say that what we are practicing is also democracy. People like it. It is done for their own good. It is cleaning up all the mess of the past."[46] In a similar use of words, General Zia also emphasized that the purpose of military government was to bring a democratic system of

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[45] In interviews with the civil society actors, this point was repeatedly made—that since the elected government had secured the military's involvement in domestic affairs, this therefore resulted in an increasingly reactive response by the military with the coup in 1999. The Human Rights Commission of Pakistan (HRCP) and the Human Rights Watch make this observation in their 1999 and 2000 annual reports. Please refer to:
   Human Rights Commission of Pakistan, *State of Human Rights in 1999* (HRCP, 1999).
   Human Rights Watch, "Reform or Repression? Post-Coup Abuses in Pakistan," October 2000. Available at https://www.hrw.org/reports/2000/pakistan/pakio09-02.htm
[46] "Editorial: We Can Raise Our Heads Again," *Dawn,* November 1, 1958.

government imbued with a spirit of serving the people, arguing that ". . . such a democratic system should

have genuine love for Islam, and the country and spirit of service to the people."[47] General Musharraf's

use of language centered on *empowering the citizens*.

However, as I have argued, their motives were to strengthen the rule of military governments

over the political processes. As one former high-ranking bureaucrat argued,

> Ayub believed local governments were to suit the genius of people by channeling their focus on issues of local development and service delivery, for example, construction of health, education facilities, etc. Similarly, Zia's focus was to keep politicians squabbling over access to state resources for service delivery projects in their constituencies. Likewise, Musharraf's interest was to revive the structure of local governments so as to neutralize political elite and to boost the structure of patronage at local levels.[48]

Undeterred by the past experiences of military governments, General Musharraf immediately

placed a priority in his reform agenda on the empowerment of local government. In an interview with

Time magazine in 1999, he stressed,

> I would like to move toward the substance of democracy and away from the sham democracy we have had in Pakistan. *I want a really true democracy at the grassroots level where people can govern themselves* and run their own health programs and road construction. I intend to devolve power from the center to the provinces and from the provinces to the districts. Members of the National Assembly were doling out uncontrolled funds and controlling people's destinies at their whims and wishes. I'll change that. The electoral system needs to be reformed so that the right people come in to the assemblies and the wrong people, those who are not honest and dedicated to the people, are eliminated. *Our political culture can only change when new clean leaders emerge from the grassroots.*[49] ("Time Asia" 1999).

As I have discussed in Part III of this chapter, "Civil Service Reforms Commissioned by the

Civilian and Military Governments," various initiatives had already been taken up by the previous elected

and military governments to reform the institutions of the state to better serve the people. As one civil

society representative noted, "There has always been the demand by the civil society actors such as the

non-government organizations in Pakistan for good governance by reforming the bureaucratic apparatus;

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[47] "Polls Put Off Indefinitely. Ban on Political Activists, Parties Dissolved. Press Censorship Imposed: Some Papers Close. Prerequisites for Shariah, Democracy and Stability: Zia's Address," *Dawn,* November 17, 1979.

[48] Roedaad Khan, former senior bureaucrat. Interview with the author, January 25, 2017.

[49] Emphasis added.

hence, the military government of General Pervez Musharraf had in fact picked on this very crucial need demanded by the civil society."[50] And as one other senior journalist and human rights activist contended, "The agenda by the military general on good governance was not something that was crafted by the military regime; the elected governments did not perform and therefore military government stressed making good governance possible.[51]

One of the civil society activists interviewed asserted, "Musharraf's regime very well knew the regime lacked legitimacy to rule; they had to carve support for themselves. Reforming civil service and establishing local governments was the public demand that had been voiced in the public sphere by the citizens, and civil society. Now that international donor agencies also were demanding the same, the military regime found it expedient to use these reforms to achieve legitimacy for their rule."[52] Another civil society representative, a vocal supporter of the Local Government Plan (LGP), Salman Abid argued, "I don't see any issue in military gaining legitimacy through the local governments. We must look at the local government and civil service reforms as an end of good governance. Do not judge these initiatives as a means to gain legitimacy." He further contended, "Elected governments have had electoral legitimacy to rule, but they failed to deliver on policy pronouncements. In comparison, Musharraf's regime delivered on its policy pronouncement."[53]

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[50] Mr. Irfan Mufti, Deputy Director South Asia Partnership–Pakistan (SAP-PK). This organization is a right-based, advocacy organization with its head office in Lahore. The organization has been at the forefront in the implementation of the Local Government Plan 2001. Interview with the author in Lahore, August 21, 2017.

[51] Mr. I. A. Rehman, the veteran journalist and leading human rights activist in Pakistan. Currently, he heads the Secretariat of the Human Rights Commission of Pakistan (HRCP) in Lahore. Mr. Rehman is a founding member of HRCP, which was formed in 1986 against the military rule of General Zia-ul-Haq. The HRCP publishes annual reports titled "State of Human Rights" and is a leading member of the civil society in Pakistan. Interview with the author in Lahore, August 2, 2017.

[52] Mr. Irfan Mufti. Interview with the author in Lahore, August 21, 2017.

[53] Interview with Mr. Sarwar Bari, the Chief Executive of PATTAN, an Islamabad-based NGO working with rural communities across Pakistan. PATTAN was at the forefront of the implementation of the Local Government Plan introduced by Musharraf's regime in 2001. PATTAN produced reports on the local elections held for local offices in 2002 and 2005. Interview with the author in Islamabad, March 13, 2017.

Echoing similar opinions, Sarwar Bari, another civil society representative and a supporter of the LGP, argued, "Critics of his [Musharraf's] devolution plan ignore the fact that elected governments see local governments as threats to their political relevance. The elected governments therefore prevent any new electoral competition. But democratic politics does not mean selective competition; democracy is about pluralism, and participation."[54]

In interviews with civil society activists, former retired bureaucratic elite, and academics,[55] I have been reminded that local governments are seen as threats by the elected governments, whereas the military regimes invest in these local governments to develop a base for popular legitimacy of their military rule. The political elite[56] whom I interviewed argued that the political elite do not see the locally elected elite as electoral threats; they, however, believe "military's devised local governments are aberrations to the progress towards democracy."[57] Furthermore, "these plans are mere stop-gap measures devised by military regimes to help them manipulate political parties and aggravate political fragmentation in the political community."[58]

Dr. Saeed Shafqat, an academic by profession who has studied the local government reforms under General Pervez Musharraf, argued, "By stating his military government's motivation for reforming

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[54] Interview with Mr. Salman Abid, Regional Director, Strengthening Participatory Organizations (SPO). Mr. Abid is a respected journalist and is a regular contributor to the local newspapers and reporter to international news agencies such as Voice of America (VoA), British Broadcasting Corporation (BBC), and others. Interview at SPO Regional Office in Lahore, August 4, 2017.

[55] Of the 29 interviews, I interviewed 17 civil society activists, three formerly retired senior bureaucrats, and four academics who are leading educators and university professors. Of these four academics, two were political scientists, one was an economist, and one was a historian with special focus on Pakistan and India's post-colonial history.

[56] I interviewed four political elites; three of them are legislators, two are Members of National Assembly (MNA), while one is a senator. One of the political elite interviewed is not an elected member but was a secretary of a regional political party, the National Party (NP) in the province of Balochistan.

[57] Dr. Nafisa Shah, currently a Member of National Assembly (MNA) belonging to Pakistan Peoples Party (PPP). Dr. Shah was elected *Nazima (*Mayor) of District Khairpur in the province of Sindh in 2001. Interview with the author in Islamabad, August 22, 2017.

[58] Chaudhry Pervez Elahi was Chief Minister of Punjab from 2002-2007, was a Member of National Assembly (MNA) from 2008-2013, and from 2010-2013 was also the Deputy Prime Minister of Pakistan. Mr. Elahi's political career was launched when he contested the election for local council under the military dictatorship of General Zia-ul-Haq in 1980. Interview with the author in Lahore, August 20, 2017.

the state through good governance, he was making a case for Pakistan to the supranational organizations, multilateral donor agencies such as World Bank, UNDP, ADB. And to show to them his military government is committed to the reforms demanded by these agencies."[59]

Shafqat and Wahlah (2006) have argued that the World Bank in the 1980s had initiated a "global campaign for Civil Services Reform (CSRs). For a nation to receive Structural Adjustment Loans (SALs), it had to privatize state-held industry, restructure markets to boost free trade, lower tariffs on imports, and undertake Civil Service Reforms. . . . The World Bank conducted a CSR study in Pakistan in 1998 and one of its recommendations was 'devolution of power'" (209).[60] The recommendation for "devolution of power" was "dismissed contemptuously" by the civil bureaucracy in Pakistan under the elected leadership. Shafqat argued, "It can be stated that a case had already been made for Pakistan to join the international thrust towards good governance and decentralization."[61]

Hence, even before General Musharraf's reform agenda, there had been earlier calls for decentralization and good governance of the Pakistani state from within the government and the international donors. Furthermore, to find recognition on the stage of world politics and, most crucially, to gain access to foreign aid, General Musharraf's regime voiced its commitment to achieve good governance through reform. In this regard, Musharraf positioned the Pakistani state to qualify for, and match the conditions of, financial assistance from the multilateral donor agencies (Aqil Shah 2006). Therefore, it should not be surprising that "the Musharraf regime looked at the 1998 World Bank report with an eye to establishing contact and trust with the Bank and other donor agencies" and thus, in this regard, "Local Government Plan was part of this strategy" (Shafqat and Wahlah 2006, 209).

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[59] Dr. Saeed Shafqat, Professor of Political Science at Center for Public Policy & Governance, FC College University, Lahore. Interview with the author in Lahore, November 28, 2016.

[60] Structural Adjustment Loans (SALs) were part of the comprehensive lending scheme under the IFIs' Structural Adjustment Programs. For details, please see the sub-section "Dismal Economic Performance of the Elected Governments" under Part IV of this chapter.

[61] Dr. Saeed Shafqat, Professor of Political Science at Center for Public Policy & Governance, FC College University, Lahore. Interview with the author in Lahore, November 28, 2016.

From Speech to Action: The Establishment of the National Reconstruction Bureau (NRB)

After General Pervez Musharraf presented his 7-point agenda, the systematic work of reforming the institutions of the state in the name of good governance was initiated. To spearhead this process, the state created a think tank in November 1999—the National Reconstruction Bureau (NRB). This think tank echoed the name of the first such state-managed organization under the military regime of General Ayub Khan—the Bureau for National Research & Reconstruction (BNR&R). That earlier agency had also been assigned to undertake the reconstruction and reformation of the institutions of the state, such as the fractious political parties and the inefficient state bureaucracy.

The NRB was headed by a retired general of the Pakistan army, Lieutenant General Tanvir Hussain Naqvi. General Naqvi supervised and led the operations of the NRB with the objective of reconstructing state institutions aimed at ensuring good governance and irreversibly transferring powers to the people of Pakistan. In one of his interviews given on national television, he stated the rationale for his decision to join General Pervez Musharraf's cabinet, arguing, "To make a lasting change in the society of Pakistan, it was imperative that reformation of the institutions of the state be initiated, and by being part of NRB, I felt, I could effect that change."[62] Thus, by focusing on point 6 of the 7-point agenda, a five-member team was formed to work on the initial propositional draft on devolving of power to grassroots.

The initial five-member team of NRB comprised, in addition to the team leader General Tanvir Naqvi, an aspiring political contender, a senior academic, a retired military officer, and a serving bureaucrat. This five-member team worked on proposing a strategy to establish local governments. The first draft was generated in March 2000. From March to July 2000, the proposed plan was debated in the

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[62] General Tanvir Hussain Naqvi, former chairman of the NRB on a television program, *Jawab-deh*. The program was televised on the GEO TV on January 24, 2010. This is a 40-minute long program in which the interviewer, Mr. Iftikhar Ahmed, a widely recognized journalist in the country, invites leading policy makers, politicians, civil society activists, retired bureaucrats, and generals to discuss the country's social, economic, political, cultural, and ethnic landscape. The program is known for the hard-hitting questions posed by the interviewer to his interviewees, especially on the role of the interviewees' contributions in their respective professions. The program is available online at http://www.dailymotion.com/video/x10rjtj.

public sphere, as this document was widely circulated among the civil society organizations in order to receive public feedback from civil society and the development sector.

UNDP office in Pakistan also established a Good Governance Group (G3) focused on reviving the local governments. The group included members of the civil bureaucracy, civil society activists, and international donor agencies such as UNDP, CIDA, ABD, WB, DFID, and ADB. The document prepared by the NRB also received feedback from the G3. In fact, one of the senior consultants specializing in local government reforms from UNDP had also joined the NRB to develop the plan.[63]

The international donor agencies were, however, not unaware of the military regime's objective to gain a popular base through the establishment of local governments, as one official of the multilateral lending bank acknowledged: "We knew that regime security was primary to devolution; it was obvious to us that the military was circumventing provinces to create new constituencies for local support while reaping the added benefit of donor support" (cited in International Crisis Group 2004, 23). Another ruefully observed, "We did and still have serious reservations about the local government plan but we could either equivocate and risk reform failure, or put our money behind [the military government] to gain a voice" (cited in International Crisis Group 2004, 23). Despite reservations of the international donor agencies, a consortium was formed consisting of UNDP, DFID, CIDA, and the Norwegian Agency for Development Co-operation (NORAD) to help the military regime design and implement a devolution plan. Initially, through this consortium, US$5 million for the devolution plan was made available to the regime (International Crisis Group 2004, 23).

During the designing period, a number of conferences were arranged by the NGO sector to generate discussion on the plan. These conferences were encouraged by the military regime; however, the most controversial elements of the plan were not discussed, such as holding local government elections in

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[63] The technical and financial support extended by UNDP was acknowledged by the two former officials of the NRB interviewed for this research. Mr. Azhar Bashir Malik and Mr. Ikramullah Ghauri were both associated with the NRB during the course of designing and implementing the LGP.
  Interview with Mr. Ikramullah Ghauri by the author in Islamabad on February 28, 2017 and March 4, 2017.
  Interview with Mr. Azhar Bashir Malik by the author in Islamabad on August 17, 2017.

the absence of provincial and national assemblies, and nonpartisan elections for local governments. As one representative of an international NGO argued, "When we arranged the conference we were told by the NRB not to raise questions on elected assemblies at provincial and federal levels. Instead we were instructed to focus only on how to make plan successfully implemented at grassroots . . . however, the political parties did raise questions on sustainability of such reforms, but their concerns were not addressed by NRB."[64] The military regime, on the other hand, undeterred in its objective against the critique, emphasized that the establishment of local governments by the military regime is a step toward democratization. The political parties squabbled over the issue of control in districts rather than engaging with the military in constructive dialogue.

Another civil society activist, Shahrukh Rafi Khan (2001), who is an academic and is associated with the research organization Sustainable Development Policy Institute (SDPI), advised the military regime "to take a long-term view of achieving the kind of far-reaching reform . . . [that] would require diffusion of power via land reform and electoral reforms to prevent capture of power at grassroots levels" (88). Furthermore, he argued that exclusion of political parties in local governments makes the goal of good governance untenable, for it "creates social discord and rifts that will jeopardize the process" (87).

In other words, the goal of good governance, Khan (2001) believed, cannot be achieved unless all voices coming from the political and bureaucratic elite and civil society groups are incorporated. "Power," he argued, "is a zero-sum game. Achieving the empowerment of the poor at the grassroots level may mean disempowering other groups" (87). He urged military government to listen to dissenting groups; he argued dissenting voices should be respected, and incorporated to achieve the goal of

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[64] Mr. Abdul Qadir, Programme Coordinator and Advisor, Pakistan Office, Friedrich Ebert Stiftung (FES). FES had arranged a series of consultations between the NRB and civil society organizations across Pakistan. Mr. Qadir argued, "Four provincial consultations in the provinces and a national consultation was held in Islamabad. However, in all such consultations we were instructed to discuss the implementation strategy of the plan and not to discuss the role of political parties, provincial and national assemblies." Interview with the author in Islamabad, February 16, 2017.

Also see media report: "Ikhtiaraat ki muntaqali mansooba mukamal, kal qabina aur salamati council mein paish ho ga, General Naqvi." *Daily Jung,* August 3, 2000. Translated as "Devolution plan is complete, tommorow it will be presented to the cabinet and National Security Council, General Naqvi."

empowerment of citizens at the grassroots. Furthermore, Khan cautioned the military regime,

"[D]evolution of power is not . . . a straightforward exercise" (92).

I believe the military regime was selective in responding to the criticisms leveled against the launch of the LGP. In my interviews with the designers of the plan, they argued that they were aware of the critique that local governments should not be established before the general elections, but as had happened in the past, the elected leadership never allowed the establishment of local governments. Designers of LGP believed that criticism from political parties lacked persuasive argumentation.[65]

Despite the critical voices concerning the military's devised devolution plan, civil society organizations such as SUNGI, PATTAN, SPO, and TVO and international donor agencies UNDP, DFID, WB, NORAD, and ADB participated in consultations with the military state. As one high-ranking DFID official in Pakistan argued, "Mass empowerment was the real motivation behind devolution. Colonialism and centralisation, twin evils of Pakistan's bureaucratic institutions, can't be abolished overnight—101 elected districts are the answer" (cited in ICG 2004, 23).

The NRB embarked on devising the plan with a systematic scheme of analyzing the bureaucratic lapses at the local levels. The military government reengaged the army monitoring teams headed by the army officers at all levels of the state civil bureaucratic apparatus. Previously, these teams were engaged to assist the elected government in recovering public loans from defaulters. Under the military government, these teams were sent out to monitor the bureaucratic and citizen engagement at the district, provincial, and federal levels (Human Rights Watch 2000; Shafqat and Wahlah 2006; Aqil Shah 2014a). Based on the reports from the monitoring teams, the NRB led the military governments' objective to outline the plan to contract the "influence and autonomy" of the District Management Group of the state's

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[65] Mr. Azhar Bashir Malik and Mr. Ikramullah Ghauri were both associated with the NRB during the course of designing and implementing the LGP.
  Interview with Mr. Ikramullah Ghauri by the author in Islamabad, February 28, 2017 and March 4, 2017.
  Interview with Mr. Azhar Bashir Malik by the author in Islamabad, August 17, 2017.

bureaucracy. The NRB believed "over-concentration of authority, particularly in the office of Deputy Commissioner" is the primary cause of bad governance at the grassroots.

The proposed Local Government Plan 2001, which was circulated among the civil society organizations, identified both the inefficiency of problematic institutions of the state of Pakistan as well as a strategy to resolve these. The opening four paragraphs of this plan highlighted the problem in the existing local governance and the measure to resolve the problem:

1. In the existing system of governance at the local level, the province governs the districts and *tehsils* directly through the bureaucracy at the division, district and *tehsil* levels. And the local government for towns and cities exist separately from those of the rural areas. The provincial bureaucratic set-ups are the designated "controlling authorities" of the local governments, and tend to undermine and over-ride them, which breeds a colonial relationship of "ruler" and "subject." The separate local government structures engender rural-urban antagonism, while the administration's role as "controlling authorities" accentuates the rural-urban divide.

2. The two structural and systemic disjoints mentioned above, coupled with the absence of horizontal integration and the consequent inadequacy of functional coordination between the line departments at the division, district, and *tehsil* levels, lead to inefficiency and corruption, and are the root causes of the crisis of governance at the grass root level. This crisis appears to have been addressed through over-concentration of authority, particularly in the office of the Deputy Commissioner, which besides creating the potential for abuse of authority, diffuses operational focus and results in the expedient handling of routine functions through crisis management.

The next two paragraphs of the proposed plan suggested the possible measures to resolve the problematic local system of governance:

3. The proposed Local Government Plan integrates the rural with the urban local governments on the one hand, and the bureaucracy with the local governments on the other, into one coherent structure in which the district administration and police are answerable to the elected chief executive of the district. Citizen monitoring by elected representatives, the civil society's involvement with development, and a system of effective checks and balances, completes the hard core of the political structure and system of the Local Government.

4. The Local Government design is based on five fundamentals: devolution of political power, decentralisation of administrative authority, deconcentration of management functions, diffusion of the power-authority nexus, and distribution of resources to the district level. It is designed to ensure that the genuine interests of the people are served and their rights safeguarded. The new system will create an enabling environment in which the people can start participating in community welfare and be the masters of their own destiny.

(National Reconstruction Bureau 2000a)

As can be seen from these paragraphs, a narrative was promoted in the public sphere in which the military regime identified the principal problems of the state institutions. The criticism that centered on inefficiency and corruption leveled at the state institutions could hardly be denied by the citizens of Pakistan. The military generals have always blamed the political parties and the elite for the institutional decay, and following such a precedent, General Musharraf's regime argued that only the military as an institution could bring order to the chaos. Of course, the narrative established by the military regime did not consider military rule as the source of bad governance in Pakistan. Instead, the NRB in its policy document contended that politicians and bureaucrats were the *primary* sources of corruption and bad governance. As a high-ranking civil servant working in the military government's established National Reconstruction Bureau (NRB), Mr. Ikramullah Ghauri asserted emphatically, "[W]e the original team of the NRB were committed to absolute empowerment of the people; it cannot be done through parliamentary processes—it is impossible."[66] Such sentiments were reflective of the military regime's disaffection with political processes.

Further, the NRB claimed that the political and bureaucratic elite were unresponsive to the needs of the people, and because they remained unaccountable to the people, effective governance had broken down. The chairman of the NRB argued, "Decentralization and empowerment of local government would lead to efficient administration and effective utilization of resources,"[67] and another member of the NRB team claimed, "Devolution was to be seen as a means of better access to justice, democracy and giving back the power to the people."[68] The objective of the local governments was to engage the locally elected body of representatives with the local civil bureaucracy. Under the LGP, for the first time the locally elected governments were given authority over the use of district resources. Similarly, the hierarchal

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[66] Interview with Mr. Ikramullah Ghauri. Mr. Ghauri was a member of the five-member team of the NRB led by General Tanvir Naqvi that generated the strategy document on the Local Government Plan 2001. This document was shared with the civil society organizations when it was produced in March 2000. Interview with the author in Islamabad, February 28 and March 4, 2017.

[67] Please refer to footnote 61.

[68] Mr. Ikramullah Ghauri. Interview with the author in Islamabad, February 28 and March 4, 2017.

structure was also reformed; bureaucratic elite were made subservient to the local governments. The

bureaucratic elite were to work for and with the local governments, rather than exercise control over the

districts as their personal fiefdoms. General Musharraf proclaimed that the LGP "did away with the

vestiges of the colonial era, when a deputy commissioner and a superintendent of police ran districts like

lords. *With the stroke of the pen* they were both subordinated to the elected mayor" (Musharraf 2006,

172).[69]

> In its *Structural Analysis of National Reconstruction*, the NRB (2000) laid out the rationale:
>
> The civil service is effectively controlled by the DMG. The group has close relations with
> international donors . . . other groups in the public administration chafe under the control of one
> group and would welcome a democratization of civil service structure as a basic element of civil
> service reform. The end of domination of the bureaucracy by one group is a necessary pre-
> condition for the attainment of administrative power by the Army and the creation of conditions
> for national reconstruction.

The NRB believed that the colonial system of governance must be abolished to enable any progress

toward the empowerment of the grassroots. With this objective, the NRB, with its pronouncement for

devolution, announced the dissolution of the DMG.[70]

This policy to minimize the authority of civil bureaucracy in the districts and to establish

autonomous local governments was disliked by both the civil bureaucracy and political society. These

two entities joined in their opposition to the LGP, and the two launched a concerted effort to make

revisions to the LGP. I will show in chapter 5 that civil bureaucracy and the political parties exerted

pressure on General Musharraf to revise the status of local governments vis-à-vis civil bureaucracy and

elected governments at provincial and federal levels.

But at the start of planning for the LGP, the military regime, by depicting a crisis in the state, was

creating room for the proposed reform in light of the 7-point agenda. By focusing on fixing governance at

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[69] Emphasis added.

[70] Ansar Abbasi, "Offices of Commissioner, Deputy Commissioner, Assistant Commissioner Abolished," *Dawn*,
August 19, 2000. Available at: https://asianstudies.github.io/area-
studies/SouthAsia/SAserials/Dawn/2000/aug19.html#mush

the grassroots, the military regime attempted to take away the focus from questioning the military rule at the top levels of governance. It is interesting to observe that in one of its publications, *The Pakistan Army: Green Book,* for year 2000,[71] the serving military officers took pride in espousing the military government's reform agenda.

The *Green Book* is the most relevant document for the purposes of my research because it provides the best insight into the military's view about governance and the role that the military government can play in resolving issues of governance. In its 2000 publication, *The Book* contains essays on the theme of that particular year: "nation-building." It was published a year after the 1999 military coup. Essays written by 17 active-duty officers of the rank of captain or above were analytical pieces focusing on social, political, and economic conditions. The military's discourse on reforming the polity was indicative of its all-encompassing belief that the military is the nation's savior in times of political chaos.[72]

The imaginative use of language in this publication is significant, because Pakistan is characterized as the ailing patient and the military as the messiah that shall treat the nation for its own

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[71] This publication is not accessible to the general public. Access to this publication requires security clearance. I was able to access the material because I have been an individual member of the Army Central Library in Rawalpindi since 1998, because I belong to a family with a long military affiliation. The *Pakistan Army Green Book* (published annually) and *Pakistan Army Journal* (another publication that is published quarterly) are collections of essays and articles written by active in-service military officers; such written material reflects on the military's keen observation of the country's social, political, and security positions. The 2000 publication is significant because it was published just a few months after a military takeover. This publication lays out the military's planning behind the "nation-building" effort. The collection of essays in this publication is also indicative of the discourse that the military later generated in the public sphere, a few months after the 1999 military coup effected by General Musharraf.

[72] Aqil Shah describes the military's behavior as archetypical "tutelary mentality." See "Musharraf and Military Professionalism," in *The Army and Democracy: Military Politics in Pakistan*, by Aqil Shah (Harvard University Press, 2014), 186-214.

Ayesha Siddiqa (2014) and Mohammad Waseem (2016a) argued that the Pakistan army is the "political army" that would behave in such a manner so as to effect its influence on the political landscape in pursuance and conservation of institutional interest. The army, therefore, would emphasize its organizational and disciplinary skills to the citizenry, who have been disillusioned with the political leadership. See Ayesha Siddiqa, "Mapping the 'Establishment,'" 53-71; and Mohammad Waseem, "Military, Militancy, and the Crisis of Governance," in *Pakistan's Democratic Transition: Change and Persistence*, edited by Ishtiaq Ahmad and Adnan Rafiq, (Routledge, 2016), 110-125.

good. As one of the serving generals asserted, "[A]rmy's role in the nation building must remain that of a surgeon, who has to make hard decisions on behalf of the patient for saving his life, including amputation, if required. These hard decisions will certainly bother some who have vested interests." Further in the essay, the author identified "bureaucracy" as being the infected limb of the patient; he argued, "It is the bureaucracy which needs over-hauling and major transfusion."[73] The views of this serving general were similar to General Musharraf's speech delivered on October 17, five days after the coup, in which he asserted that the country is the ailing patient, and the army is the specialist surgeon who has the expert knowledge and skill to undertake the violent act of amputation on the patient to extend his/her life options.

The editorial of *The Book* imaginatively conjured up Pakistan as being a "beautiful garden" and the army as the "gardener" that has the astute knowledge of ridding the garden of "weeds." *The Book*'s editorial contended, "[M]ere love of flowers only does not make a good gardener. To develop a beautiful garden, the gardener must also hate weeds and must use all possible means to uproot them." Furthermore, the editorial asserted, "[I]t is hoped that the present issue of the Pakistan Army Green Book would prove to be an interesting and intellectually rewarding reading for its readers whose judgment is not beclouded by ambivalent evidence and biased partisanship in matter of true national interest."[74] This was a surprising assertion, because this publication is not available for the general public to read; this is a military publication and accessible only to military personnel.

Thus, in an attempt to save the life of the ailing patient and to rid the garden of the weeds, the military government's plan of devolution was one such initiative. The reforms planned by the NRB were more comprehensive and significantly more ambitious in their objective to transfer meaningful power to grassroots organizations than the reforms that had been instituted in 1959 and 1979.

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[73] Major General Asif Duraiz Akhtar, "Nation Building," in *The Pakistan Army: Green Book,* 1-3, (General Headquarters, 2000).

[74] "Editorial," in *The Pakistan Army: Green Book,* II, (General Headquarters, 2000).

However, the military's devised plan was still criticized by all major political parties and segments of civil society, including lawyers, human rights groups, and journalists. The political parties believed that the plan undermined federalism by eroding provincial autonomy (International Crisis Group 2002, 2004; Waseem, 2006a) and that it was an attempt to weaken political forces in the country by creating a new class of politicians who were more amenable to the military regime (International Crisis Group 2004). The critiques by the oppositional groups, such as political parties and civil society organizations, were valid concerns, for they feared that through local governments the military would gain popular support. One of the officers writing for *The Book* observed that "despite all its sincerity" for bringing reforms in governance, the efforts of the "Army" will not be appreciated by the "politicians and bureaucrats."[75] The military saw its initiative as a means to address the issues of governance, whereas the critics of the military dictatorship argued that such reforms are a means to sustain the military governments. The military elite vehemently denied that its motive of local government reforms was to strengthen its rule.

Civil society organizations such as the Human Rights Commission of Pakistan (HRCP) and ICG were suspicious of reforms because they were being instituted within a non-democratic regime. Referring back to the BD system implemented during Gen. Ayub Khan's regime in 1959, and the LGO implemented in 1979 under General Zia-ul-Haq, the HRCP commented that the purpose of reforms

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[75] Brigadier Usman Ghani, "Role of Army in Nation Building," in *Pakistan Army: The Green Book* (General Headquarters, 2000), 76.

initiated by General Musharraf was to depoliticize governance in order to earn a lease on life for his

military government.[76]

The third plan implemented under General Musharraf (2000-2008), however, engaged with civil

society for implementing the program at the grassroots, in contrast to the preceding military regimes

relying heavily on the bureaucratic elite for implementation of devolution programs. Despite these

differences, for each of the military rulers, the devolution program was devised to gain legitimacy, at both

the domestic and international levels (LaPorte 2004; Aqil Shah 2004, 2006; Kennedy 2006a).

As will be argued in the following discussion, the public discourse that was generated by the print

media reflected public intellectuals' ambivalence to the military government's emphasis on devolution to

solve all the administrative and governance problems of the country. The print media of the time,

covering the period from 2000 to 2001, reflected the clash and confrontation of the military's devised

narrative versus the public intellectuals' argument, especially their skepticism over the military's "good

governance" agenda.

Critical Themes on Devolution from the Civil Society

In the following discussion, I rely on my analysis of newspapers articles and my interviews with

elites of the civil society organizations engaged in the implementation of the LGP under the Musharraf

regime. I also interviewed the political and bureaucratic elite to get their views as to *why* devolution was

planned by the military regimes and what effect it has left on the political landscape.

The documentary evidence collected through the newspapers extends from 2000 to 2002. This

was the time when the LGP was announced, designed, exchanged with other actors in society such as the

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[76] See: "HRCP Rejects Devolution Plan of CEO," *Dawn News,* March 25, 2000.
  "Politics-Pakistan: Opposition Builds Up Against Devolution Plans," *Inter Press Service,* April 13, 2000.
  Also see the following newspaper reports:
  "Editorial: Nayay Nizaam Kay Baray mein har kisam ka confusion dur karien." *Daily Jung,* August 23, 2001. Translated as "Eliminate all confusion related to the new system."
  Mustansir Javed. "Maujazaati Itefaq." *Daily Jung,* August 16, 2001. Translated as "Miraculous coincidences."
  Mustansir Javed. "Naya Qanoon." *Daily Jung,* August 23, 2001. Translated as "New Law."
  Nazeer Naji. "Ab Kya Karoon Meray Aaqa." *Daily Jung,* August 23-24, 2001. Translated as "Sire, what should I now."

NGOs, and, finally, implemented. The print media during this period raised critical questions on the military regime's political intentions for the establishment of local governments but also highlighted the need for reviving local governments.

Furthermore, the analysis presented in this section also draws on the information gathered from the interviews with civil society actors, including academics and NGO workers.[77] Those who have been interviewed have had direct experience pertaining to the implementation of the LGP. These interviews were conducted after almost 10 years of implementation of the LGP; the LGP was in effect from 2002 to 2008. Views expressed by the interviewees fall into three subcategories— *critics, cynics,* and *supporters*—that I created to present their intellectual position on the military's devised LGP. I explain these categories in detail in the following sub-sections as they are classified into different occupational groups.[78]

In my interviews and direct meetings with these workers belonging to the NGOs in Pakistan, I noticed that all those who had direct experience with designing and implementing the LGP overwhelmingly had positive views about the plan. For example, these actors expressed the following:

- They see this plan as *the* most radical of the local government reforms.

- NGOs duly admitted that they had been co-opted by the military regime, but that this *co-optation was voluntary*, because

- No other elected government had ever shown *serious commitment to grassroots* empowerment, as space for political participation was created for the society's disenfranchised, such as minorities, women, peasants, and workers.

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[77] The list of interviewees is in Appendix C.

[78] Table 4, "Respondents' Categorization on the LGP," lists the interviewees and their individual positions on the LGP; their positions fall into one of the three categories developed for this research.

- For the first time, elected leadership at the local levels was *in control of the mini-viceroys,* i.e., the Deputy Commissioners (belonging to the DMG of Pakistan's Central Superior Services).

- The *local governments were made autonomous units* responsible for their own development in terms of community development.

Based on the interviewees' responses, in Table 4 I classified them by those who favored the LGP and those who did not. Those interviewees who had the favorable view were divided into two subgroups: the *cynics/realists* and the *supporters* of the LGP. All of the civil society activists interviewed had a favorable view of the LGP and thus were divided into the two subgroups.

Table 4: Respondents' Categorization on the LGP

	Categories		
	Favorable Attitude		Not Favorable Attitude
Attitudes toward the LGP	**Supporters**	**Cynics/Realists**	**Critics**
	The plan was radical and created space for the disenfranchised; based on the impact of the plan, only the military were serious about devolution.	Appreciate the fact that the Local Government Plan was radical. But it could not be sustained for long, as the plan was designed to benefit the military regime.	The program was designed to legitimize the military rule; the military is the usurper.
Professional occupations of those holding the attitude	NGO workers		Academics
		Designers of the LGP	Bureaucratic elite
			Political elite
		Journalists	

Source: From the field work with $n = 29$

However, a few were vehement *critics* of the military regime and its reform initiatives. To better understand the intellectual position of the critics on the LGP, I further divided them into four professional occupations. The first occupation applies to the *political elite* who have participated in the political processes and electoral competition under both civilian and military rule. The second professional occupation of critics are the *academics* who have observed such policy initiatives devised by the previous military regimes and strongly believed that the local government plan devised under military dictatorship was just another of "executive fiat"[79] having no lasting effect on Pakistan's institutional politics. This therefore "created institutional chaos between the federation and the federating units such as the provinces."[80] The third professional occupation of critics consists of the former *bureaucrat elite*, who have had the experience of working with the military regimes in the past and believed General Musharraf's planned initiative was in effect only during his rule. The fourth occupation category is that of *journalists*. Though I did not interview journalists[81] for this research, I reviewed over 50 newspaper articles, from 2000 to 2002, which gave me substantive data to categorize journalists as a professional occupational group. The fifth occupational category is the NGO workers.

Based on the documentary evidence I gathered from the various civil society organizations, the NGOs, and the elite interviews, I show that the LGP devised by the military regime of General Pervez Musharraf created discourse on the significance of the reforms by declaring that reform initiatives caused revolution by devolution. As I show in the discussion to follow, this discourse generated by the military regime was debated by civil society actors in the public sphere. The print media, in particular, raised

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[79] Dr. Ayesha Jalal, the holder of the Mary Richardson Chair and Professor of History at Tufts University, USA. Interview with the author in Lahore, March 23, 2017.

[80] Dr. Nafisa Shah, currently Member of National Assembly (MNA) belonging to Pakistan Peoples Party (PPP). Dr. Shah was elected *Nazima (*Mayor) of District Khairpur in the province of Sindh in 2001. Interview with the author in Islamabad, August 22, 2017.

[81] Mr. I. A. Rehman is an exception. He is a veteran journalist and a leading civil society activist. He writes for English newspapers regularly. His articles and op-eds are printed in all leading Pakistani English newspapers, such as *Dawn, The News International,* and *Express Tribune,* and in Pakistan English language magazines, such as *Herald, Newsline,* etc.

critical counter questions as to *why* the military generated the discourse: What objectives will the military achieve from the proclaimed revolution caused by devolution? Which actors in the polity will be affected by the military's designed revolution by devolution? What will be the implications of this revolution on the political landscape? What effect will the new devolution plan have on provincial and district relations?

(Critical) Discourse on the Devolution Plan in the Public Sphere

The dominant themes that emerged through data collection presented three interrelated premises that were prevalent in the public sphere. First, the military's plan of good governance through devolution reforms was seen as a means to strengthen the military rule at the expense developing political institutions such as political parties, elections, the legislature, and the activism of civil society in the public sphere. Secondly, citizens appreciated the action taken by the military government because it forced the civil bureaucratic apparatus to reorient itself to serve the people. The civil bureaucratic apparatus had behaved in a manner reminiscent of the colonial reign in which the civil bureaucrat ruled over the people much as a master would rule over a slave. Thirdly, it became evident that international donor agencies channeled funding for the military government-initiated local reforms.

These dominant themes raised critical observations and questions about the military regime's disregard for democratic politics. I explain these questions in the following sections and analyze the views of the civil society actors.

Holding of Local Elections on a Non-Party Basis

When local government is nonpartisan, political parties cannot enhance their reputations by sponsoring better local governance. In all the local government reforms under different military regimes, political parties were consistently excluded from any role in sponsoring candidates for local elections. Thus, democratic competition to improve local government was weakened. Rules against partisan politics were imposed by military regimes to restrict their opponents without limiting military's own favored candidates (Cheema, Khwaja, and Qadir 2005; Cheema and Mohmand 2008; Mohmand 2008). As a result

of this rule, mainstream political parties have viewed nonpartisan local governments as an instrument of

military regimes for creating a class of collaborative politicians to displace the parties' representatives at

the local level.[82] This is another reason why the civilian elected governments would discontinue such

reform, since "it allowed for non-party but an individualistic competition between elites competing for a

share in the country's politics, and, secondly, because such reforms ignored political parties' mobilization

at provincial and federal levels."[83]

The issue of holding elections on a non-party basis was seriously contested and debated in the

print media. For example, one columnist writing for a leading Urdu newspaper, *The Daily Jung,* was

flabbergasted at the military rulers' singular resolve to implement its version of the LGP: "Our rulers—

the military generals have undertaken an enormous task. They also believe they will be able to fully

implement their plan; and that they will be able to overcome the challenges pertaining to the completion

of the task. But this is extremely difficult since to effect change in the existing administrative system

peoples' support and their consent is the precondition for the success of the planned [i.e., grassroots]

initiative."[84] Another showed his disappointment regarding nonpartisan political competition, asking,

"Can the idea of local democracy function without the political parties?" Further, he contended that

military rulers have never learned that "governments are managed by the politicians and not by the

technocrats."[85]

Under military governments, local government elections are held regularly but on a nonpartisan

basis; therefore, candidates contest the elections as independents. Military regimes have never established

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[82] "Most Political Parties Reject Devolution Plan." *Dawn*, August 19, 2000. Available at
https://asianstudies.github.io/area-studies/SouthAsia/SAserials/Dawn/2000/aug19.html#most

[83] Mr. Zahid Islam, the Chief Executive of Saangat Development Foundation (SDF), a Lahore-based civil society
organization. Interview with the author, November 29, 2016.

[84] Nazeer Naji. "Ab Kya Karoon Meray Aaqa." *Daily Jung,* August 23-24, 2001. Translated as "Sire, what should I
be doing now."

[85] Nafees Siddiqui. "Kya mulk siasatdano kay bagair chal sakta hai." *Daily Jung,* August 17, 2001. Translated as
"Can the country be managed without politicians."

a political party of their own but instead have always put together a coalition of individuals—politicians

from the same basic class of local electables who have obvious party affiliations, which are known to the

voters. Yet political elite, once elected at various levels of the governance hierarchy, do little to curb the

military's power because they fear their own ouster at the hands of military. Siddiqa (2016) argued that in

Pakistan the military encroaches upon political institutions by "building partnerships . . . by the presence

of pro-military officers" (60). Moreover the military perpetuates its control over the political landscape

"by aligning with the existing political parties" (Siddiqa 2016).[86]

The trend of holding elections on a non-party basis even extended to the national and provincial

levels. Under the military regime of Zia-ul-Haq (from 1977-1988), local-body elections were held on a

non-party basis to "gauge the support for the different political parties; politicians elected at local levels

had clearly evident party affiliations known to the electorate and military regime but they were not

allowed by the military ruler to contest elections on party platforms."[87] Through the local-body elections,

General Zia established an electoral scheme that excluded political parties from contesting elections for

the provincial and national assembly. Political parties were seen by the military ruler as the source of

factions in the polity, and this threatened the rule of the military dictator (Ziring 1988; Wilder 2004; S. A.

Khan 2015).

For military rulers, factions caused by political parties accentuate the differences in the political

community. Military rulers believed the political differences are a danger to the national unity, because if

differences are not resolved, friction and hostilities intensify among the people against their leaders.

Political parties fuel the partisan differences in the polity with no commitment to resolving them. Essays

authored by serving mid-ranked military officers in *The Green Book* declared that "[P]olitical parties

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[86] In her seminal work on the military's economic enterprise, *Military Inc.: Inside Pakistan's Military Economy*, Ayesha Siddiqa asserted, "The very fact that the prominent politicians continue to use the military a political balancer of power, and refuse to negotiate their power or power interests through democratic means, allows the armed forces to play a dominant role" (Siddiqa 2007, 103).

[87] Mohammad Waseem, Professor of Political Science at Lahore University of Management Sciences. Interview with the author, November 29, 2016.

have, by and large, failed to acquire national consensus"[88] to mitigate the regional and ethnic differences in the country. Similarly, another officer argued, "Politicians are always at watch to cash any opportunity to promote their political party" at the expense of building "political consensus on any major policy issue" faced by the country.[89] Furthermore, another officer asserted that the "political system has become so inept and corrupt," and in order to provide for "good governance to the people," the officer argued, "the ongoing efforts to introduce *Local Government System* for devolution of power, down to district level, may help incorporate the common citizen in managing the administration at grassroots level."[90]

Local Governments: A Source of Military Patronage to the Local Elite

While decentralization was publicly justified in terms of good governance and its trickle-down effect in establishing grassroots democracy, these aims, however, were secondary to the military regimes' chief concern: creating political allies for the regime at the local level to counter its opponents at the national and provincial levels. A new mechanism of local governance therefore was implemented under each military regime with the publicly stated goal of developing grassroots democracy by empowering citizens to govern themselves.

Under the latest LGP, elected local officials could offer the non-representative central government a vital political connection to local constituencies throughout the nation (Cheema, Khwaja, and Qadir 2005). Local officials could communicate local concerns to the center as they helped the non-representative center to extend its influence in local politics. This mechanism therefore enabled military rulers to manage the ruling political elite and to further strengthen their hold on the political landscape.

Through the mechanism of local governments, the military regimes invested in local elites' governing resources while these local elites provided legitimacy for the military governments' political

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[88] Lieutenant Colonel Asif Mahmood, "Significance of National Integration in Nation Building," in *Pakistan Army: The Green Book* (General Headquarters, 2000), 114.

[89] Brigadier Haider Abbas, "Problems and Prospects of Nation Building," in *Pakistan Army: The Green Book* (General Headquarters, 2000), 65.

[90] Brigadier Usman Ghani, "Role of Army in Nation Building," in *Pakistan Army: The Green Book* (General Headquarters, 2000), 78.

survival. The management and support of local elites was therefore important for the military regimes. Therefore, the elected local officials were given progressively greater authority than other elected leaders, such as a Member of Provincial Assemblies (MPA) and Member of National Assembly (MNA).

Under the LGP, "each *Nazim*[91] had more authority and power than any elected Minister in prior civilian governments. And, thus for this very reason, people have started to put their faith in the new grassroots democratic governance."[92] According to one of the reports published by a Lahore-based civil society organization, Saangat Development Foundation (SDF), "[I]n the second local government elections of 2005 [which followed the first elections in 2001] four MNAs resigned from National Assembly to contest in the district elections" (Saangat Development Foundation 2015, 5).

Based on the categorization of the interviewees, I believe both *critics* and *cynics* agreed that the military's devised revolution by devolution reform created space for the military to bestow patronage to its loyalist, locally elected elite. Regarding Musharraf's plan, *cynics* such as those NGO workers who had a favorable view of the LGP argued that the plan had extended authority to the locally elected, and this therefore made the locally elected stronger than the elected political elite for the provincial and the national assemblies. The *critics* of the LGP, which includes academics, political elite, bureaucratic elite, and journalists, contended such a measure of granting authority over the use of district resources to the locally elected was the military's objective of neutralizing the established political parties in the electoral constituencies. Thus, the military government benefitted from the locally elected to mobilize the popular base for the military ruler.

On the other hand, *supporters* of the LGP, which includes NGO workers, argued this was the first plan that meaningfully established local governments autonomous and free from the bureaucratic and political parties' machinations. The increased autonomy of the district governments, as one NGO worker claimed, "was seen as a challenge by the political elite who get elected to provincial and national

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[91] Mayor of the District.

[92] Mustansir Javed, "Naya Qanoon," *Daily Jung,* August 23, 2001. Translated as "New Law."

assemblies, since through these autonomous district governments the locally elected were made politically stronger in the constituencies."[93] Another NGO worker exclaimed that the "strong local governments were anathema to the traditional authority of *the* political elite. How could they be acceptable to the political sharks!"[94]

However, in my understanding of the effect of the LGP, I believe a strong locally elected government was indeed one of the contrasting features in comparison to the previous two devolution plans. Under Generals Ayub and Zia, the devolution plans had not given substantive authority to the locally elected, but General Musharraf's devolution plan made the locally elected leadership stronger in terms of access to state resources and their disbursement for the local development projects. As I explained, because Pakistan politics is characterized by constituency-level politicians, the LGP created an opportunity for local contenders for political power to contest political offices. The increase in political competition at the grassroots was seen as a challenge by the parliamentarians, and so in order to prevent the rise of local contenders, the parliamentarians focused their attention on local politics.

Recruitment of Loyalists by the Military

With the local government system in place, the next step was to announce a general election to fill the seats in the legislative assemblies to endorse the constitutional changes made by the military regime. The expectation was that many of those who had been recruited to the local governing bodies would participate in the election to advance their political careers and move from nonpartisan local government and party offices to more prestigious elected offices at the provincial or national levels; however, their career advancement is dependent on their support for the military regime. The "local

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[93] Mr. Salman Abid, Regional Head of Strengthening Participatory Organization (SPO). Interview with the author in Lahore, August 4, 2017.

[94] Emphasis original. Interview with Mr. Irfan Mufti, Deputy Director South Asia Partnership–Pakistan (SAP-PK). Interview with the author in Lahore, August 21, 2017.

government elections therefore provide aspirants an effective career path"[95]; in essence, however, as one academic argued, "[T]he claim by military rulers is nullified that it plans to raise new political leadership because all these initiatives [devolution of power] have done is the emergence of dynastic politics."[96]

What essentially happens is that *first* those who are elected at local levels get to advance their political career by going up the hierarchy to the national and provincial assemblies. The position they vacate at the local level, however, is taken up by their associates who are also protégés of the military regime. The military therefore facilitates the formation of that "select but an elect group that shall legitimize military's rule."[97] The rationale for having this mechanism in place satisfies the goal of maintaining a linkage between the state and society and ensures that the political elite supports and responds to the new regime.

Scholars argue that the patronage extended by the military regimes to the local elite advances individual political elites' career paths. This trend, however, paved the way for the exclusion of party politics and party ideology; politics became more localized, enabling the military rulers to further encroach upon the political landscape and fragment the partisan politics. According to Ziring (1988), party-less elections in the 1980s resulted in parochial and subnational identities. The narrow identities created were strictly based on the local issues in politics. This therefore allowed the local elites to become dominant power brokers and thus emasculate the traditional base of the political parties (Wilder 1999; Waseem 2006a). In a landscape of localized politics, politicians, rather than political parties, become

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[95] Mustansir Javed, "Yeh Chaman Youn Hee Rahay Ga," *Daily Jung,* August 2, 2001. Translated as "This garden shall remain the same."

[96] Mr. Saeed Shafqat, Professor of Political Science and Founding Director at Center for Public Policy & Governance, Forman Christian College University, Lahore. Interview with the author, November 28, 2016.

[97] Mohammad Waseem, "Focus on Local Bodies," *Dawn,* March 27, 2000.
   Ayaz Amir, "Real Democracy: The Miracle at Hand," *Dawn,* August 3, 2001.
   Mr. Zahid Islam, the Chief Executive of Saangat Development Foundation (SDF), a Lahore-based civil society organization. Interview with the author, November 29, 2016.
   Ms. Saeeda Diep, a civil society activist based in Lahore. Interview with the author, November 16, 2016.

ascendant in the political process; locally elected elites are neither expected to coalesce for national

purposes nor likely to put aside their parochial concerns (Ziring 1988).[98]

In his discussion on the effect of party-less electoral competition at the provincial and national

assemblies, Wilder (1999) contended, "[T]he 1985 National and Provincial elections demonstrated that

Local Body politics had become the entry point into Provincial and National politics . . . [which] meant

that Provincial and National politics began to resemble Local Body politics. Patronage politics became

the order of the day, and representing personal and constituent interests became much more important for

legislators than representing national interests" (52).

Through the interviews with the civil society actors, I observed that all of the 29 of the

interviewees—17 NGO workers,[99] four academics, four political elite, three former bureaucratic elite, and

a designer of the LGP—had agreed on this point that the military did utilize the local governments as the

platform to recruit the regime loyalists. However, the two designers of the LGP believed that the NRB's

motivation was to enact local governments, and this was the aim with which the NRB was established.[100]

One of them asserted, "NRB devised the LGP to empower the local governments, but it was the pressures

of political processes at the local levels that played out and thus for sustainment of the plan military relied

on elected loyalists,"[101] whereas the other argued, "We can be called naïve idealists who believed that

strong local governments would make the political decisions independent of the control of the military

and pressures of political expediencies; however, we underestimated the pressures of politics on the

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[98] Zia-ul-Haq held local government elections in 1979 and later, after a period of almost six years, announced elections for the national and provincial assemblies; the elections were held on a non-party basis.

[99] Of the 17 NGO workers, Mr. Azhar Bashir Malik was also a member of the NRB from 2000 to 2003 during the time when the LGP was being designed by the military regime.

[100] Mr. Azhar Bashir Malik and Mr. Ikramullah Ghauri were both associated with the NRB during the course of designing and implementing the LGP.
  Interview with Mr. Ikramullah Ghauri by the author in Islamabad, February 28 and March 4, 2017.
  Interview with Mr. Azhar Bashir Malik by the author in Islamabad, August 17, 2017.

[101] Mr. Azhar Bashir Malik, member of the NRB from 2000-2003. Interview by the author in Islamabad, August 17, 2017.

military regime."[102] On the other hand, the *cynics* argued that the military regime was aware that for the sustainment of its rule and the LGP, it was expedient that loyalist politicians were recruited, which would act as a buffer against the political parties.

However, I believe the political processes unleashed pressure on the military regime to forge an alliance with the political parties such as PML-Q, and the coalition of religious parties called the Muttahida Majlis-e-Amal (MMA)[103] for sustainment of the LGP. The recruitment of the locally elected elite as military loyalists was short-lived, because with the general elections in 2002 and the establishment of provincial and national assemblies, the military regime relied on its alliance and support to PML-Q for sustainment of the military rule and continuation of the LGP. As I will show in chapter 5, with the return of parliamentary politics in October 2002, the district governments established under the LGP were restructured by the military's backed political party, PML-Q.

It seems to me that the claim by the *critics* of the LGP that the military recruited the regime's loyalists with the LGP does not remain a relevant argument, because even the pseudo political government that came into being under the hybrid regime of General Musharraf was not favorable to the locally elected elite, unless the locally elected extended their allegiance to the political government of PML-Q and its allies.

In chapter 5, I present the analysis of the amendments made to the LGP by the military's loyalist government of PML-Q. The argument that I present counters the critique leveled by the *critics* of the LGP, that through the LGP, the military had recruited the regime's loyalists, when, in fact, it was the political government under the hybrid regime that recruited loyalists. Most crucially, the recruitment of the locally elected elite, I believe, benefited the political families in the constituencies. The political

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[102] Mr. Ikramullah Ghauri, a former high-ranking bureaucrat, and a member of the LGP's designing team at the NRB. Interview by the author in Islamabad, August 17, 2017.

[103] MMA was the coalition of religious parties that comprised Jamat-i-Islami (JI), Jamiat-Ulema-Islam (JUI), Jamiat-Ulema-Islam (Fazal) (JUI-F), and others who had formed an alliance under General Musharraf's military regime. The MMA was the major opposition group in the National Assembly (NA) against the PML-Q's government.

families extended their political influence in the constituencies and, thus, through their electoral successes and their alliance with the military regime, the political families maintained their political influence over parliamentarian and local politics.

No Change in Political Leadership

Elected local governments helped the military regimes to legitimize and strengthen their control over the state. To counter the popular support of democratic political parties, the military regimes built an alternative base of political support by patronizing a class of new locally elected politicians (Sayeed 1967; Amir 2001; Cheema, Khwaja, and Qadir 2005; Cheema and Mohmand 2008; Waseem 2006a; Aqil Shah 2014a). Military regimes have used local governments to also provide patronage to select political elite and open up an avenue for democratization—for holding elections and nurturing new political leadership loyal to the military regime while replacing the existing leadership. The party-less political competition and focus on localized issues diverted the energies of the political elite toward securing their place at the lower levels of governance (i.e., districts). By using their local offices as launching pads for their career advance, this "strengthened the military dictators at the cost of political growth and maturity of the political elite and the political parties."[104]

This pattern has led to the emergence of "dynastic rule" in Pakistan. Such "dynastic rule," *critics* have argued, "in the context of Pakistan refers to that select group of elites who emerge on the political landscape only because of the patronage they receive through the military rulers."[105] The patronized politics created a unique dynastic character in the electoral politics. Since electoral competition excluded political parties, the electorate still required a certain tangible edifice that could enable them to feel connected to the political elite. A former high-ranking bureaucrat and *critic* of LGP argued, "It enabled the military to take strong roots in the political landscape; this also substantively damaged the political

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[104] Pir Muhammad Fazal Haq. "Baldiatee Intikhaab aur iskay baad . . . ?" *Daily Jung,* August 16, 2001. Translated as "What after the local bodies elections . . . ?"

[105] Dr. Saeed Shafqat, Professor of Political Science and Founding Director at Center for Public Policy & Governance, Forman Christian College University, Lahore. Interview with the author, November 28, 2016.

maturity of the political parties that should have been based on issue articulation."[106] The aspirants for political power therefore relied on their personal and, most specifically, their familial lineage to present themselves to their prospective voters (Aslam 2017, 5-6), while the military regimes found it convenient to navigate through the political morass by focusing on democratic reforms at the grassroots to effect change at the macro, i.e., national, level and to lengthen their stay in power.

In other words, *critics* assert that the party-less competition in Pakistan politics created a personalist style of politics that depended more on personal glorification and individualist style of politics, but not on any party ideology. Furthermore, to get elected, political aspirants had to align themselves according to the military's directives.[107] Party-less competition suited the military's objective of control over the political landscape; furthermore, as elections were held on a non-party basis at local levels, the local elite therefore were expected to provide and express their support for the military government.

In the public sphere, the military regimes' reliance on the local elite was seen as "depoliticizing the political process . . . whereas the irony is whenever electoral competition excluded political parties; the party affiliations were relegated to be taken over by political families which has transformed political forums and institutions into personalized arenas of politics."[108] Furthermore, such a trend was not welcomed by the *critics* of the military's designed devolution plans, as the academics and civil society faulted military intervention that caused "personalized-styled dynastic politics" to take root.[109]

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[106] Mr. Roedaad Khan, former high ranking bureaucrat. Interview with the author, January 25, 2017.

[107] In my interviewees with civil society actors, the *critics,* which included former bureaucrats, political elite, and academics, contended that with the nonpartisan local elections, the personalist-style politics had emerged. This trend prevented the emergence of issue-based politics and organized party politics.

[108] Pir Muhammad Fazal Haq."Baldiatee Intikhaab aur iskay baad...?" *Daily Jung,* August 16, 2001. Translated as "What after the local bodies elections. . . . ?"

[109] Mr. Zahid Islam, the Chief Executive of Saangat Development Foundation (SDF), a Lahore-based civil society organization. Interview with the author, November 29, 2016. Also see: "Editorial: Scheme for devolution." *Dawn*, March 25, 2000.

Dissent toward party-less political competition at local levels was evident in the number of editorials of the leading newspapers, both in English and Urdu. The *Daily Jung* argued that the local leadership emerging at the district levels after the 2001 Local Government elections drew its "strength from hereditary influence, wealth and familial network" and that the military regime's claims that its plan for "good-governance" brings in new leadership is all but a "farce." Instead, the newspaper argued, "behind this façade lies the compromised and patronized political leadership" that owes its success to the military's largesse and their "personalized-styled politics safeguarded by their familial lineage."[110]

Furthermore, one of the editorials in the Urdu daily *Nawa-i-waqt* warned the military regime to "tread carefully" in pursuing the idea of "reintroducing" the "local governments planning" in the country because the previous two plans (in 1959 and 1979) failed "miserably." The editorial argued, "The military regime should resist the temptation of experimenting with the local bodies" at the expense of "party-less" competition.[111] The leading English daily, *Dawn,* in its editorial was most vociferous in its critique of General Musharraf's plan of "good-governance." Launching an invective against the "party-less competition" and despairing at the continued and regular military interventions' destruction of political institutions, the editorial also acknowledged the failure of the civil and political society: "We have shown an uncommon proclivity to refuse to learn any lessons from our past—even to the extent of ignoring the results of repeated military interventions."[112]

Though the party-less competition was criticized by many actors in the public sphere, this modus-operandi benefitted both the military regimes and the political parties that were subdued by the military regimes. By putting restrictions on the traditional leaderships' participation in the electoral processes, the

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[110] "Editorial: Nayee Zalee Hakoomaton Kee Tashkeel aur Aazma'ish," *Daily Jung,* August 4, 2001. Translated as "Editorial: Foundational Challenges of the New Local Governments."

[111] "Editorial: Nit Nayay Tajurbay sey gurez karein," *Nawa-i-Waqat,* March 24, 2001. Translated as "Editorial: Resist Experimentation."

[112] "Editorial: Scheme for Devolution," *Dawn,* March 25, 2000.

military not only curtailed their influence, but the military rulers were also able to bring new contenders

onto the political landscape vis-à-vis traditional parties' leadership.

Though the political parties were subdued for a short while, I believe they were able to gauge the

clout that each new contender had with the electorate. The parties would therefore express their support to

these new political contenders to show their commitment to electoral processes, however compromised

they may be. The new contenders on the political scene owed their electoral success to the military

regime, while keeping their political affiliations intact, however fluid these may have been. The

mechanism of party-less competition, therefore, as one *cynic* of the LGP argued, "in fact served the

purpose of military and political parties; through this military legitimized its rule, but at the same time

recruitment of political elite was ensured" that this recruitment "served political parties for it enabled the

parties to keep themselves relevant to the electorate through new faces on political landscape."[113]

Devolution Reforms for Strengthening Military Rule

In my understanding of the hybrid regimes in Pakistan, I believe the military has an enduring

commitment to democracy, and so under the pretext of ineffective political governments, the military

keeps intervening in politics to "save" the country.[114] The military rulers voice an endearing but

ambivalent commitment to democracy by pledging to hold free and fair elections as mandated by the

Constitution and to return to democratic civilian government. But to reach that end, the most crucial of

the steps is to hold local government elections; this is undertaken by the military rulers in order to have a

supportive base at the local level, as one *cynic* believed, to maintain their "hegemonic control over the

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[113] Mr. Muddasir Rizvi, Head of Programs, Free and Fair Election Network (FAFEN). Interview with the author in Islamabad, February 15, 2017.

[114] Essays in the *Pakistan Army Green Book 2000* reflect such a residual commitment by the Pakistan military—the collection of essays by the military officers present the military as *the* savior of the country's social, economic, and political problems. The breadth of essays published in *The Book* covers areas of communication, governance, education, economy, environment, and security, as if the country lacks the political leadership to resolve such issues; predominantly the publication faults politicians for weakening political institutions.

country's political institutions."[115] One print media article lamented that "[A]ll of the non-representative governments so far have attempted to create local government structures, while each democratically elected government has abolished such structures. In fact, the military regimes that have ruled the country for more than half of its history have made decentralization reforms the keystone of their reform agenda."[116]

The "military rulers undertake such initiatives only to legitimize their rule, and thus by investing time and energy in fixing issues of governance the military regime gets a reprieve, since military does not have a political party it creates a local representative setup that provides legitimacy to military rulers."[117] An agenda of "good governance is only the pretext that military utilizes to justify its control over the political landscape."[118] Siddiqa (2016) argued the military in Pakistan is the "prime arbiter and often creator of a new power elite. From a political perspective, the military, in fact, was responsible for creating three sets of elite: (a) during the 1950s, (b) the 1980s, and (c) 2000s" (64). Furthermore, Siddiqa asserted, "Local bodies' elections are a sure method to achieve such an objective (64).[119]

The BD system was implemented during Gen. Ayub Khan's regime in 1959, a year after the military coup. Ayub Khan's plan was to provide himself with an electoral college in the form of the BD members who elected him as president. As one of the *critics* argued, "Ayub's local government plan utilized his vision of democracy to get him elected, for he strongly believed Western style democracy does not suit the genius of people of Pakistan. The locals of the country should better focus on localized

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[115] Mr. Zahid Islam, the Chief Executive of Saangat Development Foundation (SDF), a Lahore-based civil society organization. Interview with the author, November 29, 2016.

[116] Mustansir Javed, "Yeh Chaman Youn Hee Rahay Ga," *Daily Jung,* August 2, 2001. Translated as "This garden shall remain the same."
    Mustansir Javed, "Maujazaati Itefaq," *Daily Jung,* August 16, 2001. Translated as "Miraculous coincidences."

[117] Mr. Ahmed Bilal Mahboob, the Chief Executive of Pakistan Institute of Legislative Development and Accountability (PILDAT), a Lahore-based civil society organization. Interview with the author, February 7, 2017.

[118] Mr. Roedaad Khan, former high ranking bureaucrat. Interview with the author, January 25, 2017.

[119] Also see Harris Khalique, "How Power Works in Pakistan," *New York Times,* July 24, 2017. Available online at: https://www.nytimes.com/2017/07/24/opinion/pakistan-sharif-khan.html

issues such as yield of their crops, educational facilities in the villages, availability of clean drinking water, etcetera."[120] Praising Ayub Khan as being "close to filling the role of a Solon or Lycurgus or "Great Legislator" on the Platonic or Rousseauin model," Samuel P. Huntington ([1968] 2006), in his work *Political Order in Changing Societies,* praised the system of Basic Democracy (251) and noted:

> Politically the Basic Democracies thus: (a) involved in the political system a new class of local political leaders throughout the country; (b) provided an institutional link between the government and the rural populace upon whose support stability depended; (c) created a popular counterweight to the dominance of bureaucratic officialdom; and (d) provided a structure through which subsequent broadening of political participation could be challenged. (253)

The BD plan, however, revamped the political institutions of the country from a parliamentary democracy to a strong presidential form of government. Ayub Khan, with the help of 80,000 BDs, got himself elected president. This therefore paved the way for all military dictators to follow, all of whom infused parliamentary democracy with strong presidential dispositions. Ayub's system was outright presidential, while the hybridized system of political regimes that followed after the 1977 general elections favored the unrepresentative political institution (military ruler as the executive) over the elected political institutions, such as Parliament.

The second plan to reform democracy was implemented through the LGO, which was issued through a presidential order and was implemented in 1979, in the second year of General Zia-ul-Haq's 11-year military rule. Zia also claimed these reforms moved toward democratization of the political system, but those reforms were also designed to provide legitimacy for his rule. Under the military government of Zia, the local government functioned on a non-party basis as it had under Ayub Khan's system of BD. Zia, however, did not "encourage" politicizing the electoral process; in fact, he held the "local government elections on non-party basis to gauge the support that different political parties carried; and the local bodies elections were the litmus paper to know what support the military would have."[121]

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[120] Ibid.

[121] Dr. Mohammad Waseem, Professor of Political Science at Lahore University of Management Sciences. Interview with the author, November 29, 2016.

While Ayub Khan's system of BD enabled him to use the 80,000 BDs as an electoral college to get him elected as president, Zia, on the other hand, used the local governments to gauge the measure of support in the polity for the military regime through the locally elected representatives. The representatives elected at local levels had evident party affiliations, though they were not allowed to express them.

Thus, upon knowing the results of local bodies' elections, Zia's regime decided to hold a general election on a non-party basis so that voters' mobilization driven by any of the political parties could be undermined; for him, political parties were the source of factionalism and division in the community. Since the military did not have a political party of its own, he therefore preferred to keep the political elite divided. As Siddiqa (2016) argued, the military in Pakistan does not get into the forming of its own political party (59). Rather, it supports factions or certain groups to be incarnated as what civil society observers have called the King's Party.[122] Siddiqa contended, "[T]he usual pattern is to put the army's organizational weight behind one party or one faction of a party and then manufacture consent amongst political stakeholders who join the crowd favoured by the GHQ"[123] (59).

General Zia-ul-Haq divided the political elite by holding nonpartisan local and general elections (Ziring 1988). By doing so, his devised authoritarian rule created divisions within the political parties, resulting in defections and access for political aspirants. By declaring allegiance to the dictator, these contenders for political power gained political access to state resources. As Mohammad Waseem, an academic by profession and *critic* of devolution planning, believes, "Zia's rule was different than Ayub Khan in terms of the utility that local governments provided: aside from providing legitimacy to the

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[122] The expression "King's Party" is traditionally used in a constitutional monarchy. The "King's Party," as the title suggests, supports the king. However, in the case of Pakistan where there is no king, observers of Pakistan's politics view this term as denoting the party that supports the military in particular. During Musharraf's tenure, PML-Q was deemed the King's Party; under Zia it was PML. And during the time of Benazir Bhutto's first government (1988-1990), it was Islami Jamhoori Itehad (IJI).

Please also see Hassan Akbar, "The Rise of the King's Party," *Newsline Magazine,* October 2002. Available online at: http://newslinemagazine.com/magazine/the-rise-of-the-kings-party/

Harris Khalique, "How Power Works in Pakistan," *New York Times,* July 24, 2017. Available online at: https://www.nytimes.com/2017/07/24/opinion/pakistan-sharif-khan.html

[123] GHQ is the acronym for General Headquarters, Pakistan's army nerve center, equivalent to the U.S. military's Pentagon.

regime, the other utility local governments provided to Zia was to weaken the political parties and their efforts to mobilize support along party ideology. Zia did this by holding the elections for national and provincial assemblies on a non-party basis—the move that only encouraged the personalist style political competition under the watchful eye of the military regime."[124]

General Musharraf was aware of the actions of his two predecessors. Thus, carrying the example set by previous military dictators, General Musharraf also claimed that, for the sake of good governance and bringing real democracy to Pakistan, a devolution plan was to be developed. Musharraf announced the reformation of local governments at the grassroots so as to empower citizenry to hold elected leaders accountable; the team of his advisors, however, focused not only on weakening the political parties, but also on reforming the bureaucratic administration at the district levels (Aqil Shah 2004, 2014a). The objectives, however, were the same: to utilize the good-governance reforms to legitimize the military rule and, furthermore, as the other *critic* of devolution planning argued, "to show to the world, especially the international donor agencies, that the military is keen on democratization and local government reform is the first step toward the restoration of parliamentary democracy."[125]

Musharraf's regime, hence, strongly believed "by enactment of local governments . . . [we] are bringing revolution. Furthermore, the devolution scheme was developed in consultation with civil society and subject experts on community development."[126] There was also a belief among designers of the LGP that their plan was "one true plan that respected citizen empowerment and giving citizens opportunity to engage in local level politics as never before. The previous two plans lacked commitment to empower citizens. We believed we could effect revolution through devolution in Pakistan. The revolution initiated

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[124] Dr. Mohammad Waseem, Professor of Political Science at Lahore University of Management Sciences. Interview with the author, November 29, 2016. Also see, Lawrence Ziring, "Public Policy Dilemmas and Pakistan's Nationality Problem: The Legacy of Zia ul-Haq," *Asian Survey,* 28, no. 8 (1988).

[125] Dr. Saeed Shafqat. Professor of Political Science and Founding Director at Center for Public Policy & Governance, Forman Christian College University, Lahore. Interview with the author, November 28, 2016.

[126] Interview with Mr. Azhar Bashir Malik. Interview with the author in Islamabad on August 17, 2017.

will be significant as never had been witnessed before."[127] These beliefs with which the LGP was

launched, however, could not withstand the political pressures.

The International Crisis Group, in a report released in March 2004, strongly criticized the

government's claims of devolution under its agenda of good governance. The report said that the

devolution plan served to strengthen the military rule of President Musharraf's government. Such

policies, the report contended, had drained authority from the provinces, since this mechanism

undermined the established political parties. The report also argued the devolution plan does little to meet

its stated aims to devolve power, reduce corruption, improve service delivery, or establish accountability

at the local level.

Bypassing the Middle Tier of the Governance, i.e., the Provincial Governments

The devolution plans assumed Pakistan to be a state with only two tiers, a federal and several

local units, downgrading the middle tier of provincial units that were an interface between the federal and

local units. Furthermore, the military elite who designed the devolution plan(s) gave the federal

government unprecedented control over the provincial units. These plan(s) tacitly declared that no tier

other than the federal government can endorse district governments. Hence, by circumventing the middle

tier, i.e., the provincial level(s), "[T]hese efforts of the military rulers made the two—provinces and

districts—as competitors, and therefore the political parties adopted a more antagonistic view toward the

local elite, whom they saw as potential rivals on the political landscape."[128]

The planning for local governments essentially refused to recognize the federated character of

governance in the country where the provinces are fundamental constitutional units of governance, while

local government institutions are creations of the provincial governments. The stature and place of

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[127] Interview with Mr. Ikramullah Ghauri. Interview with the author in Islamabad, dated February 28, and March 4, 2017.

[128] Dr. Mohammad Waseem, Professor of Political Science at Lahore University of Management Sciences. Interview with the author, dated November 29, 2016. For more details, please refer to Waseem, Mohammad, "Chapter 3: Towards Elections: Accountability, Devolution and Referendum, in *Democratization in Pakistan: A Study of 2002 Elections* (Oxford University Press, 2006a), 56-87.

provinces in Pakistan's Constitution cannot be denied. Successive devolution plans designed under the military regimes, as one *critic* argued, "not only ignored this fact, but they also facilitated the district level to rise as a parallel to the provincial governance."[129] This *cynic* contended that since local governments were not a central part of the Constitution, these were to be "created upon the approval and ratification by the provincial governments."[130] This, therefore, meant that these local governments owed their existence and powers to the provincial governments. Thus, "as per the Constitution, the provincial governments could dismiss local governments by themselves, and provincial governments were not liable to take the advice of the federal government."[131]

In other words, local governments were not supposed to operate independently from the provincial governments and could hardly exercise any influence. But with the military's intervention and promulgation of ordinances such as the LGO (in 1979) and LGP (in 2001), the federal directive had encroached upon the provincial governments' constitutional authority to establish district governments in provincial jurisdictions. I believe the military governments sustained their rule by controlling the political institutions and by discrediting the institutional process in democracy. The encroachment of federal power established under the military severed relations between provincial governments and respective district governments.

Furthermore, I will show in the next chapter that, with the return of the political government under the military's devised hybrid regime, the political parties and provincial tiers unleashed their biases toward local governments. The antagonism directed toward local government by the collective force of the provincial and national assemblies was evident. The bias that was latent in their attitude toward local governments could not remain unattended for long.

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[129] Mr. Roedaad Khan, former senior bureaucrat. Interview with the author, January 25, 2017.

[130] Mr. Zahid Islam, the Chief Executive of Saangat Development Foundation (SDF), a Lahore-based civil society organization. Interview with the author, November 29, 2016.

[131] Ibid.

As one *supporter* of LGP argued, "[A]mbivalent but an opportunist demeanor is reflective of political parties' disconnection from local government when in power, and their attitude therefore then creates a local political vacuum that has been repeatedly exploited by nondemocratic forces to undermine the national system of civilian governance; so it can be stated, political elite are nonetheless responsible for bringing in military governments upon them and the general population."[132] A *cynic* was also perplexed that political parties never have learned to give "importance to local governments. They [political parties], I would argue, see local governments as aberrations. Once in power, elected governments would move toward repealing local governments, but when they were ousted by the military rulers, the parties would show their commitment to local governments."[133]

Indeed, the military governments benefit from the underperformance of the political parties. The politicians, as I have argued, remain engaged in electoral competition so as to remain electorally relevant in their constituencies. The military governments benefit from politicians' aspirations to remain active in politics. In order to reap the benefit, the military regimes incentivize local governments as one of the electoral arenas so as to encroach upon the political landscape. Thus, by manipulating the electoral arena to appeal to politicians' aspirations for political power, the military not only downplayed political institutions, but it also magnified citizens' dissatisfaction with democracy, the political elite, and politics.

Disdain for the Bureaucracy

Political competition in Pakistan is heavily influenced by the state institutions it inherited from colonial India. The tumultuous history of Pakistani politics reflects interaction between two dominant political forces: state elite consisting of the military-bureaucratic oligarchy, and political elite consisting of political parties and their leaders. While the military-bureaucratic oligarchy has dominated directly under periods of martial law, their influence has not completely waned during the intermittent periods of

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[132] Interview with Mr. Sarwar Bari, the Chief Executive of PATTAN. Interview with the author in Islamabad, March 13, 2017.

[133] Interview with Mr. Salman Abid, Regional Director, Strengthening Participatory Organizations (SPO). Interview at SPO Regional Office in Lahore, August 4, 2017.

political elites' control of governance apparatus. Historians and political scientists have cited the country's extensive administrative setup designed by the British colonialists as one of the reasons why the political leadership in the country could not take root.

British colonial administration relied on the powerful and highly centralized civil and military institutions that protected the strategic interests of the British in the Indian subcontinent. Representative institutions, by contrast, were much weaker, as they had been established to legitimize the authority of the bureaucratic state and not to promote democratic rule. Their role was to serve as advisory bodies to the executive rather than to carry out a legislative function. Such bodies did have some say in local governance but no substantive role in decision making at the national level; these bodies lacked authority to "self-govern."[134] This created an enduring power imbalance between weak representative institutions and strong civil and military bureaucracies.

The effect was more pervasive in Pakistan than in India and is the reason for the dysfunctional nature of civil-military relations in Pakistan (Sayeed 1967; Alavi 1972; Waseem 1989; Jalal [1990] 2007; Shafqat 1999; Wilder 2009). One of the explanations for weak parliamentarian institutions arose from the fact that the Pakistan Muslim League (PML) leaders under the country's founder, Muhammad Ali Jinnah, belonged to the Muslim minority provinces from United India. These leaders had decided to come to Pakistan, leaving behind their constituencies and constituents. In the new country, the political leaders therefore relied on the bureaucratic apparatus to help them rule over the population. In contrast, the Congress party of India was a unified political organization that was not divided across the territorial boundaries of the newly independent India.

Hamza Alavi (1972, 1982) stressed that the involvement of the bureaucracy and the military in the administration in the initial days of the country's independence shaped the political leadership's dependence on the military-bureaucratic alliance. The political elite, military, and bureaucracy wrestled

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[134] Mr. Roedaad Khan, former senior bureaucrat. Interview with the author, January 25, 2017.

for a share in the country's governance, but the political elite lacked the necessary political mobilization

and organization to exert command over the military and bureaucracy established by the British

colonialists. Ayesha Jalal (1997, [1990] 2007) argued that the founders of the Pakistani state believed that

an already established bureaucracy had a better chance of putting together its own structures of command,

control, and coordination. As a result, positions in unelected institutions of the state (military and civil

bureaucracy), rather than the electoral support derived from popular competition, became the key to

exercising political power in Pakistan.

Prior to the Musharraf reforms, the district administration headed by the district commissioner

(DC), like his colonial predecessors, combined the functions of coordination, magistracy, and revenue

collection. This made the DC a key figure of state power in the district. The new devolution-centric, local

government system attempted to de-concentrate this power in the district by taking the magistracy

function away from the DC office. Under the LGP, the elected representatives at each level were given

authority to hold the administrative bureaucracy accountable, an institutional measure unique to the 2001

plan. The major responsibility of the district government was to prepare the plan, formulate and execute

policies, allocate the budget, and monitor legislation at the district level. The district was to be controlled

by elected the district *Nazim* and head of district administration known as the District Coordination

Officer (DCO), who reported to the district *Nazim*.

When the LGP was devised by the military elite, it was claimed that the new system would roll

back the age-old influence of the unelected state institutions. The discourse generated by the NRB

contended the unelected civil administrator, called the Deputy Commissioner, at the lower level of

governing unit had to be curtailed. The report by the NRB argued "over concentration of authority,

particularly in the office of Deputy Commissioner . . . [which creates] the potential for abuse of

authority." The report further argued this particular group within the civil bureaucracy had to be

neutralized: "The end of the domination of the bureaucracy by one group is a necessary pre-condition for

the attainment of administrative power by the Army and the creation of conditions for national

reconstruction" (National Reconstruction Bureau 2000b).

This change made the district administration and police answerable to the elected head of the

district. This was a huge departure from the administrative and law-and-order structures inherited from

the colonial government, in which the local governments were subservient to the district administration.

This move by the military regime was appreciated by civil society. The public discourse was in favor of

terminating this position, as it was seen as the last vestige of the colonial period: "This colonial relic was

obsolete and has to be replaced with the elected representative at the lowest level of governance."[135] This

revamping of the civil and bureaucratic administration was the one point in the LGP that seemed to have

been supported by the civil society.[136] The categories that I have developed based on my interviews—

critics, supporters, and *cynics*—all appreciated that the "octopus-like status of bureaucracy"[137] is the bane

of Pakistan's governance problems.

The administrative system of the country, which had remained the same since the country's

formation in 1947, needed to be "revamped" because that "system had become obsolete. The termination

of that system is necessary for the development of our society."[138] But to effect change in the "existing

system, there must be groundswell support; the military singularly has taken up the task to bring about

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[135] Hassan Nisar, "Youn Tou Hona He Tha," *Daily Jung,* August 3, 2001. Translated as "This had to happen."

[136] In print media, there were analytical pieces written by public intellectuals on the need to revamp the colonial-styled civil bureaucracy; bureaucracy (literally meaning *servant regal* when translated in the Urdu language) was criticized for its condescending demeanor and service to the public. This dislike of the bureaucracy was taken up by the military regime, and it therefore generated a reformation discourse on good governance that seemed to have struck a chord with the intelligentsia.

[137] Dr. Mohammad Waseem, Professor of Political Science at Lahore University of Management Sciences. Interview with the author, November 29, 2016.

[138] Nazeer Naji, "Chand Pehlu," *Daily Jung,* August 16, 2001. Translated as "Few Perspectives."

change in the existing power structure while excluding other actors such as political leadership who would be forming the next civilian governments."[139]

The 2001 reforms were unlike previous local government reforms because the Musharraf regime believed civil administration had been manipulated by the civilian governments of the past; hence, the bureaucratic administration was to be restructured. The restructuring entailed the empowerment of local citizenry, not only against the local administrative bureaucracy, but also against the traditional political leadership that acted through the mainstream political parties. At the same time, there was still skepticism in the public sphere toward the devolution reforms initiated by the military regime under General Musharraf. The critics saw these reforms as necessary; however, they also asserted such reforms were in fact enabling the military regime to legitimize its rule, as had been the case with previous military dictatorships.

Part VI: Concluding Remarks

The institutional history of Pakistan shows that successive military and civilian governments have been rather consistent in their policy making toward governance of the country. My discussion on a devolution plan as a preferred strategy of military regimes shows that the military has always prioritized devolving power to the grassroots as a means to legitimize its rule and to secure a popular base. Devolution has been the most pervasive and consistent governance strategy adopted by the military generals who have ruled Pakistan. The military governments under leadership of a military general devised plans of governance that gave his government access to ordinary citizens at the grassroots levels, while civilian governments would break any such ties at the grassroots on the pretext that such governance strategies were devised by the military regime and hence were dictatorial and undemocratic.

Though civilian governments were critical of devolution schemes devised by the military regimes, the political elite let themselves be co-opted during the time of military rule. In exchange for

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[139] "Editorial: Nit Nayay Tajurbay sey gurez karein," *Nawa-i-Waqat,* March 24, 2001. Translated as "Editorial: Resist Experimentation."

their co-optation, the political elite endeavored to remain electorally relevant among their constituencies in order to secure their political significance and to benefit from the largesse made available by the military regimes. As a result, because the political elite cooperated with their design, the military regimes perpetuated their control over the political landscape.

The civil society, despite its misgivings toward the military dictatorships, had ambivalent engagements with the military regime. As seen in chapter 3, the civil society in Pakistan has had a complex relationship with the state. In Pakistan, the state and civil society cooperative engagement is a rare phenomenon. The military and elected regimes have sought to subdue oppositional voices coming from the civil society. However, in the time of the military government of General Musharraf, the tenuous state-civil society engagement was launched and multiple voices were heard. For the first time, the oppositional voices against the military regime found space in the public sphere, while enthusiasts of the military regime from within the civil society gained access to the military regime's endeavor of modeling political institutions. The establishment of local governments at the grassroots was one such institution.

Moreover, in order to capture political and administrative control of the state, the third plan of devolution devised by the military regime of General Pervez Musharraf also aimed at reforming the bureaucratic apparatus. As one senior journalist and human rights activist contended, "Though the ulterior motive was to legitimize the military rule, the plan was in fact more radical than any such plans devised by the previous military regimes and even the elected democratic governments, and this is an undeniable fact."[140] Another civil society activist asserted, "The military's objective was to legitimize their rule,

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[140] Interview with Mr. I. A. Rehman, veteran journalist and human rights activist. He is the founding member of the Human Rights Commission of Pakistan (HRCP) and currently heads the HRCP Secretariat in Lahore. Interview with the author in Lahore, August 2, 2017.

agreed; but the demand for people's empowerment has never been addressed by the elected governments either."[141]

The civil society, as I have shown in this chapter, was already expressing the need for civil service reforms and reviving of local governments. Furthermore, the international donor agencies had also been urging the Pakistan state to address the issue of bad governance. These donor agencies called for the establishment of local governments and civil service reforms. The elected governments lacked the commitment to bring reforms to governance; on the contrary, the military government of General Musharraf found the enactment of good-governance measures as an opportunity to engage with the civil society and to gain wider acceptance, not only among the people but with the donor agencies as well. General Musharraf's regime, in its search for popular support and to secure financial support from the IFIs, engaged with the civil society to gain wider acceptance.

General Musharraf's regime was successful in installing local governments, and, surprisingly, the many political parties that had opposed the LGP did allow their members to contest the local elections and be part of the electoral politics, even in a political landscape controlled by the military regime. In this regard, the political elite did choose to be co-opted by the military regime to remain active in the military-controlled politics. This was, after all, not new in the politics of Pakistan.

However, as I will show in the next chapter, local governments faced political opposition with the return of the elected Parliament under General Musharraf's hybrid regime. From 2002 to 2008, various aspects of the LGP, such as representation of women at local levels and independence of the locally elected representative from the provincial governments, were rolled back by the provincial legislatures.

And, finally, with the return of the democratically elected government in 2008, the LGP was effectively terminated. In addition, the elected government in 2008 retained in the Constitution the

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[141] Interview with Mr. Sarwar Bari, the Chief Executive of PATTAN, an Islamabad-based NGO working with rural communities across Pakistan. PATTAN was in the forefront of the implementation of the Local Government Plan introduced by Musharraf's regime in 2001. PATTAN produced reports on the local elections held for local offices in 2002 and 2005. Interview with the author in Islamabad, March 13, 2017.

recognition bestowed upon the local governments; however, by law the provincial governments were made the *only* constitutional authority to decide the fate of the LGP and local governments. Thus, the role of the federal government was neutralized. By recognizing local governments to be the constitutional responsibility of the provincial governments, the tension that existed between the provincial and federal levels of government was addressed by the elected government.

In the next chapter, I show that the political parties that had been active during Musharraf's hybrid regime were equally effective in bringing local governments under the authority of the provincial governments. Under Musharraf's regime, the elected government led by PML-Q did indeed effect changes to the LGP; the changes were supported by the federal government but were criticized by the opposition led by PPP and PML-N. Opposition parties believed the changes effected by PML-Q gave provincial governments authority over district governments. But when the elected government led by the PPP in 2008 held executive governing powers at the federal and provincial levels, it granted provincial governments the authority to oversee local governments. The criticism that was leveled against the military government seemed not to have bothered the elected government in 2008.

CHAPTER 5

LOCAL GOVERNMENT PLAN 2001 AND THE ELECTED GOVERNMENTS
OF 2002 AND 2008

Musharraf's regime created and opened space for the marginalized in the society; the critics overlook the fact that political parties, its elite and the civil bureaucracy have always stalled such progress.[1]

…the quality of this system was: this system brought in a huge number of women, peasant, labor, and disabled. It was for the first time in Pakistan that their stakes were created in the system.[2]

Instead of empowering citizens, the devolution scheme has exacerbated the Pakistani state's institutional crisis by rooting the military in local politics. (International Crisis Group 2004, 10)

Background

The previous chapter 3 mapped Pakistan's civil society, in which the predominant actors are the print media and non-governmental organizations, the latter being one of the major recognized constituents of what is defined as civil society in Pakistan. With the implementation of the Local Government Plan 2001 or LGP, the civil society actors such as the NGOs became supporters of the plan, because the NGOs

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[1] Interview with Mr. Salman Abid, Regional Head of Strengthening Participatory Organization (SPO), Lahore, August 4, 2017. Mr. Salman Abid started his career in the development sector in Pakistan in the early 2000s. In 2001, when the Local Government Plan was introduced by Musharraf's regime, Abid was working with Pakistan's leading women's rights NGO, Aurat Foundation. While working with the foundation, he held public consultations on the application of the Local Government Plan in the rural areas of Pakistan. Currently, Mr. Salman Abid works with another SPO, another Pakistan-based NGO, in its regional office for the Punjab province in the city of Lahore. While being associated with SPO, Mr. Salman Abid divides his time as news reporter and newspaper journalist for the media group *Express News*.

[2] Interview with Mr. Harris Khalique, Team Leader, Development Alternative, Inc. (DAI), Pakistan. Mr. Harris Khalique has been in the development sector for last two decades. From 2002 to 2010, he was the Chief Executive Officer (CEO) of Strengthening Participatory Organization (SPO), Islamabad.

contended the plan was needed at the time, and with this plan, space for political engagement was created

for minorities, women, peasants, and workers in the society.[3]

One of the monitoring survey reports generated by the NGO PATTAN, in a rather strong tone,

highlighted the local government conundrum:

> [I]t is often argued that whenever military regime comes to power in Pakistan, it holds local bodies' elections (on non-party basis). True. One the other hand, the successive elected governments of Z. A. Bhutto (1971-1977), Nawaz Sharif and Benazir Bhutto (1988-1999) did not hold local government elections. This is also true. Why the military governments hold and the elected government did not local government elections? The protagonists of political parties tend to argue that military holds party-less local government elections (a) to de-politicize the polity and (b) to create a new class of leadership, which would be dependent on the establishment. This seems to be true as well. However, it has now become imperative to analyze why successive elected governments did not hold local government elections? Had political parties held local government elections regularly, it would have not only provided many benefits to them, but also disarmed military governments from using it as a tool to legitimate their rule. (Bari and Khan 2001, 3)

In similar vein, another NGO, the South Asia Partnership–Pakistan (SAP-PK), in its report titled

Devolution – A Civil Society Perspective, blamed the political parties, stating, "Our sporadic political

regimes continued dealing with the masses on a patronage basis with the primary objective of legitimizing

a personal hold on power in disregard to their representational responsibilities" (SAP-PK 2003, 4).

In my interviews with civil society activists and review of documentary evidence through media

reports and analyses published by NGOs, the one observation that stands out in data gathering is that as

long as military generals were in control of the political regime, their respective devolution plans

remained in effect. But with the departure of military generals and return of elected governments, the

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[3] The annual reports of the leading NGOs lauded the effort of the military regime in creating the space for political engagement for the disenfranchised. In its annual report for 2005-2006, Aurat Foundation (leading women's rights organization) emphasized, "[I]n response to the continued pressure of the women's rights organizations, the Government of Pakistan reserved 33 percent of seats for women at all tiers of local government for Local Government elections scheduled in 2001, with direct elections to the reserved seats for women at the lowest tier, i.e., at the union council level. . . . To ensure maximum participation of women, Aurat Foundation (AF) activated and organized its networks to undertake the Citizen's Campaign for Women's Representation in Local Government to mobilize support for women to come forward to contest as candidates in the Local Government elections held in 2001 under the new law. The result was beyond all expectations, as over 90 percent of the seats were occupied after the final count of the ballots was done, and around 32,222 were elected as union councilors" (Aurat Foundation 2009).

devolution plans were considered the scourge of military rule and hence eliminated. Such has been the fate of all of the military's devised devolution plans. The LGP was no exception. However, the LGP experienced a distinctive reception in the public sphere, for it not only received criticism but also found support. Both the critique and appraisal generated interest.

During General Musharraf's rule (1999-2008),[4] the LGP was in implementation, but it was eliminated in 2008 with the democratic transition and return of elected government. In 2008, the elected government, led by the Pakistan Peoples Party (PPP) and its coalition partners, included all those oppositional parties that had earlier rejected the LGP. The coalition government, in its institutional design under the 18th Amendment, did not reject the policy of devolution; the constitutional clause that was devised by General Musharraf's regime was retained by the elected government. However, this tacit support for devolution per se by the elected government was not to promote autonomous district governments as such; rather, it signified the elected government's ambivalent attitude toward devolution planning. Even with the ratification of clause 140-A under the 18th Amendment, the elected government showed no keen interest in activating district governments. The elected government's attitude was reminiscent of its distrust for the military government's devised policies.

Outline of the Chapter

This chapter is divided into five sections. The first part looks at the implementation of the plan at the grassroots and the district assemblies that came into operation with the local government elections held in 2001 and 2002. In the second part, I discuss how the elected government that came to power with the general elections in 2002 embarked upon revising the radical components of the LGP. This elected government was led by the Pakistan Muslim League (Quaid) or PML-Q political party; this is the political party instituted by the military ruler to support himself in the implementation of his governance agenda.

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[4] General Musharraf achieved a military coup in October 1999. From October 1999 to April 2002, the country was under direct military rule. From October 2002 to February 2008, a hybrid regime was enacted with an elected government but under the executive of a military general, i.e., General Musharraf.

However, the political elite supported by General Musharraf was the actor that stripped the LGP of its radical components. The oppositional political parties, such as the Pakistan Muslim League (Nawaz) and Pakistan Peoples Party (PPP), had rejected the LGP; however, these parties had no influence on the military government of General Musharraf and PML-Q to make changes to the LGP. On the other hand, the oppositional political parties fielded their candidates in the local government elections in order to maintain their political presence and remain electorally relevant in the electoral districts.

The third part of this chapter looks at the Charter of Democracy (CoD), which was signed between the major opposition political parties in 2006. According to the CoD, the political parties made a commitment to restore democracy and to continue local governments under their leadership if they came to power in the upcoming general elections in 2007. The fourth part of the chapter looks into the process of decision making under the elected government that had come into power in 2008. The elected government of the Pakistan Peoples Party (PPP) and its rival party, the Pakistan Muslim League–Nawaz (PML-N), had earlier signed the CoD in 2006 in which they made a commitment to the continuation of the local governments *had* they come to power.

In the concluding section of the chapter, I discuss that with the newly elected government formed in 2008, the political parties PPP and PML-N, which had signed the CoD in 2006 pledging to continue with local governments, did not act on their commitment. In fact, not only these two political parties but all others who had shown commitment to the local governments in their election manifestos failed on their promise. In other words, following the general elections in 2008 and the arrival of the newly elected government, the pledges made by the political parties to continue the LGP proven to be a farce. The attitude of the elected government in 2008 toward the LGP showed the political parties' continued resentment.

Part I: Implementation of the LGP at the Grassroots

> We will take all possible measures to ensure that the local government system could not be reversed by the succeeding governments.[5]

The plan devised by the military regime was an extension of the stated objectives in the 1973 Constitution of Pakistan. Under Article 32, the Constitution stated: "The State shall encourage local government institutions composed of elected representatives of the area concerned. And, in such institutions special representation will be given to peasants, workers, and women." Likewise, Article 37 of the Constitution asserts that "The State shall Decentralize the Government administration so as to facilitate expeditious disposal of its business to meet the convenience and requirement of the public."

Amidst furor and critique leveled against the military regime's devolution plan, the plan was implemented at the grassroots in a phase-wise scheme from August 2000 to August 2001. Since the elections for local governments were to be held in the 97 districts all across Pakistan, the elections therefore were held in five phases. These local elections were held when there was no elected government either at the provincial or federal levels; in other words, elections at the district level were held under direct military rule.

The local district councils that were established, followed by the local government elections in 2001 and 2002, operated in the political landscape where the provincial and national legislatures had been dissolved because of the military coup effected by General Musharraf in October 1999; during this period the Constitution of Pakistan was in abeyance. Thus, from October 1999 to October 2002, the state of Pakistan was under direct military rule with General Pervez Musharraf as the head of state. The military was the only state institution that had executive powers, and it therefore asserted itself on the political and civil society. All across Pakistan, local governments were formed in 97 districts, and they operated in the

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[5] Chairman NRB, General Naqvi, in a press conference on the LGP. Please refer to the newspaper report by Ansar Abbasi, "NRB Chief Hints at Imminent Changes: Constitution Being Amended," *Dawn,* August 19, 2000. Available at: https://asianstudies.github.io/area-studies/SouthAsia/SAserials/Dawn/2000/aug19.html#nrbc

political environment that had been established only because of the dictatorial decree enforced by the military junta.

When the district governments were formed in each district, it was the first time that elected officials at the local levels were granted executive powers to administer and govern their localities based on their local needs. At the same time, the state's bureaucratic apparatus was made subordinate to the elected local political elite. Hence, the bureaucratic apparatus at the district level was revamped and the authority that was vested in the office of the Deputy Commissioner was given away to the elected district mayors or *Nazims*.

The locally elected representatives contested the elections on a non-party basis and were elected to the local district assemblies. The bureaucratic head in each district belonging to the District Management Group (DMG), the Deputy Commissioner (DC), was to report to the elected district official—a landmark step toward the devolution of power in the history of Pakistan. Table 5 shows the number of total constituencies of the local governments according to the LGP.

Table 5: Local Governments Composition

Province	Districts	Sub-districts (*Tehsils*)	Towns	Total Tehsils/Towns	Union Councils
Punjab	34	116	6	122	3,453
Sindh	16	84	18	104	1,094
KPK	24	34	4	38	957
Balochistan	22	71	2	73	518
Total	**97**	**307**	**30**	**337**	**6,022**

(Shafqat and Wahlah 2006, 213)

Tension in the Civil Bureaucracy

General Pervez Musharraf announced in his address to the nation on August 14, 2000: "[The] basic issue is to empower the impoverished and make the people master of their own destiny. . . . We want to introduce essence of democracy and not sham democracy which promotes the privileged people and their offsprings [*sic*]. We will bring to the fore essence of democracy."[6] Furthermore, General Musharraf, referring to local government as point 6 on his 7-point agenda, emphasized, "In my opinion, given its importance, it was on the top priority. It will bring far reaching consequences and will change the fate of the country."[7] In his speech to the nation, General Pervez Musharraf outlined the four requirements for implementation of the local government plan to hand over power to the people at the lowest level. He contended that the first requirement was to make the people master of their own destiny. The second was that the district bureaucracy should be put under the elected people, which could ensure transfer of power to the masses. The third requirement was to give financial autonomy to the local government. The fourth requirement was to ensure speedy justice at the doorsteps of the people, which meant that the people did not have to wait for the provincial or the federal representatives to provide them the relief. People faced with the issues of local governance were able to have their representatives respond at the lowest level of state's administration.

General Musharraf's cabinet was comprised of leading figures from civil society organizations, and non-partisan professionals such as lawyers, academics, media personnel, political contenders, and the representatives of the provincial and federal bureaucracy. While the former groups advocated for the LGP, the latter (the provincial and federal bureaucracy) saw the "radical components" of the LGP as a

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[6] Address to the nation on the 53rd independence day of Pakistan's existence. Please see: M. Ziauddin, "District Setup, Police to Work under Elected Men: Musharraf Announces Partyless LB Polls," *Dawn*, August 19, 2000. Available at: https://asianstudies.github.io/area-studies/SouthAsia/SAserials/Dawn/2000/aug19.html

[7] Ibid.

"threat to their political influence and bureaucratic control."[8] The media reported that there were tensions between the planning team at the National Reconstruction Bureau (NRB), the think tank established by the military to design the LGP, and the bureaucracy. These two institutions were at daggers drawn, with the former insisting the elected representatives have authority over the district bureaucrat, the Deputy Commissioner (DC), who was given the new role as the District Coordination Officer (DCO).[9] However, the provincial and federal bureaucratic apparatus was persistent in restricting the influence of the elected mayor over the office of the DCO.

On the other hand, the NRB was assertively pursuing that devolution should be "seen as a means of providing better access to justice," and to ensure that decisions were locally decided, local elected officials were given the authority to make decisions pertaining to local governance (Shafqat and Wahlah 2006, 211). Thus, in order to make the local elected mayor accountable to the peoples' needs and to give him/her the authority to make collective decisions with the district council, the NRB gave executive and administrative control to the elected mayor. This decision of the NRB made the DC subservient to the elected mayor.

This decision taken by the NRB—of giving unprecedented executive powers to the locally elected—did not fare well with the provincial and federal bureaucracy channels. This was because officials holding the position of DC in the districts were selected from the civil services executive group of highly educated men and women. The executive group formed the state's civil services and was divided into the federal, provincial, and district officers' cadres. The district positions were the junior civil services position from which officers were promoted to the provincial and federal levels. The officers were selected to fill the positions at the district bureaucracy based on a country-wide civil services

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[8] Mr. Ikramullah Ghauri, member of the five-member team of the NRB led by General Tanvir Naqvi that generated the strategy document on the LGP. This document was shared with the civil society organizations when it was produced in March 2000. Interview with the author in Islamabad, February 28 and March 4, 2017.

[9] See report: "Government Modifies Devolution Plan." *Dawn,* August 5, 2000. Available at: https://asianstudies.github.io/area-studies/SouthAsia/SAserials/Dawn/2000/aug05.html#modi

competitive examination. This is why the rank of DC in the district administration had always been a coveted civil services position.

The state's bureaucratic apparatus thoroughly functioned based on the officer's educational qualification and professional spiritedness. Each selected officer passed through the rigorous training in the civil services academy to reach a position in the district administration. Thus, the DC was always considered to be the most coveted of the civil services' rank, because this formed the base of the state's bureaucracy. The officers selected to the position of DC, therefore, carried the most prestige and were the vested executive authority in each district over any elected district officials.

However, the LGP devised by the NRB reversed the executive powers vested in the position of the DC. In fact, the executive controls given to the DCs were taken away from them and granted to the locally elected mayors and the district council. When the LGP was being designed, the bureaucratic elite opposed many components of the LGP. According to one member of the NRB team responsible for devising the LGP, the "revolutionary aspects of the plan were thrown into controversy and the NRB compromised on the revolutionary measures to appease the oppositional forces."[10]

The radical aspects of the NRB, which were debated between the designers of the LGP and bureaucratic elite, consisted of four elements. The first was the direct election of the district mayor or *Nazim*. The second was the issue of writing an appraisal or the Annual Confidential Report (ACR) of the DCO in the district by the elected mayor. Third was the removal of the district mayor by the district council; by granting the decision-making authority to the district council, the role of provincial government(s) was reduced, thus giving extraordinary powers to the local district council on matters of governance. The fourth element was the issue of reserving 50 percent representation in the district council for the women who were electable.

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[10] Mr. Ikramullah Ghauri, member of the five-member team of the NRB led by General Tanvir Naqvi. Interview with the author in Islamabad, February 28 and March 4, 2017.

In the following discussion, I present these points of contention between the planning team led by the NRB and the bureaucratic elite. The civil society actors, such as the NGOs who had been solicited by the military government for their input and feedback, supported these measures advocated by the NRB. However, both the civil bureaucracy and the political elite, who later became part of the military government, resisted the efforts of the civil society actors and the NRB.

The following discussion explains that while the LGP was being developed, its various components were being challenged by the bureaucratic elite. Later, when the elected government came to power, followed by general elections in October 2002, tensions between the local elected governments, the civil bureaucracy, and the provincially elected political elite came to the fore.

The critics of the LGP, who had been vocal in their attack on the military leadership's devised devolution scheme, maintained that since the provincial and federal legislatures were not in place when the local government elections were held (from August 2000 to August 2002), these tensions were only natural. The political elite and civil society actors such as the media, public intellectuals, and non-government organizations in Pakistan believed these decentralization plans, though designed to devolve decision making from centralized authority to the grassroots levels, in fact were governance measures devised by the military to emasculate already existing (though weak) political institutions, such as the legislature and political parties. Scholars believed that these governance measures to devolve power focused attention on the micro issues of governance at local levels and thus diverted their attention away from the mega structures of democratic governance, such as the need to have an elected representation and electoral competition at the national stage (Waseem 2006a; Mohmand 2008).

Through the documentary evidence collected through the interviews, media, and civil society reports, I argue that, with the return of elected governments at the provincial and federal levels in October 2002, the military-created think tank, the NRB, had to make concessions on the LGP to maintain alliances with the political and bureaucratic elite. The communicative interexchange that had been initiated by the NRB with the civil society actors was also short-lived; when the elected governments at the provincial

and federal levels were formed in October 2002, the state and civil society communicative engagement came to a halt.

The following discussion shows that the political and bureaucratic elite as institutional actors had been putting pressure on General Musharraf's military government not to alter the traditionally functioning political bureaucratic setup in districts all across Pakistan. On the other hand, although the civil society actors had criticized the military regime for using the local governments to legitimize their rule, they were, in fact, supportive of dismantling the traditional political bureaucratic structure. Because the LGP was to dismantle the political and bureaucratic influences in the districts, the civil society thence became accommodative to the military's devised local governments.

Furthermore, this discussion also demonstrates that the fluidity of the hybrid regime in Pakistan resulted in compromises made by the military elite to the political and bureaucratic elite. The governance measures taken by the military elite could not sustain political pressure for long; with the return of elected government under General Musharraf's military rule in 2002 and later in 2008, the political parties and civil services exerted greater political control in reducing the radical measures of the LGP in the districts. These radical measures were revised and amended in the LGP. Although the civil society actors did raise a critical voice against the LGP's amendments, they could not halt the revision process initiated by the joint political and bureaucratic forces. The state and civil society communicative interexchange, which was introduced for a brief period during the designing of the LGP, was short-lived, and political forces became the only authority to decide the fate of the local governments.

Direct Election for the District Mayor

The NRB, in its plan for reconstructing the institutions of the state, established democratically elected local government bodies. These bodies aimed to reform the apparatus of the civil bureaucracy at the district levels. The NRB believed "politicians and bureaucrats were corrupt and they were the menace causing bad governance, and they have license for philandering because there is no accountability checks

on them and thus they remain unresponsive to local needs."[11] Therefore, the designers of the LGP

strongly believed that decentralization and the empowerment of local government would lead to efficient

administration and effective utilization of resources. The chairman of the NRB, General Naqvi, argued,

"People expect their representatives to respond to their needs. But people's representatives are situated far

from local constituencies,[12] whereas the district bureaucratic apparatus derives its strength by subjugating

people's voices against the governance lapses. The disconnect between the people and the state create

grievances amongst the populace. In order to address the misgivings against the state, the people must be

empowered to hold their public officials accountable."[13]

In order to do so, the NRB team believed that by having district *Nazims* elected directly, these

officials would be directly accountable to the people of the respective districts. The district *Nazims,* or

elected district mayors, were given executive powers to decide matters of local governance; however,

they were accountable to the district assemblies. Within the district constituency, the mayors and the

people are closely situated; in other words, there are no intermediaries. Hence, rather than waiting for

provincial and federal ministers to respond to their demands, the people could interact with their elected

mayors. Thus, the elected mayors, with whom the locals could interact, share, and voice the issues of

district governance, were the interface at each district.

By having district mayors as the intermediaries in each district, the NRB not only gave these

district mayors executive powers, but also made the civil services subservient to those who were locally

elected. This extraordinary measure mitigated the executive control of the DCs in districts, and the

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[11] Ibid.

[12] The people's representatives are in the provincial legislatures, far from their district constituencies.

[13] General Tanvir Hussain Naqvi, former chairman of the NRB, on a television program, *Jawab-deh*. The program was televised on the GEO TV on January 24, 2010. This is a 40-minute long program, in which the anchor, Mr. Iftikhar Ahmed, a journalist by profession and a widely recognized journalist in the country, invites the leading policy makers, politicians, civil society activists, retired bureaucrats, and generals to discuss the country's social, economic, political, cultural, and ethnic landscape. The program is known for the hard-hitting questions posed by the interviewer to his interviewees, especially on the role of the latter's contributions in their respective professions. The program is available online at http://www.dailymotion.com/video/x10rjtj. The interview was aired in the Urdu language; the translation into English is mine.

political influence of the provincial and federal ministers over local politics was reduced. In other words, the locally elected district mayor and the assembly were the deliberative decision-making body in each district.

However, the members of General Musharraf's cabinet, having strong political motivations, were convinced by the civil bureaucracy that a direct election would strengthen the district mayor's position in the district; hence, his/her electoral strength might pose a challenge to subsequent provincial and national elected political elite. Furthermore, it was also argued that within each district there are no more than four electoral constituencies for the provincial assemblies and at least two constituencies represented by the Member of National Assembly (MNA) at the National Assembly. Having a district mayor elected by a single constituency sets the locally elected mayor against the provincial and federal ministers. This arrangement would therefore reduce the electoral prestige of the provincial and federal ministers.

The NRB team, on the contrary, asserted that this singular authority of the district mayor or *Nazim* would not be free from any checks and balances, as the citizen monitoring teams at the district, which were formed upon implementation of the LGP, would hold the locally elected leader accountable. The NRB also argued that having the district *Nazim* indirectly elected (as it was done eventually) would present fewer chances for local district influentials, such as political parties, to manipulate the district assembly.

However, in the end, the provincial/federal bureaucracy was able to reach a compromise on the issue, and, finally, it was decided that elections for the district mayor (*nazim*) and the district vice-mayor (*naib-nazim*) were to be on an indirect basis, with the locally elected mayors of the councils at the sub-district levels electing the district mayor and the district vice mayor. In addition to this compromise, the NRB conceded to hold run-off elections for the district mayor and deputy mayor in the district governments.

However, the provincial/federal bureaucracy opposed the idea and insisted that the candidate with the majority of votes should be declared the winner. They argued that a run-off election could potentially

initiate law-and-order disturbances within districts, fueling political rivalries between opposing

candidates. Furthermore, holding run-off elections was seen as a radical measure by the bureaucratic elite;

throughout the country's history, winners of all levels of elections—local, provincial, and federal—had

always been determined by a majority of votes, and run-off elections were never a practice in political

elections.

Annual Appraisal of the DCO by the District Mayor

Shafqat and Wahlah (2006) argued:

> [W]hen the Musharraf regime announced its Devolution Plan, many DMG officers simply refused to believe that the military could actually implement it. This disbelief was based on two premises widely held among the DMG. First, the false perception that the DMG was the "best and brightest" and the only service able to manage the districts; and second, that the military government was not serious about devolution and was simply trying to tame the bureaucracy by threatening it with the devolution of power. (219)

Furthermore, the DMG also believed that "like previous military regimes [General Ayub and General

Zia], Musharraf would eventually co-opt them as junior partner" (219). However, the false belief that the

DMG had held throughout the country's bureaucratic history was shattered when the LGP was

implemented. As one media source reported, the civil bureaucracy, because of the "massive restructuring

has left a very large number of the civil servants into complete disarray. Uncertain about their own future

and completely dark about the shape of their service, majority of these civil servants do not show much

interest in their assignments."[14]

One of the other most debated points between the NRB and the provincial and federal

bureaucratic representatives was the issue of *appraising the performance of the District Coordination*

Officer, or DCO. The NRB argued that to give executive and administrative authority to the elected

mayor, it was imperative that the district bureaucracy be answerable to the mayor. Therefore, to ensure

this, the NRB proposed that the mayor initiate the DCO's annual confidential report (ACR). The

provincial and federal bureaucracy opposed letting the locally elected have such authority to monitor their

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[14] See report: "Civil Service Set-up Being Reshaped." *Dawn,* August 26, 2000.
Available at: https://asianstudies.github.io/area-studies/SouthAsia/SAserials/Dawn/2000/aug26.html#civi

performance, since the ACR of a civil bureaucrat is the official dossier of his/her entire professional career, and through this performance appraisal the civil bureaucrat is awarded official promotions, perks, and other fringe benefits.

The provincial and federal bureaucracy argued that the district bureaucrat or the DCO was a federal/provincial civil servant who worked for and was accountable to the provincial government; thus, the authority to appraise his/her performance should be with the provincial authorities. The NRB contended that, although the DCO may be a provincial/federal civil servant, with the implementation of the LGP the DCO becomes accountable to the elected mayor, i.e., the *Nazim*. After being heatedly debated, the matter ended in a compromise by the NRB, and provincial and federal bureaucracy was indeed able to extract compromises from the military regime in securing a certain degree of authority for the newly created positions of the DCOs, which replaced the officer cadre of DCs.

Initially, the NRB had proposed that absolute authority should be vested in the office of the district mayor to appoint the DCO in the district. The provincial/federal bureaucracy opposed this proposition, stating that this would introduce tension with the provincial and local governments; if all powers on matters of administrative positions are reserved for the district mayor, then the elected governments at the provincial and the federal levels would battle for control in the districts.

According to the compromise reached, it was decided that the ACR of the DCO was to be written by the chief secretary, who represents the provincial bureaucracy, whereas the counter-signing authority would be the district mayor. Shafqat and Wahlah (2006) argued that, although this measure temporarily provided relief from the tension between the NRB and the provincial/federal bureaucracy, when the district governments came into operation and the LGP was being implemented, the "quandary for the DCO [was] how to juggle the demands of both the *nazim* and the Chief Secretary" (Shafqat and Wahlah 2006, 217). Another proposal by the NRB on the removal of the DCO by the district council was quashed by the provincial/federal bureaucracy. The NRB insisted that the two-thirds majority of the district

assembly should have the right to remove the DCO, but the provincial governments believed it would lead to the worst form of politicization in the bureaucracy and successfully opposed the proposal.[15]

Removal of the District Mayor by District Council

The NRB designing team believed in giving maximum authority to the locally elected mayor; however, the team did propose measures to make the district mayor accountable to the people of the district and the members of the district council. According to one of the members of the designing team for the LGP, "There were three measures which were proposed by the NRB to remove the district mayor from his position if the district mayor (*nazim)* was found to be underperforming, philandering, and/or favoring nepotism over meritocracy."[16] The measures were:

- Removal of the district mayor by the district council through a simple majority.

- Removal of the district mayor by the governor of the respective province, but to effect the removal, the governor had to refer to the Provincial Assembly to vote for the removal of the district mayor. If the majority of Provincial Assembly members voted to remove the district mayor, the governor could then effect the removal of the district mayor.

- Removal of the district mayor through the system of recall. This proposition could mean that the citizens of the district could launch the process to dislodge the district mayor, if he/she was found to be underperforming.

These measures, though, were not as heatedly debated between the NRB team and the provincial/federal bureaucracy. Nevertheless, the provincial/federal bureaucracy prevailed over the NRB team in the case of removal of a district mayor by the district council and by the governor of the province. It was decided that to remove the district mayor, there must be a two-thirds majority of the district council through secret ballot. Furthermore, the chief minister of the respective province must pass a motion in the

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[15] See also: "Government Modifies Devolution Plan." *Dawn*, August 5, 2000. Available at: https://asianstudies.github.io/area-studies/SouthAsia/SAserials/Dawn/2000/aug05.html#modi

[16] Mr. Ikramullah Ghauri, member of the five-member team of the NRB led by General Tanvir Naqvi. Interview with the author in Islamabad, February 28 and March 4, 2017.

Provincial Assembly against the district mayor; here also the Provincial Assembly must decide by a two-thirds majority to remove the mayor.

Women's Representation in the District Council

The LGP was "radical" in terms of reforming the civil service, but also in making basic changes to the composition of the elected governments in the districts. The NRB argued for 50 percent representation by women in the district governments, its subordinate sub-district councils, and the union councils. The argument for 50 percent women's representation, 20 percent representation for workers and peasants, and 10 percent representation for minorities in the district council meant that these disenfranchised segments of society had the opportunity through the affirmative action to take part in local decision-making councils.

The military regime of General Pervez Musharraf initiated steps to bring women into the public sphere. However, such an endeavor was staunchly opposed by the political and bureaucratic elite. Within the print media, as discussed in my last chapter, the policy measure to bring women into the local councils was appreciated, but even in the print media there were conservative voices and opposition against such a measure.[17] Women's participation in political processes at the local levels was seen as challenging the societal norms and cultural values. The print media even reported that religious groups issued religious decrees or *fatwas* against women participating in local councils (Abid 2007b, 96-102).

The provincial/federal bureaucracy also opposed the proposition of giving women equal representation in the district council, as they believed this measure would challenge local traditional segments in the society. The political and bureaucratic elite argued that Pakistan's traditional society in its rural areas *might* not let women participate in local politics on such a massive scale because of religious sensitivities and patriarchal pressure. The NRB team, however, maintained that since women account for

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[17] See report: "Women to Get 33% Seats: NSC, Cabinet Opt for Separate Electorate," Faraz Hashmi, *Dawn*, August 5, 2000. Available at: https://asianstudies.github.io/area-studies/SouthAsia/SAserials/Dawn/2000/aug05.html#wome
  Also see report: "Government Modifies Devolution Plan," *Dawn*, August 2, 2000. Available at: https://asianstudies.github.io/area-studies/SouthAsia/SAserials/Dawn/2000/aug05.html#modi

48 percent of Pakistan's population, this warrants their participation in local politics. Nevertheless, the NRB had to concede on this proposition so as to not contest the patriarchal pressures prevalent in society against women's empowerment.

Part II: The LGP under the Elected Government (2002-2007)

Under the military dictatorship of General Musharraf, the structure of the hybrid regime was strengthened by the discourse on devolution. The LGP was devised by the military regime at a time when the military had taken over the government and dissolved the political governments. The military government therefore engaged with the civil society actors, including NGOs that had participated with the military government's established think tank, the NRB. Thus, the NRB team, in consultation with the NGOs comprising the international donor agencies such as the World Bank, Department for International Development (DFID), Asian Development Bank (ADB), United Nations Development Program (UNDP), and Asia Foundation, embarked on designing the LGP. The NRB and the donor agencies created an arrangement through which the people's aspirations and needs would be incorporated in the LGP.[18] Some of the nationally based NGOs that had provided the data on people's needs and aspirations found the foundation for making radical changes in the LGP. These changes were to give administrative and planning controls to the locally elected leaders, such as the mayor and deputy mayors of the district and its sub-units, and to create space for the disenfranchised segments of society.

According to a report by the Asia Foundation, some "forty people's assemblies" were held in 2000 across Pakistan, in different villages and towns, on the devolution of power. These "people's assemblies" involved over 15,000 citizens from local villages to the national level. In these people's assemblies, women enthusiastically participated, sharing their thoughts on devolution of power to the grassroots and their role in local governments (Dohad 2002).

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[18] The Army Monitoring Teams in the districts all across Pakistan had also been supplying information on the inefficiencies of the district bureaucratic apparatus, providing the basis for the NRB's tough resolve on civil services reforms, which were initiated with the implementation of the LGP (Aqil Shah 2014a, 198-99).

However, some of the propositions provided by other civil society organizations, such as Sustainable Development Policy Institute (SDPI) and the SUNGI, were ignored by the NRB. These civil society organizations had argued that political parties must not be banned from contesting local government elections. The argument was that political parties provided a platform for mobilizing people on issue-based politics. In the absence of political parties, politics at the grassroots would then be led by individual candidates, who, for their own political interests, would be inclined only to strengthen their own electoral positions in district constituencies.

The NRB, however, believed that politics at local levels must be non-partisan, since each district was faced with certain specific issues germane to social, political, and economic realities. Furthermore, the NRB was criticized by the civil society and political parties, who alleged that the LGP devised by the military was a significant attempt to emasculate the already existing (though weak) political institutions, such as the legislature and political parties. The military government was aware that the LGP required continued political support and that it could remain in effect only if the military-backed political regime came to power. To reach to this end, the military elite devised another plan to garner public support for the continuity of the LGP.

Presidential Referendum

The military regime tied the continuity of newly enacted local governments to the provisional support for the military government of General Musharraf. This was seen as a highly controversial step undertaken by the military regime, but a step that many observers of the LGP had earlier predicted. In 2002, after the LGP had been put into effect, International Crisis Group (ICG 2002), in one of its critical assessments of the devolution plans devised by the military rulers (General Ayub, Zial-ul-Haq, and Musharraf), declared that the military rulers' primary motivation had been to create local bodies to legitimize their military government(s), broaden its support base among the masses, and use the newly

created and pliable local elite to undermine the military regime's opponents. In essence, the local bodies, ICG observed, provided a "civilian base . . . to military government" (7).[19]

Another report published by ICG (2004) declared that the military regime's mantra of revolution by devolution was a mere façade. The report charged, "[U]nlike attempts at decentralization in some other countries, which appear to have been motivated more by changes in state ideology or multilateral pressure, in Pakistan, the military's need for legitimization of state control appears to be a prime reason behind the recurring attempts at local government reform" (5). Other critics of the military regime alleged that the LGP was enacted by the military elite to capture other political institutions of the state. For example, one article in the English daily *Dawn* asserted, "[L]et us not fool ourselves. At issue is not any question of administrative regeneration as the think-tankers of the regime would have the nation believe. At stake is the creation of the civilian base for the military government. Once the nazims (mayors) assume control of their district baronies, attention will turn to the next stage of democracy: the election of military-friendly assemblies, at the center and in the provinces."[20] The print media (as discussed in the previous chapter) severely criticized the presidential referendum, and leading journalists in the Urdu and English print media expressed their discontent toward the military dictator.[21]

Despite criticism against the military regime, in April 2002, after the local governments had been established in the country, General Pervez Musharraf announced a presidential referendum through which he could get himself elected as president for five years, from 2002 to 2007. On the referendum ballot, voters were asked to consent to the LGP and its continuation in the districts for achieving the military

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[19] The first report generated by ICG in 2002 was critical of the devolution plans implemented by the state in Pakistan. In one of the second reports published in 2004, ICG highlighted the fact that decentralization reform was aimed at "co-opting domestic and external constituencies that favor decentralization and local empowerment. Since donors as well as influential sections of civil society such as the media and NGOs have long blamed bureaucratic corruption and centralization for Pakistan's political and administrative malaise, Musharraf distanced his government from the discredited machinery" (International Crisis Group 2004, 6).

[20] Ayaz Amir. "Real Democracy: The Miracle at Hand." *Dawn*, August 3, 2001.

[21] See also: Mohammad Waseem, "Focus on Local Bodies," *Dawn*, March 27, 2000.
Aziz Siddiqui, "Basics about Basic Democracy," *Dawn*, March 26, 2000.
Nazeer Naji, "Ab kya karoon meray Aaqa" (translated: Sire, what should I do now?), *Jung,* August 23, 2001.

regime's goals of grassroots empowerment. Voters were faced with a dilemma, since they had seen that the elected governments never permitted the establishment of the local governments. Voters were also asked to decide whether they were willing to live under the military dictatorship once again. The question posed to the voters was:

> For the survival of the local government system, establishment of democracy, continuity of reforms, end to sectarianism and extremism, and to fulfill the vision of Qauid-e-Azam, would you like to elect President General Pervez Musharraf as president of Pakistan for five years? (Aqil Shah 2014a, 191; Jaffrelot 2015, 347)[22]

The Election Commission of Pakistan (ECP) reported that 71 percent of Pakistani citizens had cast votes in the referendum; of those votes, 97.5 percent voted a resounding "yes." Fraud in the referendum vote was reported, since the entire state apparatus was activated to secure a "yes" vote for the military dictatorship to continue (Waseem 2006a; Wilder 2004). The state apparatus was used by the regime to obtain a favorable result to get General Musharraf elected as president. Waseem (2006a, 59-61) argued that elected *Nazims* (though non-partisan) in the districts mobilized the people to vote for General Musharraf through the referendum. Even Pervez Musharraf, in his autobiography, admitted to "irregularities" that had taken place during the course of the referendum (Musharraf 2006, 168). Wilder (2004) contended that General Musharraf seemed to be "embarrassed" because of the rigged referendum vote. He issued a "half-hearted apology" to the nation in a televised address on May 27, 2002, attributing the irregularities to the "incompetence" and "overenthusiasm" of a few state officials (107). He also argued that his victory in the referendum ushered in a new epoch of "enlightened democracy" in the country.[23] In a subsequent interview given to the British Broadcasting Service (BBC), Musharraf mentioned "the low point of his three years in power was the referendum that 'unbeknownst' to him had

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[22] Also see the op-ed by Ayaz Amir, "The Meaning of 'Enlightened Moderation,'" *Dawn,* March 4, 2005. Also available at: https://www.dawn.com/news/1072982

[23] Please also see media reports: "Pakistan Not to Start War Despite Delhi Hysteria," *The Nation*, May 28, 2002. "We Won't Initiate War: Musharraf," *Dawn*, May 28, 2002.

been conducted in a 'dubious manner' and had 'cast aspersions on his own credibility'" (cited in Wilder 2004, 107).

During the course of my field work, I interviewed members of the NRB team on the utility of the referendum for electing General Pervez Musharraf as president of the country, and on the services that the elected district mayors had provided to get General Musharraf elected. The NRB team member argued, "[W]e did not know the motives of General Musharraf, and the chairman of the NRB, General Naqvi, left his position as chairman when he found that the LGP was to be utilized for providing electoral legitimacy to General Musharraf."[24] Chairman Tanvir Naqvi's departure from the NRB during the implementation phase was not a good omen for the future of the local government system introduced in Pakistan by the military regime. The LGP was devised by the NRB with a very specific role: to "empower the grassroots and not to elect the General as president."[25]

Furthermore, an interview with another member of the NRB team, who, although not directly involved in designing the LGP, also confirmed (on the condition of anonymity), "There had been friction between the NRB planning team on the LGP and General Musharraf's governance advisors who had become part of his cabinet, since all the members of his cabinet had advised him to get elected as the President, make changes to the 1973 Constitution, and then set up a political government that gives a semblance of democracy."[26]

From the media and civil society reports 17 years ago to the interviews that I conducted recently, it is evident that the LGP's sustainability tied to the presidential referendum was a controversial issue.

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[24] Mr. Ikramullah Ghauri, member of the five-member team of the NRB led by General Tanvir Naqvi. Interview with the author in Islamabad, February 28 and March 4, 2017. In the interview, Mr. Ghauri stated he had told General Musharraf, "Referendum is to be held on the matter of grave national concern; for example, construction of a water reservoir or any other policy that demands people's verdict directly; referendum should not be devised to get someone elected." Furthermore, Mr. Ghauri contended, "When the NRB's core team led by General Tanvir Naqvi (except for Danyal Aziz, who was the political aspirant) argued against the referendum, Musharraf became cautious of us and the team's recommendations also were sidelined."

[25] Ibid.

[26] Member of the NRB team wishing to be remain anonymous. Interview with the author in Islamabad, 2017.

Voices within the NRB opposed General Musharraf's decision to utilize the local governments in order to be elected as president. In my interviews, former staff of the NRB identified that within General Musharraf's cabinet two distinctive groups existed—one that was opposed to utilizing the local governments' political base to help General Musharraf get elected through a presidential referendum, and the other that ardently supported such a scheme. The group against the referendum believed that the local governments were established to empower the grassroots; the objective of local governments was to mobilize people politically to engage in matters of local governance. Forcing people to support military rule on the basis of the military regime's devised LGP compromises the sanctity of the plan itself. The LGP was a means to people's empowerment, not a means to legitimize military rule.[27]

On the other hand, the group favoring the referendum believed that local governments provide the necessary public support via the grassroots political base. The military elite and advocates of military rule within General Musharraf's cabinet strongly believed that the existing institutions of representative democracy were weak, and thus to resuscitate democracy, the military government had to bring about democratic reforms. However, to reform a weakened democracy, the military regime needed political support. Advocates of the military government believed that to legitimize military rule, the local governments offered such a political base, connecting the military junta to the citizenry.

And, thus, as it happens in hybrid regimes, the contradictory forces of authoritarianism and democratic principles culminate in a system of governance that combines the two in an imperfect union. The system remains imperfect because it qualifies as neither democratic nor authoritarian; however, in order to remain relevant to the people, the regime crafts certain democratic institutions to present itself as sensitive to democracy. The autocrat, therefore, strives to control political power by establishing nominally democratic political institutions as a means of increasing the stability of the regime. The empirical findings of Gandhi and Przeworski (2007) indicate that autocratic rulers establish formal

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[27] Please see footnote 24.

institutions to create a façade of democracy for an outside audience, in order to enhance their grip on power and ensure their political and personal survival.

The sustainability of the hybrid regime showcased by General Musharraf's military government was dependent on finding crucial political support. The legitimacy of the military government was dependent on local government support through a presidential referendum. The military government then would sustain its rule over the polity by granting the political elite the capacity to engage in political processes at the provincial and federal levels. Within hybrid regimes, autocrats, in an attempt to sustain their rule, always rely on forged alliances with other actors on the political landscape. In Pakistan, the alliance came in the form of the military elite extracting loyalty from local politicians at the grassroots.

With the establishment of local governments and the election of General Musharraf as president, the military government believed Musharraf's political position could be further strengthened by an elected government at the provincial and federal levels. In my interviews with civil society activists and politicians, these actors asserted that the military ruler believed that the local governments' expressed loyalty through the referendum gave the military rule a reliable public base at the district level. The elections for the provincial and federal assemblies were announced once the military ruler was elected as the executive of the political system.

The political system in place was a hybrid, combining authoritarian actions with democratic influences. These two contradictory forces of political governance affected the conduct and performance of the military government. Consider, for example, the role of the provincial and federal governments that were formed by the general elections in October 2002. The crucial first and second tiers of political governance, i.e., the federal and provincial governments, were established only after the third layer of governance, i.e., the local governments, was established.

In practice, however, the third component of political governance should be established after the first two levels are in place. These first two levels grant fiscal resources and administrative advice to the district governance. Furthermore, the provincial and federal political elite derive their respective political

relevance by mobilizing electoral support at the district levels, since the constituencies are carved out of the electoral districts. Designers of the LGP, however, reversed this pattern of electoral politics; each electoral district was given priority over the provincial and federal constituencies.

The designers of the LGP believed that by having the local governments operate the political mobilization at the grassroots, a system of accountability would be generated. This would enable the citizenry at the district levels to elect local representatives at a micro level of governance—the village, union council, sub-district, and district level. Thus, by electing the local governments, the connection between the electorate and the elected was established at closest proximity, whereas the electorate and those elected as provincial and federal representatives are distantly situated. Provincial and federal representatives hear and respond to the electorate's voice only before or during the elections; however, with local governments in operation, the electorate is able to access their elected representatives more frequently.[28]

The designers of the LGP also believed that operational local governments at the micro level of governance offered a step toward democratizing the political system. In other words, the local governments would trigger the traditional political elite to become proactive in order to respond to their electorate's demands. But such an expectation from the military regime was misplaced, because, as one civil society activist argued, "Expecting local governments to provide him [General Musharraf] a popular base and then believing that this would cause provincial and federal governments to present a better democratic performance was utter nonsense."[29]

The following discussion reveals that when the elected provincial and federal governments, the higher two tiers of governance, came into operation, the tensions between them and the local governments

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[28] Mr. Ikramullah Ghauri, member of the five-member team of the NRB led by General Tanvir Naqvi. Interview with the author in Islamabad, February 28 and March 4, 2017. General Tanvir Naqvi also affirmed the reason of closest proximity of the electorate with the elected for local governments on a television program, *Jawab-deh*. Please also see footnote 13.

[29] Interview with Mr. Salman Abid, Regional Head of Strengthening Participatory Organization (SPO), Lahore, August 4, 2017.

came to the fore; the former viewed the local governments as rivals encroaching upon the control of the traditional political elite at their respective constituencies. As one political elite commented, "The military regime was expecting too much from local governments, which irritated the provincial and federal governments."[30] An academic asserted, "Political institutions are shaped by political negotiations and are not the result of an executive decree. The political government which was formed rearranged the formal connection between district, provincial, and federal levels."[31] But the connection that was reformulated was not accepted by the traditional political elite, and steps were taken to reverse the change effected by the military government.

Elected Government under Military Rule

The military's control of political power has always been perpetuated by the enactment of the local government reforms. Military regimes have thus presented themselves as the "guardian" and the "savior" (Shah 2004, 2014a; Siddiqa 2007).[32] Unsurprisingly, the military government of General Musharraf behaved in the manner indicative of any other autocrat operating within a hybrid regime. The military's devised LGP and the resulting establishment of local governments not only created a façade of democracy but also provided the military government a connection to the citizenry.

The designers of the LGP assumed that with the establishment of local governments, the military dictatorship had created a benchmark for successive governments to follow. But when the military dictatorship used these local governments to fortify its position as the key political player, the innovation

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[30] Mr. Chaudhry Pervez Elahi was the Chief Minister of Punjab from 2002-2007 and was a Member of National Assembly (MNA) from 2008-2013. From 2010-2013 he was also the Deputy Prime Minister of Pakistan. Interview with the author in Lahore, August 20, 2017.

[31] Dr. Mohammad Waseem, Professor of Political Science at Lahore University of Management Sciences. Interview with the author, November 29, 2016.

[32] Ayub Khan claimed that the politicians had been ineffective, causing a breakdown in the governance of the state (Huntington [1968] 2006; Ziring, 1971). Zia-ul-Haq's martial law was implemented because the political system had suffered irremediably through Bhutto's rigging of the 1977 election (Ziring 1977, 1988). Finally, Musharraf's motive was to counter Sharif's decision to dismiss him, but more importantly, it was to respond to Nawaz Sharif 's economic and political mismanagement after the Kargil crisis and the testing of nuclear weapons (Zaidi 2005a, 2007).

of empowered local governments lost its appeal. One designer of the LGP argued that the establishment of local governments was for "genuine democratic purposes, such as enabling the people to engage in political processes at local levels. But when the devolution plan was utilized as a means to sustain military rule, it triggered the collapse of the plan."[33] This observation was shared by civil society activists. In my interviews, activists asserted that the stated objective of the revolution by devolution of General Musharraf's regime could be sustained only for a brief time; his presidential referendum and later his favored political government led by PML-Q caused the LGP to decline in popularity with the civil society.[34]

As discussed, the military rule legitimized its active engagement on the political landscape by establishing local governments, but to wield political control over other formal institutions of representative democracy, the military rule had to withstand the restoration of institutions such as political parties, the legislature, and the executive. The morphed regeneration of these formal political institutions was professed by the military ruler as a step toward democratization. However, this institutional manipulation could not withstand the political pressures when the political elite competed for political control.

In the general elections in October 2002, public representatives were elected by citizens to four provincial assemblies and the National Assembly. The legislatures that were formed operated within the hybrid regime; that is, with General Musharraf as the president with executive powers, the legislature and elected representatives were subservient to presidential decrees. Pakistan has a parliamentary form of the democratic system in which the president is a ceremonial figurehead elected by members of the national legislature, i.e., the National Assembly. The president is not elected by either a referendum or a direct vote.

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[33] Mr. Ikramullah Ghauri, member of the five-member team of the NRB led by General Tanvir Naqvi. Interview with the author in Islamabad, February 28 and March 4, 2017.

[34] Mr. Salman Abid from SPO and Mr. Irfan Mufti from SAP-PK. Interview with the author in Lahore, August 4, 2017 and August 21, 2017, respectively.

Nevertheless, the position of president secures the favor of the military elite throughout periods of military rule. With General Musharraf elected as president of the country while holding two offices—general and chief of the armed forces, and a president elected through a popular referendum—the political system in Pakistan morphed once again into a hybrid of democratic institutions under dictatorial controls. As discussed in chapter 4, the hybrid regime shaped under General Musharraf was distinctive from the previous military dictatorships, as it engaged in devising democratic institutions that were previously insular.

The case of General Musharraf's military rule is different from previous military regimes. In one crucial sense, the liberalization policies of his regime, such as the opening of media (electronic) and direct engagement with civil society actors in the public sphere, created opportunities for civil society actors to be involved in mobilizing the citizenry for civic and political engagement. The print media and active electronic media are the result of his regime's liberalization policies; media appreciated the result of the Musharraf's liberalization policies and admitted that "[T]he irony cannot be lost that in many ways the devolution process by a military dictator may have actually helped democratise—through increased representation and participation—the political involvement of citizens" ("Democracy and Devolution" 2010).

Under the military rule of General Musharraf, institutions such as political parties and civil bureaucracy came under pressure. Political parties were monitored closely by the military government, and the bureaucratic apparatus was reorganized to withstand the military rule. Since the political system of the country had been rearranged with the military's direct intervention, the political engagement of the military also underwent change. As one commentator argued, "General Musharraf's military rule was distinctive from the previous dictatorships because military as an institution was aware that the institution is neither a public service organization nor designed to serve citizens' socio-political or economic

needs."[35] The military elite, therefore, had to engage with other vital political institutions, such as political parties and the civil services, to regenerate the system of governance to serve society and to be accepted by the people.

In doing so, General Musharraf's cabinet reengaged with politicians and political parties to reformulate the military government's relationship with these formal political institutions. The establishment of the Pakistan Muslim League–Quaid (PML-Q) as a political party was one such initiative. As one civil society activist argued, "[The] military ruler needed a public political face to show the people and outside world that the military government has democratic motivations."[36] A political party that was loyal to the military ruler was established to strengthen the military rule and advance military engagement in political governance.

In my analysis of the hybrid regime of military-political alliance, I observed in the interviews with a range of actors belonging to civil and political society that the military government of General Musharraf was tenacious in liberalizing the military rule. The military regime had not exerted violent force over civil and political society in order to annihilate their presence on the socio-political landscape. Civil society such as critical print media and oppositional political parties wielded their influence by being active in the public sphere. There appeared to be an unstable yet acceptable equilibrium reached between the military elite and other actors in society, which included civil society, political society, and civil bureaucracy. But this unstable equilibrium was susceptible to political pressures that the military government had tried to prevent from erupting.

The political pressure that was generated within the democratically elected government was a formidable challenge for the military government. Before the return of political governments in October 2002, the military elite had to renegotiate with the bureaucratic elite on the design of the LGP. But when

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[35] Dr. Saeed Shafqat, professor of political science at Forman Christian College University. Interview with the author in Lahore, November 28, 2016.

[36] Mr. Zahid Islam, the Chief Executive of Saangat Development Foundation (SDF) a Lahore-based civil society organization. Interview with the author, November 29, 2016.

the elected governments were established at the provincial and federal levels, the military ruler had to renegotiate with the political elite to ensure the longevity of his rule. As shown in the following discussion, the military rulers favored the political loyalist—the political party of PML-Q. This political party was able to form provincial and federal governments. But the military's loyalist party engaged in revising the military's flagship initiative of local governments in districts. With the loyalist PML-Q, the military ruler had to make concessions on the LGP to maintain the hybrid regime of the military-political alliance.

As shown in the preceding section, when the military elite embarked on devising the LGP, it had to face the opposition of the bureaucratic elite, and in order to pacify the civil service, certain radical aspects, such as an autonomous district mayor and 50 percent representation for women in local councils, were compromised. But as the elected governments were established in provinces and in the center, the military regime was faced with additional political actors from whom negotiations, compromises, and cooperation were to be extracted.

Within this political landscape, the civil society experienced these negotiations among the political actors, military, bureaucracy, and politicians from afar. The military elite had engaged the civil society during the planning of the devolution plan, to gauge public support for the plan. But the same civil society actors were not consulted when the LGP was in operation, and their critical voices were ignored by the political governments after the elected governments at the provinces and center had been established.

Tensions Between the District and Provincial Governments

In 2002, when PML-Q had formed the government at the center and was in a coalition government in the provinces of Pakistan, the LGP presented some opposition to the authority of the provincial governments. Mainly two issues created friction between the elected governments in the provinces and the district governments. One issue was the non-partisan district governments, which created a clash with the newly elected provincial government. The other issue was a consequence of the

first, but dealt with administrative independence of the district governments. The non-partisan character of the elected district governments was managed by the provincial governments through establishing excessive controlling mechanisms to oversee the independent local governments.

Though the political affiliation in the local government elections held in 2001 and 2002 was not widely publicized, in the electorates the voters knew of the political affinities of the political contenders. What seemed contradictory about the LGP was that although district elections were held on a non-party basis, the political parties still had a strong presence in the districts, since it is the district that provides the electoral constituency for partisan political mobilization to take place. According to a report by Sustainable Development Policy Institute (SDPI), of the councilors elected to the local councils, 38 percent indicated they had no prior political affiliation and had never contested the elections, whereas 62 percent reported that they belonged to political families who have contested elections in the past (S. R. Khan 2002). In its analysis of the LGP, the NGO PATTAN Development Organization found that although the local government elections were held on a non-party basis, the political pronouncements of the candidates were evident, since the voters could relate to individual candidates' political affiliations (Bari 2001, 59).[37]

Soon after the provincial governments were elected and the national government was formed following the general elections in 2002, the tensions between the non-party district government and the partisan assemblies at the provinces and center became an administrative hurdle for provincial governments over policies of local governance, creating friction between the district and provincial governments.

The provincial assemblies had come into being followed by partisan elections, and the chief minister(s) of the provinces, who were also the chief executive(s), were not supportive of autonomous district governments. The independence of district governments in terms of partisan politics and their

[37] The study was conducted in 2000 during the first phase of the local government elections. The sample size included ten districts from the four provinces of Pakistan.

administrative independence was seen by the chief minister(s) as a challenge to the elected provincial governments because, as one academic argued, "Electoral constituencies are drawn from districts; freestanding district governments were seen as contenders to political power by the provincial governments. Hence, to check the independence of these local governments, provincial assemblies embarked on curbing their independence."[38]

By adding amendments to the LGP, the provincial governments gained administrative control over the local governments. To enact these amendments, the provincial governments made the case that working with each district government as an independent and autonomous unit creates administrative difficulties in responding to the needs of every district; a lack of uniformity exists in the cultural, social, and economic composition of each district. And since the provincial government has to serve each district according to its own unique characteristics, the provincial government(s) argued this was not an efficient administrative strategy since the provincial legislature is comprised of the constituencies from within the district.

In my interview, the former chief minister of Punjab Province, Chaudhry Pervez Elahi, also the senior member of PML-Q, argued that "designers of the LGP devised the plan in isolation since they did not have a clue how the provincial governments work."[39] This surely was a strange comment, because Elahi had been an ardent supporter of General Musharraf's military dictatorship, and he was the leading figure of PML-Q, the political party established by the military ruler; yet, he did not accept autonomous local governments. Furthermore, as a chief executive of the provincial government in Punjab Province

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[38] Dr. Saeed Shafqat, professor of political science at Forman Christian College University. Interview with the author in Lahore, November 28, 2016.

[39] Chaudhry Pervez Elahi, member of the clan of Chaudhrys from district Gujarat, Punjab. He was a member of the PML-Q, the party formed to pursue General Pervez Musharraf's agenda after he got himself elected as president in 2002. Chaudhry Pervez Elahi was the chief minister of Punjab from 2002-2007 and was the Member of National Assembly (MNA) from 2008-2013; during 2010-2013 he was also the deputy prime minister of Pakistan. Mr. Elahi's political career was launched when he contested the election for local council under the military dictatorship of General Zia-ul-Haq in 1980. Interview with the author in Lahore, August 20, 2017.

(the most populous province), Elahi's government effected changes to the LGP.[40] In the interview, Elahi enumerated the series of development works that he had initiated in the province of Punjab as the chief minister from 2002-2007. He attributed the success of these community development initiatives to the experience he had gained as the council chairman in his home district of Gujarat under the military rule of General Zia-ul-Haq in the 1980s.

Similarly, another member of the political elite belonging to the Pakistan Peoples Party (PPP), who was elected the mayor (or *nazim*) of the district of Khairpur in the province of Sindh in 2001, noted, "The provinces were clamoring for an increased role in district politics, and the provinces were despairing at the fact that they were being reduced to mere post offices, handing out resources to districts and losing out on their authority in the district constituencies."[41] Nafisa Shah credits the LGP with having launched her political career. However, she believed that the local governments, which were established after the local government elections in 2001-2002, developed greater administrative animosities toward the provincial governments. The district mayors, who did not belong to the support group of the then-provincial governments, faced "red tape bureaucratic hurdles in the release of funds and technical human resource from the provincial headquarters."[42]

In one of the evaluation studies conducted by WB, DFID, and ADB, provincial governments were found to be favorable to the district governments when:

- The chief minister and/or the main provincial coalition and the district *nazim* are from the same political alliance.

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[40] Please see the subsection "Amendments to the LGP."

[41] Dr. Nafisa Shah was one of the two females who was elected as the mayor in local government elections in 2001. She was the mayor of the district Khairpur in the province of Sindh. She belongs to a political family that has close affinity to the Pakistan Peoples Party (PPP). Currently, Dr. Nafisa Shah is the Member of National Assembly (MNA) in a women's seat in the national legislature, which essentially means that she is the MNA by the virtue of her party position in the National Assembly and not because she contested the election in open competition. Interview with the author in Islamabad, August 22, 2017.

[42] Ibid.

- The Provincial Assembly constituencies within the district are filled with politicians from the same political alliance as the *nazim*.

When these two conditions were not met, the *nazim* had no sufficient independent political standing to prevent administrative interventions implemented by the provincial governments (World Bank 2004, 10). Therefore, in the cases of adversarial district governments at local levels, the provincial governments started to contract the autonomy of the district governments, which was made possible by the design of the LGP.

As I have stated, if non-partisan elected district governments were unwelcomed by provincial governments, the administrative independence of the district governments was another problem for provincial governments. The animosity exhibited by the provincial governments toward local governments ran deep. Because provincial governments did not want district governments to operate autonomously, the provincial governments wanted to maintain administrative, financial, and political control over district governments. Scholars argue that the control traditionally exercised by provincial governments had been contracted because of the military rule (Shafqat and Wahlah 2006; Aqil Shah 2014a; Martin 2016; Waseem 2006a).

The central government that was formed consisted of an elected legislature, and it operated as in any other hybrid regime—characterized by a combination of democratic principles but propelled by authoritarian controls. Under General Musharraf's rule, the hybrid political system in place vested executive powers in Musharraf as the elected president, while the political institutions that were established under his rule perpetuated authoritarianism. But as it happens, the institutional manipulation initiated under the military's designed hybrid political setup could not sustain the political pressures.

For example, the political elite, for reasons of political expediency, willingly performed the role of junior partners in the hybrid regime. However, in the long run, the central political forces attenuated the empowerment of the district governments, since the political elite (even those who had been co-opted by the military regime) believed devolution planning initiated by the military elite was more of an attempt

to fragment political opposition to the military rule and to create a loyal pro-government constituency. The ruling political elite led by the PML-Q thrived on fragmented political opposition by aligning itself closely to the military ruler. At the same time PML-Q also argued for subservient local governments so as to maintain the loyal pro-government constituency and to strengthen its control over local politics.

In his analysis on the frictions between the provincial and district governments, Martin (2016) argued, "Musharraf's devolution program served to ensure regime survival by actually centralizing power and fragmenting the political opposition. The military regime forced the provinces to transfer 40 percent of their total revenue to local bodies, the [military's established] central government was able to take power away from provincial governments" (124). The provincial elected governments grew weary of autonomous local governments. They believed that if district governments were given authority to decide matters of local governance, then the Provincial Assembly would lose its institutional prestige.

Hence, once the political elite at the provincial and national levels were in place, they then systematically "stripped the radical components off the plan, such as women's and minorities' representation to local councils and the independence of district elected representatives."[43] The landmark and the highlight of the military regime's work on devolution started to crumble; a process that was initiated with the presidential referendum was moving toward annulment under the military regime's *own favored* political government.

Amendments to the LGP

The tension between the district and provincial governments reached its culmination when new rounds of local government elections were held in 2005. According to Article 140, which was introduced to the 1973 Constitution, local governments were given an unambiguous constitutional protection. The approved changes to the Constitution, enacted on December 30, 2003, placed the local government under

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[43] Interview with Mr. Salman Abid, Regional Head of Strengthening Participatory Organization (SPO), Lahore, August 4, 2017. Please also refer to footnote 4. The repeal of radical components of the LGP are explained in more detail in this chapter.

the provincial governments. Furthermore, by clause 140 in the 1973 Constitution, President Musharraf provided constitutional protection to the structure of devolution against amendment or repeal for six years (until December 31, 2009), except with the approval of the president (World Bank 2004; Arif et al. 2010).

However, this did not deter the provincial governments from effecting changes to the LGP. Just one month prior to the second round of local government elections in August 2005, the provincial governments had introduced amendments to the LGP. For the amendments to be enacted, they must be approved by the president. President General Musharraf, for the sake of keeping the hybridity of the military-elected government intact, approved those amendments proposed by the provincial governments. Defending the changes to the LGP, Musharraf asserted, "If the local government system is to take root and flourish, then the people of Pakistan must be allowed the right to change and modify the system in the manner they see fit. . . . This is a system of the people and they can amend it in accordance with their needs."[44]

It was not *the people* who had decided to make these changes to the LGP. It was the provincial governments in each province that had made concerted efforts to amend some of the main provisions in the LGP. There were some 15 amendments to the 198 clauses of the LGP. They all pertained to the increased role of the provincial governments over the operations of the district governments, and also to the reduction of the people's representation in local council(s). The *first* was the reduction of council members from 21 to 13 in each union council (the lowest unit of the district tier); the *second* was to give the controlling check over the district mayor (*nazim*) to the chief minister of the provinces. The interesting fact about these amendments was that the provincial governments had proposed to reduce the amount of women's representation in the district council from 33 percent to 10 percent. But the civil society organizations, especially the NGOs, opposed the announced policy measure, such that the provincial governments had to revise their policy on reducing the percentage of reserved seats for women.

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[44] See newspaper report: "Musharraf Defends Changes." *The News*, July 1, 2005.

Reduction in People's Representation at Union Councils

For the first time in Pakistan's history, the LGP had provided for 33 percent of the representation, in all tiers of the local government across the four provinces, to be reserved for women. These seats were directly elected at the village level for union councils and indirectly elected at the district and sub-district levels for district and sub-district councils (Abid 2007a, 2007b; M. Z. Islam 2015). The LGP opened windows of opportunity for women and marginalized sections of society to participate and represent their interests and concerns in local governance through the affirmative action of reserving 33 percent of seats for women, 20 percent for peasants and workers, and 10 percent for minorities (International Crisis Group 2005; Aurat Foundation 2009).

This measure saw the entry of approximately 36,000 women into local government structures and initiated the process of mainstreaming them in the political arena. In the second round of elections in 2005, the provincial governments reduced the number of women's seats at the council level. (See Table 6 for women's representation in local governments in 2001 versus 2005.) Amidst the protests from women councilors and the NGOs, the provincial governments were forced to keep the women's quota at 33 percent (ICG 2005). The 33 percent of seats reserved for women remained intact, but the number of seats reserved for peasants and workers (now 5 percent, rather than 20 percent) and minorities (now 5 percent, rather than 10 percent) was reduced from the initial LGP. Prior to the 2005 local government election, through an amendment in the LGO 2001, the total number of seats at the union council was reduced from 21 to 13. This decision negatively impacted women's, peasants', workers', and minorities' political participation.

Table 6: Women's Representation in Local Governments, 2001 Versus 2005

Electoral Details	Local Government Election 2000-2001	Local Government Elections 2005
Total number of available seats	36,066 (The number of seats was 42,101, but there were 9.6 percent of seats reserved for women that remained vacant in the local government election in 2001.)	24,463 (excluding the minorities, peasants, and workers) (There were 28,577 seats, but all were not contested.)
Contesting candidates	47,845	47,422

Adapted from Khattak (2010, 53) and National Commission on the Status of Women (2010, 12-13)

The overall reduction in seats resulted in fewer women entering the political scene, but by 2005, more women had been mobilized by the work of the NGOs, and more women were contesting the general seats. The PATTAN Development Organization and the Aurat Foundation had mobilized the network of women councilors across Pakistan to create pressure and prevent the elected provincial governments to make revisions in women's reserved seats in the local governments. The quota for women's seats was kept to 33 percent, but the representation of minorities, peasants, and workers was reduced.

Powers Extended to the Chief Minister of the Province

In 2005, the second round of local government elections took place across Pakistan. During this period, substantive changes had taken place that shaped the political landscape of the country (ICG 2005). For example, the number of constituencies was increased all across Pakistan, and new electoral districts were crafted from within existing electoral districts.

The foremost changes had taken place in the province of Sindh, where the incumbent Chief Minister Arbab Ghulam Rahim, in order to placate coalition partner Muttahida Quami Movement (MQM), crafted new districts from within existing ones. The creation of new districts by the provincial government was to create gerrymandering at the behest of the coalition partner; however, the policy of establishing new districts was undertaken to reduce the political influence of the rival political party, the

Pakistan Peoples Party (PPP). The PPP has traditionally been politically influential in the province of Sindh, and it derives its strength from a loyal voter base. The crafting of new districts from larger districts was seen by observers as a means to dislodge the PPP, the political party of Benazir Bhutto at the fringes (PATTAN 2006a, 2, 14).[45]

A senior member of the PPP and the member of the Senate, Raza Rabbani,[46] argued, "The real motive behind these changes is to establish the dictatorship of the chief minister, who can suspend the nazims [district mayors] whimsically on politically motivated grounds" (cited in ICG 2005, 3). These include the power to suspend a district mayor (*nazim)* for 90 days while the Provincial Local Government Commission undertakes an inquiry. The irony was that the Commission was headed by the chief minister himself, who enjoyed the power of veto over the recommendation of the Commission. Critics argued that the establishment of the Commission was farce, since the power to decide the fate of district mayor was reserved for the chief minister (ICG 2005).

Likewise, the chief minister could also suspend the resolutions of the district, sub-district, and union councils if they were considered to be in violation of the law or the interest of the people and could refer them to back to the Local Government Commission for an inquiry. Furthermore, the amendments also removed the legislative check on the misuse of executive authority by the district mayor, and instead the onus of responsibility and authority was transferred back to the provincial government and the office of the Local Government Commission that was to report to the chief minister (ICG 2005; PATTAN

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[45] Also see: Saeed Shafqat and Saeed Wahlah. 2006. "Experimenting with Democratic Governance: The Impact of the 2001 Local Government Ordinance on Pakistan's Bureaucracy." In *Pakistan 2005*, edited by Charles H. Kennedy and Cynthia Botteron. Oxford University Press, 216.

[46] Mr. Raza Rabbani played a crucial role in deliberation on the 18th Amendment when in 2010 he was elevated to the position of the Chairman Senate under the elected government of Pakistan Peoples Party (PPP), which had come to power following the general elections in February 2008. Mr. Raza Rabbani, though a severe critic of the military regime's devised policies, had retained the clause 140 in the 1973 Constitution when the deliberation on the 18th Amendment ensued with the formation of Special Parliamentary Commission on Constitutional Reforms (SPCCR) in April 2010.

2006a, 2006b, 2006c).[47] An International Crisis Group's report on these amendments observed that these amendments were made by the provincial governments in order to ensure the incumbent political parties a secure transition to the upcoming general elections, which were expected in 2007 (ICG 2005, 3).

The examples cited above signify that elected governments at the provincial level wielded political pressure on the sustainability of the LGP. Elected district governments operated in a political vacuum, because the first and second tiers of democratic governance, i.e., the federal and provincial legislatures, were deposed by the military. As long as these two political institutions (provincial and federal assemblies) were absent from the political landscape, the military negotiated with only one state actor, i.e., the bureaucratic elite, while political parties were prevented from engaging in any political negotiations.

During this same period, the military and civil bureaucracy were active on the political scene, and the civil society was engaged by the military to gather and evaluate popular opinions on the military's devised devolution plan. Civil society did participate in gathering public opinion for the military regime; however, civil society actors were not the authors of the LGP. The designers of the LGP did create space for civil society to engage with district governments when the LGP was in effect, but the role of civil society was authored by the military regime. It was the military dictatorship that brought in the civil society in the absence of political parties. The situation, however, changed with the return of the political government.

Hence, the political parties had a greater influence on how the LGP evolved. Though the political parties had no role in the designing of the LGP, they were not even invited by the military for gathering and evaluating public opinion. The military had assigned the role of gathering people's opinions to civil society actors such as the NGOs. But as soon as the elected governments at the provincial and federal levels were established, the civil society was taken over by the political government. And thus with the

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[47] Please also see the op-ed by I. A. Rehman, "Local Bodies: Whose Fiefdom?" *Dawn*, August 1, 2005. Also available at: https://www.dawn.com/news/1068148

return of political process at the provincial and federal tiers, the incumbent political party PML-Q and its allies that had established the government in the center and in the provinces took gradual steps toward reversing the LGP. And, while doing so, PML-Q also ignored the concerns voiced by NGOs and opposition political parties on expunging the LGP of its radical components.

Part III: Political Parties' Proclamation for Local Governments under the Charter of Democracy (CoD)[48]

The leaders of two major political parties, Nawaz Sharif of the Pakistan Muslim League–Nawaz and Benazir Bhutto of the Pakistan People's Party (PPP), were excluded by the military regime from participating directly in the political processes in Pakistan. These political leaders had been in power in the 1990s, during which they were bitter rivals. Throughout this period, their political rivalry had strengthened the military elite to engage in electoral politics and to effect changes to the political leadership. These two political leaders who had been adversaries later became political allies during the military regime of General Musharraf.

When these two political leaders were in power, the government had a dismal record of establishing local governments. In fact, the elected governments formed by the PPP in 1988-1990 and 1993-1996, and by the PML-N in 1990-1992 and 1997-1999 never had been serious about the devolution of power to the grassroots (Abid 2007a, 2012; M. Z. Islam 2015; SAP-PK 2003). According to one publication by South Asia Partnership–Pakistan (SAP-PK), though local government elections had been held under the elected governments of PPP and PML-N, the effect of their service delivery to the people in the district was negligible.

In my interview, one civil society activist contended, "The elected government had enjoyed electoral legitimacy but failed on performance legitimacy, that is to say, to better the lives of electorates,

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[48] For reading through the points of the agreement, please refer to: "Text of the Charter of Democracy." *Dawn*, May 15, 2006. Also available at: https://www.dawn.com/news/192460

in terms of people's access to basic needs such as health, education, and livelihood."[49] Furthermore, he argued that the elected governments failed to meet the material needs of the people and were not able to deliver on their democratic promises.

The democratically elected governments at the provincial and federal tiers were remote from the local levels, while the local governments, which came into being under elected governments, lacked sufficient authority over the local bureaucratic apparatus. Local government elections were held intermittently under democratic governments; however, the political elite from these leading political parties did not initiate any policy to empower the people to participate in local politics and to hold their public representatives accountable (Z. Islam 2014, 21-24, 133). With nonexistent local governments at the grassroots, the void between the people and their political representatives at the provincial and federal levels increased. However, under military rule, this growing void was addressed with the establishment of local governments at the grassroots.

When in 1999 the military coup had been imposed, and gradually the military regime had taken control of the political landscape, these political leaders fled the country for fear of being politically persecuted by the military ruler. Though there was substantive evidence of financial embezzlement and corruption on the part of these political leaders, the military regime of General Pervez Musharraf allowed these leaders to escape from Pakistan, rather than be held accountable. The military regime did not pursue them in the locations of their temporary residences outside Pakistan (I. Hussain, 2000). Though these leaders were prevented from directly engaging in any political process within Pakistan, their political parties remained intact. The members of their parties did contest the general elections in 2002, and their members also contested the elections for the position of district mayor when the LGP was implemented. In fact, in some of the districts across Pakistan, members of these two political parties were able to advance to the position of district mayor.

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[49] Mr. Zahid Islam, the Chief Executive of Saangat Development Foundation (SDF) a Lahore-based civil society organization. Interview with the author, November 29, 2016.

Their members' participation in the electoral processes, at both the national and the local levels, allowed both political parties to remain active on the political scene and to mobilize their voters. Although the local government elections held in 2001-2002 and 2005 were on a non-party basis, the political contestants and the voters in the constituency knew of the candidates' political affiliations. In my interviews with civil society actors, academics, and representatives of the NGOs, all agreed that political affiliations of the local contenders of power were evident to the voters. Though there were new entrants, they were at the village and union council levels, whereas at the sub-district and the district levels, the political elite elected by electorates were recognized by voters because of their political affiliation. One academic I interviewed argued, "Local governments established by the military elite had pushed political parties off the political landscape, but voters recognized politicians because of their political affiliations."[50] Furthermore, in his analysis on political affiliations of local political elite, Abid (2007b) contended, "More than 80 percent of the local elected representatives had [political] party affiliations, and it was their affiliation that was recognized by the voters" (56).[51]

This allowed the ousted political parties to remain relevant in the politics of Pakistan, and therefore their party members were supported by the party leadership to be part of the electoral processes. In my interview with Dr. Nafisa Shah, an ardent PPP worker who was elected the district mayor in Khairpur from the province of Sindh, I asked her that why she contested the local government election when the PPP had been so vocal in its critique of the military dictatorship, and especially because the PPP had rejected the local government elections. In response, Shah stated, "It was my party's decision to contest the elections, because in any manner, if we could serve the people, we have to be part of the

[50] Dr. Saeed Shafqat, professor of political science at Forman Christian College University. Interview with the author in Lahore, November 28, 2016.

[51] The book authored by Salman Abid is printed in Urdu language. Translation from Urdu to English is mine. Mr. Salman Abid has more than two decades of experience with the leading NGOs in Pakistan. In the interview with Mr. Salman Abid, he argued the party leaders of two leading oppositional political parties, the PML-N and PPP, were ousted by the military dictator, yet this did not deter the party workers or cut off their link with their electoral constituencies. Interview with the author in Lahore, August 4, 2017.

political process." These sentiments were also shared by another member of her party, Senator Rubina Khalid. Senator Khalid argued, "Political party exists because of the people. My party [PPP] strongly believes in mobilizing people to partake in political processes. If we had not participated in local government elections, the party would have lost the ideological connection to its support base among the people."[52]

Thus, by being close to the electorate and the constituencies, the PPP and the PML-N had sensed, experienced, and realized that the "local governments established with the LGP provide their parties a political connection to the voters, and that by supporting the local governments, the parties can remain relevant to the citizens."[53] Another member from the local NGO SUNGI Development Foundation argued, "The political parties had to compete in the local government elections in 2001 and 2005 because they could see that the plan, though with all its shortcomings, did indeed give considerable authority to the elected district mayor—and thus by being part of the system, they could remain relevant political actors."[54]

Thus, to remain relevant to the voters and to be actively engaged in the politics of Pakistan, the political parties decided to resolve their differences and pledged their commitment to the restoration of democracy in Pakistan. The two parties signed an agreement in London on May 14, 2006; this agreement was called the Charter of Democracy (CoD). The agreement consisted of 36 positions on the governance and public policy by the political parties. The agreement was signed not only between the PPP and

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[52] Ms. Rubina Khalid is currently a senator from the province of KPK and is an ardent PPP worker who started her political career by being a member of the student wing of the PPP at her college. Interview with the author in Islamabad, August 28, 2017.

[53] Mr. Irfan Mufti, Deputy Director South Asia Partnership–Pakistan (SAP-PK). The organization has been in the forefront in the implementation of the LGP. Interview with the author in Lahore, August 21, 2017.

[54] Mr. Omar Javed, Director of Operations at SUNGI Development Foundation. This organization had been in the forefront of implementation of the LGP. The former Chairman of SUNGI, Mr. Omar Asghar Khan had joined General Musharraf's cabinet in November 1999 to advise on the planning for designing the Local Government Plan, 2001. Interview with the author in Islamabad, September 7, 2017.

PML-N; the CoD was an alliance of all the oppositional parties against the military rule of General Pervez Musharraf.

Local Governments on the Charter of Democracy

The oppositional parties pledged their commitment for the continuation of the local governments and argued that changes should be made to the existing local government plan, which had been amended by the incumbent party, PML-Q. As discussed in the previous section, the amendments that were made in the LGP gave executive control to the chief minister of the provinces, thereby reducing the influence of the district mayor in making decisions at the local level. The oppositional political parties believed these changes had given extraordinary powers to the provincial executive, i.e., the chief minister, to overrule the designated authority of the district mayor.

Three policy pronouncements were made in the CoD on the local government plan:[55]

- *Policy pronouncement 10:* Local bodies election will be held on a party basis through provincial election commissions in respective provinces, and constitutional protection will be given to the local bodies to make them autonomous and answerable to their respective assemblies, as well as to the people through regular courts of law.

- *Policy pronouncement 29:* Local bodies elections will be held within three months of the holding of general elections.

- *Policy pronouncement 30:* The concerned election authority shall suspend and appoint neutral administrators for all local bodies from the date of formation of a caretaker government for holding of general elections till the elections are held.

("Text of the Charter of Democracy" 2006)

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[55] Later in the chapter, I discuss that only *a part* of the three policy pronouncements on local governments was incorporated when the 18th Amendment was deliberated upon and promulgated in 2010.

By making these pronouncements, the oppositional parties agreed upon and recognized that local government elections should have permanence in the governance system. Thus, by making their commitment to the enactment of local governments, these oppositional political parties conveyed their support to local governments. Their party workers were advised to mobilize local support for their respective political parties in the upcoming general elections, which were expected in 2007, a year from the signing of the CoD.

Manifestos of Political Parties for General Elections in 2008

The signing of the CoD marked the oppositional political parties' policy positions on pivotal matters of restoration of democracy, foreign relations, security in the region, and domestic governance. On the question of domestic governance, the one key issue was the strengthening of the local governments and maintaining the local governments as a permanent feature in the structure of governance of the state. By pledging commitment for the restoration of democracy and by including local governments in the policy agreement, the political parties declared their support of the establishment of the local governments.

The political parties that were in the opposition and had signed the CoD were Awami National Party (ANP), PPP, and PML-N. The political parties in the government, PML-Q, MQM, and Muttahida Majlis-e-Amal (MMA), had all featured the local governments in their election manifestos. However, an Islamabad-based think tank, the Pakistan Institute of Legislative Development and Transparency (PILDAT), contended the political parties had not given any definite or assertive position on the local governments (PILDAT 2007, 9). The issue of local governments did feature in the parties' position on the political issues; however, the political parties remained evasive in their planning for the local governments.

Nevertheless, it was the first time that the political parties deemed local governments to be the issue that had to be seriously considered. According to the civil society actors such as the NGOs, the political parties had shown respect for the issue of local government because the civil society had actively

supported the LGP devised by the military regimes, and the NGOs in the country had mobilized

Pakistan's citizens to engage in the political process at local levels (Abid 2012; M. Z. Islam 2015). The

representatives of the NGOs interviewed during the course of this research argued it was the "active role

played by the NGOs that has raised the importance of the local government to be considered one of the

issues in the election campaigns of the political parties."[56] Another believed that the "political

mobilization at the local levels had made citizens aware of the importance of the local government, and

any retraction from the system would not have bode well for the electoral success of the political

parties."[57]

The political parties made commitments to the continued support for local governments and made

several pledges in their party manifesto for the general elections held in February 2008. The political

pronouncements focused on the devolving authority to the local governments. The issues ranged from

giving local governments constitutional protection so as to make them accountable to their respective

assemblies (PML-N), to the declaration of a specified time frame for holding the local government

election (PPP), to the issue of making the provincial government devolve power to the local levels

(PML-Q), and to the issue of having local government elections on a party basis (PPP and PML-N).[58]

However, none of the political parties had taken an explicit position on the declaration of the

local governments as one of the statuary administrative tiers in the definition of the state in the 1973

Constitution of Pakistan. According to the 1973 Constitution of Pakistan in its Article 7, "The State

means the Federal Government, [Majlis-e-Shoora (Parliament)], a Provincial Government, a Provincial

[56] Mr. Sarwar Bari, the Chief Executive of PATTAN, as Islamabad-based NGO working with rural communities across Pakistan. PATTAN was in the forefront of the implementation of the Local Government Plan introduced by Musharraf's regime in 2001. PATTAN produced reports on the local elections held for local offices in 2002 and 2005. Interview with the author in Islamabad, dated March 13, 2017.

[57] Mr. Salman Abid, Regional Head of Strengthening Participatory Organization (SPO). Interview with the author in Lahore, dated August 4, 2017.

[58] For a detailed review of the political parties' positions on the various matters of governance, please see: *A Comparative Analysis of Election 2008 Manifestos of Major Political Parties: What Do the Political Parties Promise? Where Do They Stand on Issues?* 2007. Pakistan Institute of Legislative Development and Transparency (PILDAT), 9 & 28.

Assembly, and such local or other authorities in Pakistan as are by law empowered to impose any tax or cess.[59]" The members of the NGOs interviewed in the course of this research have argued if, in the definition of the state, the local governments are mentioned as *one of the tiers of the administrative structure,* then the issue of reestablishing, reformulating, and reviving of local governments is addressed constitutionally, which therefore makes it legally binding on political and bureaucratic elite to enact local governments irrespective of military dictatorships.

By having local governments be constitutionally binding, the local governments become the statuary political institution of the state. The statutory reaffirmation of local governments in the Constitution in itself wields political pressure on political parties to seriously consider local governments as political arenas. Only during the time of a military dictatorship do political parties mobilize themselves around the issue of local governments. In times of military rule, political parties consider local governments as encroachers of parties' electoral constituencies, and thus to counter the encroachment, political parties vigorously participate in local political processes. But when the same political parties form elected government(s) at the provincial and federal levels, they ignore strengthening the parties' mobilized local governments. It is my analysis that constitutional reaffirmation of local governments as the third tier of governance would resolve the many tensions and conflicts.

This is the point I believe is the missing link that has never been addressed either by the military, or the political and bureaucratic elite. It has only been recently that civil society actors have started to raise the issue of local governments being recognized as the third tier in the Constitution. In my interviews with the civil society activists, academics, workers of the NGOs, and even the political elite, there seems to be recognition of the issue, but it has not been translated by the elected governments in action.

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[59] *Cess* is an alternative term for a tax. The term is still frequently used in a few countries, including Britain and Ireland, to indicate a local tax.

The following discussion on the promulgation of the 18th Amendment showcases *how* the issue of local governments was sidelined in the deliberative process by the political elite as they overlooked the policy pronouncements made on local governments in the CoD and election manifestos of their respective political parties. Skeptics would argue that election manifestos are not sincere declarations of intent. My counter argument to this objection is that although manifestos are rarely affirmed by political parties, the fact is, as in the case of Pakistan most specifically, election manifestos declared by parties (opposition and government) signify political parties' position on governance policies, thus making each one of them distinctive from the ruling military regime. All political parties, opposition and government alike, made a commitment to their voters that local government would be protected under the elected government. But in practice, the political parties were selective in actualizing their policy pronouncements.

Part IV: Elected Regime and Local Government after the 2008 Elections

The devolution plan that was devised in 2001 and amended in 2005 was in implementation from 2001 to 2009. When General Musharraf's regime devised the LGP, it was given constitutional protection until the year 2009. This provision stated that *if* provincial governments deemed changes necessary to the LGP, *only* the president had the *authority* to *ratify* the changes proposed by the provincial governments.

As discussed in the previous section, when the provincial governments proposed amendments in 2005, President General Musharraf did approve them. During the research interviews, representatives of the NGOs strongly expressed their belief that the amendments ratified by presidential approval were the *death knell to the lofty claims the military regime had made in the name of revolution by devolution*.[60]

In 2008, when the general election was held and the newly elected governments had come to power, the military rule of General Musharraf had already weakened because of internal conflicts and

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[60] In my sample of the 29 interviews with the representatives of the NGOs, academics, political elite, and bureaucratic elite, the predominant view among them was that with the amendments made to the LGP in 2005, the military ruler had compromised on the radical components of the devolution plan. However, among this sample, one senior journalist (Mr. I. A. Rehman) and one member of the design team from the NRB (Mr. Ikramullah Ghauri) asserted that the LGP was compromised at the time of its first implementation in 2001 because bureaucratic and political elite had successfully bargained on certain crucial aspects of the Local Government Plan.

For this discussion, please refer to the sub-section Tension in the Civil Bureaucracy, in Part I of this chapter.

pressures between the institutions of state. The executive and the judiciary were in conflict on the issue of extending the retirement period to General Musharraf for his military service. He was, after all, the serving general in the military and chief of army staff and was the elected president of the country through the presidential referendum held in April 2002.[61]

To extend his military service, President General Musharraf sought approval from the legislature but was vetoed by the judiciary. The legislature was led by PML-Q, Musharraf's favored political party. If the judiciary had complied with the presidential instruction, President Musharraf could have easily obtained his requested extension, but the judiciary under the Chief Justice Supreme Court Iftikhar Muhammad Chaudhry refused.[62] This confrontation led to the entire institution of the judiciary, supported by the lawyers' association and later joined by the civil society actors—print media, electronic media, political parties, and human rights groups, to launch a movement to pressure General Musharraf to revisit his decision of holding the two official positions (Ghias 2010; Ahmed and Stephan 2010; S. Ahmed 2015).

Therefore, under considerable internal and external pressure,[63] General Musharraf completed his military service in November 2007 and as a civilian retained the role of the president of the country. He then announced general elections for 2008. In the general elections of February 2008, Musharraf's favored political party that was in power from 2002-2007 was faced with a resounding defeat.

The elected government led by the PPP and its coalition partners, the PML-N, the MQM, and ANP, formed the government. The PPP was in coalition with the other parties to form governments in the

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[61] General Musharraf was to retire from his military service in 2008 and his term limit in the office of the president was to expire in 2007. The presidential referendum that was held in April 2002 had given him the role of the president for 5 years. But due to the general elections in February 2008, Musharraf retained the role of president. With the general elections in 2008 and the establishment of the elected government led by PPP, Musharraf resigned as president in August 2008.

[62] Please also see op-ed, "Your One 'No' Has Made You Immortal," by Ayab Amir. *Dawn,* April 13, 2007. Also available at: https://www.dawn.com/news/1073293/your-one-no-has-made-you-immortal

[63] Because the Global War on Terror had brought Pakistan to the forefront as a Western ally fighting against extremism in neighboring Afghanistan, there was considerable pressure from the international multilateral agencies and the governments on President General Musharraf to announce general elections in the country.

provinces. In Punjab province, it was the PML-N; in Sindh, it was the coalition of PPP and MQM; in

KPK it was the ANP, and in Balochistan it was a coalition of Pukhtunkhwa National Awami Party

(PKNAP), the Balochistan National Party (BNP), and the Jamiat-e-ulama Islam (Fazalur Rehman) (JUI-

F). The PPP was able to have control of the central government; this therefore led to President

Musharraf's resignation from the presidency in August 2008, though his term limit was also to expire in

the same year.

All these political parties in the coalition government, with the exception of MQM and JUI-F, had

been the signatories of the CoD, signed by the political parties who had been in opposition to Musharraf's

regime. These parties that had signed the CoD, as well as those who had not, nevertheless stated their

positions on the local governments in their election manifestos. They had given assurances to their voters

and constituencies that they would continue with the local governments *if* they came to power.

Thus, keeping the pledges made by the political parties in the CoD, the government of the PPP

devised a Special Parliamentary Commission on Constitutional Reforms (SPCCR) in June 2009 to review

the changes required in the 1973 Constitution and to effect major policy changes to the presidential

decrees and legislation(s) that were promulgated under the military rule from 2002-2007.[64] Under the

military regime, General Musharraf had effected change to the 1973 Constitution through the 17th

Amendment. Under this amendment, the presidential referendum devised in April 2002 was recognized as

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[64] See newspaper reports: "PPP 'Think-Tank' Discusses Constitutional Reforms," *Dawn,* July 4, 2009.
"PPP Favors Repeal of 17th Amendment," *Dawn,* July 7, 2009.

a constitutional necessity and had also given (back) power to the president to dissolve the national government *if* the president deemed it necessary.[65]

The SPCCR was formed under the directive of President Asif Zardari[66]; the main objective of this parliamentary committee was to suspend and revise amendments made to the 1973 Constitution of Pakistan through the 17th Amendment under the military regime of General Musharraf and also to introduce measures to the 1973 Constitution of Pakistan derived from the CoD in consultation with all the political stakeholders, i.e., the ruling and oppositional political parties.

Political Parties in Government Following the 2008 Elections

The democratic government elected through the 2008 general elections, led by the political party PPP in deliberation with other leading political parties—PML-N, PML-Q[67]; the regional parties ANP,

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[65] Pakistan has had a fractured history of parliamentary supremacy. During his military rule, General Zia-ul-Haq devised the rule in the 1973 Constitution of Pakistan that the president can dissolve the national and provincial governments *if,* in the president's view, they are not performing their statuary duties. General Zia-ul-Haq had created this rule in 1988 when he dissolved the elected government of Muhammad Khan Junejo. In 1990 and in 1996, the PPP's government, led by Benazir Bhutto, was dissolved twice, as well as PML-N's government, led by Nawaz Sharif, in 1993. When Nawaz Sharif came to power in 1997, he removed this presidential decree by an act of Parliament. But in 1999, when the military coup was imposed by General Musharraf, the 1973 Constitution of Pakistan was in abeyance. Later, after he was able to be elected president of the country, followed by the establishment of the national government in 2002, President General Musharraf reintroduced a similar decree in the 1973 Constitution under the 17th Amendment. For more details on this constitutional provision, please see Osama Siddique, 2006, "The Jurisprudence of Dissolutions: Presidential Power to Dissolve Assemblies under the Pakistani Constitution and its Discontents," *Arizona Journal of International and Comparative Law* 23, 615-715.
  Also refer to chapters 2 and 3 of this dissertation.

[66] Asif Zardari is the husband of the late Benazir Bhutto. Benazir Bhutto was assassinated while she was on a campaign rally before the 2008 election. After her death, her husband and son were declared the joint chairmen of the PPP. In 2008, following the elections and the establishment of the national government, the national legislature (the National Assembly of Pakistan) elected Asif Zardari as the president of the country from 2008 to 2013. Please see the media report of President's Asif Zardari's time in office: "Exclusive: The Curious Presidency of Mr. Zardari," by Shahmeen Khan, *Dawn*, March 7, 2016. Also available at: https://www.dawn.com/news/1041287

[67] The political party that was formed in 2002 under General Musharraf's regime to implement and proceed with his governance agenda. The PML-Q remained active in electoral and parliamentary politics following the general elections in 2008. This political party, which was formed prior to the 2002 general elections, had built its cadre from those electable who had been members of the two major political parties—the Pakistan Peoples Party and Pakistan Muslim League (Nawaz). In 2008 when general elections were held, General Musharraf's military devised government that came to power in 2002, led by the PML-Q, had declined in its popularity and lost its support from the masses. This, therefore, had a direct impact on PML-Q's electoral success. The PML-Q lost the general election, though it emerged as the opposition in the National Assembly. The president of its Punjab chapter, Chaudhry Pervez Elahi, was the leader of the opposition following the general elections in 2008, and in 2012 he was also given the ceremonial position of the deputy prime minister, which he held until the general elections in 2013.

MQM, Pashtoonkhwa Milli Awami Party (PKMAP), National Party (NP), Pakistan Peoples Party (Sherpao), Balochistan National Party (BNP), Pakistan Muslim League (Functional), Jamhoori Watan Party (JWP); and religious parties JI and JUI-F—devised the 18th Amendment to the Constitution. The 18th Amendment changed more than 103 Articles of the 1973 Constitution and granted a significant level of provincial autonomy that had been the matter of severe conflict with the central government in the past.

Seventeen ministries were devolved to the provincial governments, including education, social welfare, special education, population welfare, labor and manpower, tourism, mining, local government, and rural development. The devolution of these ministries to the provincial governments, therefore, meant that each province would devise policies and institutional arrangements according to their respective regional needs.

LGP under the 18th Amendment

In the previous chapter, I analyzed how the military governments have successively devised devolution LGPs to weaken the political landscape by circumventing the provincial levels in order to gain legitimacy for their military rule. The elected governments, on the other hand, have not only rebuked such institutional arrangements but have also devised measures to weaken the LGP effected by the military governments. In the following section, I will discuss how the newly elected government that came to power in 2008 managed the issue of local governments.

The question *What were the factors that made the elected government continue with the local governments?* is asked in this research. The hypothesis set in this research was: The civil society created pressure on the elected government to continue the LGP. But as I have described in the above discussion, the civil society was not seen to be actively engaged in working with the elected governments. The civil society was active only during the period when the military elite planned for the LGP, because the political parties were sidelined by the military's established think tank, the NRB.

However, as soon as the political party (PML-Q) formed the elected government under the military dictator's rule, PML-Q and its allies amended the LGP. The oppositional political parties, along

with the civil society organizations, raised their voices against the amendments made; however, none of

the actors, the political opposition or civil society, had any substantive effect on the elected government to

review the amendments. The following discussion explains that the political elite effected changes to and

decided on the fate of the LGP.

In 2008, when the PPP-led elected government had come in power and General Pervez Musharraf

abdicated the office of President, the LGP was dissolved. However, this dissolution did not mean an *end*

to the idea of devolution, as has been the practice in the past. The elected government in 2008 waited for

the constitutional protection granted to the LGP to expire. When General Musharraf's regime introduced

and implemented the LGP, it provided constitutional protection to the LGP from 2001-2009. Hence, the

elected government coming to power in 2008 waited for this limit to expire in 2009. According to a

report, the political party PML-N had pressured the government of the PPP to suspend the local

governments before their term expiration,[68] but because of the pressure by the other parties—PML-Q[69]

and the MQM,[70] President Zardari had to wait for the constitutional protection provided to the local

governments to expire on December 31, 2009 (Abid 2012); also, pressures were created by the elected

district mayors all across the country, and they wrote a letter to President Zardari "cautioning him not to

abolish the local governments" (Abid 2012, 9).[71]

However, amidst voices in favor of local governments, the elected government led by the PPP

adopted an ambivalent approach toward local governments. To surpass critical pressures from the public

sphere, the elected government announced that local governments were under the purview of provincial

governments; the central government therefore cannot intervene in a provincial matter. If the central

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[68] See newspaper reports: "Local Bodies Polls Postponed," *Dawn,* July 9, 2009.
  "Local Govt Election Postponement: Another Chapter of PML-N Govt's 'success story,'" *Dawn,* July 9, 2009.

[69] See newspaper report: "PML-Q Opposes Abolition of LGs," *Dawn,* July 18, 2009.

[70] See newspaper report: "Ibad Wants Local Govt Polls at the Earliest," *Dawn,* July 16, 2009.

[71] See newspaper report: "Councillors Warn Against Rolling Back LG System," *Dawn,* July 30, 2009.
  "Local Govt System Abolition Opposed," *Dawn,* July 29, 2009.

government encroaches upon a provincial matter, the ideal of provincial autonomy is compromised. The coalition government led by the PPP therefore argued such an encroachment would be a breach of the CoD.

According to this discourse espoused by PPP, the provincial governments, therefore, were independent in either retaining or disposing of the locally elected governments, which were established under the military rule of General Musharraf. Furthermore, since the locally elected governments were to expire in 2009, the elections for local governments were expected to be held in the same year. The central government, however, argued that the matter of local government was a provincial subject, and it was the prerogative of the provinces to decide how they wanted to proceed with the imminent expiration of local governments.

In the election manifestos prior to the general elections in 2008, all the political parties in the government and the opposition made policy pronouncements on the continuation of local governments should they gain political power in the election. But when these political parties were engaged in a deliberative process on the 18th Amendment, only one regional political party, the Pashtoonkhwa Milli Awami Party (PKMAP), asserted its official position for continuing local governments. Thus, the PKMAP was the only political party that fulfilled its electoral commitment.

All other political parties—PPP, PML-N, MQM, PML-Q, and others—did not take any official position on local governments, though prior to the 2008 elections, all had pledged to continue local governments should they come to power. In their official position papers and dissenting notes, these political parties did not mention *local governments* as an issue for the SPCCR to deliberate upon.

The elected government led by the PPP, in its decision-making process over the 18th Amendment, overlooked the key elements of the three policy pronouncements made in the CoD. The provision that local government elections should be held on a party basis (policy pronouncement 10), the time frame for local government elections (policy pronouncement 29), and the provision to make the local

governments autonomous (policy pronouncement 30) were not deliberated upon by the participant members of SPCCR.

The SPCCR, led by the Senate Chairman Mian Raza Rabbani (belonging to the PPP), decided to continue with the mere idea of local governments. However, the claims expressed by the political parties in their manifestos and the policy positions signed in the CoD did not appear in the 18th Amendment. The 18th Amendment retained one of the clauses from the 17th Amendment pertaining to the local government and added another to clause 140, thereby making it clause 140-A in the 1973 Constitution of Pakistan:

> (1) Each province shall, by law, establish a local government system and devolve political, administrative and financial responsibility and authority to the elected representatives of the local governments.

> (2) Elections to the local governments shall be held by the Election Commission of Pakistan.

Instead, the SPCCR focused only on outlining the role of the Election Commission of Pakistan (ECP) to regulate the local elections. The SPCCR granted the authority to the provincial governments to legislate over local governments, thus obligating the provincial governments to decide, design, and implement local governments in their respective provincial territories. Thus, the issues of whether local government elections should be held on a party basis and the time frame for local government elections were policy decisions reserved for each provincial government. The political parties within the SPCCR had relieved the federal government of the right to interfere with local governments and thus clash with provincial governments on such a policy. As a result, the provincial governments devised local

government laws based on their respective requirements and never rushed to install local governments as was done under the military government of General Musharraf.[72]

The participant political parties had not pursued their electoral pledges outlined in their election manifestos. Furthermore, the political parties, it seems to me, behaved in a manner similar to their historical attitude toward local governments. As explained in this chapter, political parties saw that the local political elite were contenders of political power at the local levels, challenging the electoral successes of the political parties in order to be elected to the provincial and federal legislatures. As I see the situation, the political party structure in Pakistan is the crucial factor that explains why local governments are ignored by the democratically elected government. The political parties, as one academic asserted, "operate on parochial and familial lineages that favor dynastic politics while such primordial thinking discredits the entry of outsiders."[73]

In an interview, Chaudhry Pervez Elahi, one of the leading figures of PML-Q, declared, "We did not want local governments to continue under the 18th Amendment, and our position is stated in the dissenting note."[74] I believe his party's discontent was because his political party, PML-Q, had faced defeat in the general election. The party therefore ascertained that under the rival party's provincial government, PML-Q party workers would have no chance to win seats in the district councils. My view on PML-Q's displeasure is strengthened by the information I gathered from one other civil society actor.

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[72] The provincial government in Balochistan devised a local government act in 2010 regarding which local government elections were to be held on a party basis, but elections were not held until 2013. The provincial governments of Sindh, KPK, and Punjab devised respective local government acts after a lapse of three years; local government elections were not held until 2015. From 2010 to 2015, no local governments were installed in Sindh, KPK, and Punjab. According to the four distinctive local government acts devised by provincial governments, the local government elections were to be held on a party basis. The KPK local government act planned elections in two levels; village/neighborhood-level elections were held on a non-party basis, but sub-district and district council elections were on a party basis.
  Also refer to "Local Bodies: Two Down, Two to Go," *Dawn,* June 29, 2015.

[73] Mr. Zahid Islam, the Chief Executive of Saangat Development Foundation (SDF) a Lahore-based civil society organization. Interview with the author, November 29, 2016.

[74] Interview with the author in Lahore, August 20, 2017. However, in the textual analysis of the Parliamentary Committee report on the 18th Amendment, the PML-Q had not expressed its position on local governments (Election Commission of Pakistan 2015).

In an interview, Mr. Muddasir Rizvi, senior officer at Free and Fair Election Network (FAFEN), a civil society organization that monitors elections at all levels of government, argued that PML-Q was defeated in general elections, and because "all newly elected chief ministers in the provinces did not belong to PML-Q, the party leadership therefore lost interest in keeping the LGP." [75]

18th Amendment – Civil Society and State Communicative Interexchange

Why did the elected government continue with the local governments in 2010? was one of the leading questions posed in this research. Did the civil society actors who had participated in the consultative process for the design of the LGP under the military regime play any role in pursuing the elected government? The answer is *none*.

As one member of the NRB argued, the political parties and the political elite decided to continue with the "rhetoric of local government because they realized that the original LGP had become innocuous."[76] During the course of data gathering, I was reminded by civil society activists that the originality of LGP was compromised by the political elite, even under military rule. Dr. Ali Cheema, a senior academic and policy advisor to the provincial governments under the military rule and democratic government, asserted, "Amendments made to the LGP in 2005 initiated the collapse of the LGP, and with the 18th Amendment, its annihilation was complete."[77] After the elections of 2002, when the elected government came to power, the so-called favored political elite at the provincial and federal levels (from PML-Q) gave veto powers to the chief ministers of the provincial governments at the expense of local governments. The process, which was started by the military ruler, was met with great inhibitions by the

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[75] Interview with the author in Islamabad, February 15, 2017.

[76] Mr. Ikramullah Ghauri, one of the members of the designing team from the NRB, asserted the LGP was compromised at the time of its first implementation in 2001, because bureaucratic and political elite had successfully bargained on certain crucial aspects of the LGP. But the LGP lost its vitality with the amendments effected by the political elite in 2005, and then in 2010 with the 18th Amendment, the spirit of the LGP perished forever. Interview with the author in Islamabad, February 28 and March 4, 2017.

[77] Interview with the author in Lahore, March 27, 2017.

political elite. Under military rule, the political elite could not eliminate the local government; they did, however, manage to mitigate its autonomy.

And when the newly elected democratic government was formed with the return of oppositional political parties, the PML-N and PPP, the political elite did not intend to continue with the vestige of military rule. As a result, the newly elected government and its coalition partners never did engage with civil society actors in the deliberative process of the 18th Amendment. The newly elected political elite, amongst themselves, had decided what issues were to be contained, suspended, continued, added, and/or amended in the 1973 Constitution of Pakistan.

There are reports on the decision-making process within the SPCCR and the civil society actors' discussion on the elements of the devolution of the 17 ministries to the provinces by the federal government.[78] These reports, however, are mainly the records that highlight the process of deliberation that had taken place ***between*** the political parties and those who were in government and in opposition. The consultations were open to the political elite only; all other actors, such civil society actors, were missing from the deliberations. These reports signified that the civil society had observed these political consultations from afar, and as had happened under the military regime, as soon as the political government was formed (in 2002 by PML-Q), the critical voices raised by civil society actors on amending the LGP were ignored. The cycle of ignoring the civil society again had become prominent with the return of democratic rule.

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[78] Please refer to: HRCP, *Federalism & Provincial Rights [Implications of the 18th Amendment].* Human Rights Commission of Pakistan (2011), 64.

Leslie Seidle and Zafarullah Khan, *Federalism and Eighteenth Amendment: Challenges and Opportunities for Transition Management in Pakistan.* Strenghtening Democracy through Parliamentary Development, United Nations Development Programme and Forum of Federations. Islamabad: United Nations Development Programme Pakistan (2012), 44.

Asma Faiz, *Making Federation Work: Federalism in Pakistan After the 18th Amendment* (Oxford University Press, 2015).

Islamabad Policy Research Institute (IPRI), *Eighteenth Amendment Revisited.* Edited by Maqsudul Hasan Nuri, Muhammad Hanif and Muhammad Nawaz Khan (Islamabad Policy Research Institute [IPRI] 2012), 205.

United Nations Development Programme (UNDP) Pakistan, *Five Years of the 18th Amendment: Lessons Learnt, Milestones Achieved.* (Development Advocate: Pakistan, Islamabad: United Nations Development Programme [UNDP], 2015).

The civil society organizations, as one representative from an NGO claimed, "have no independent status vis-à-vis the state in Pakistan; the civil society in Pakistan is a fluid phenomenon for the state in Pakistan. The military regimes, serviced through the NGOs under General Musharraf and under the elected government [of 2008], have been reduced to mere spectators witnessing the political changes effected by the elected government."[79] Another representative of the NGO shared the sentiment and stated, "Now we have to make our presence known by voicing our concerns to the government. In the time of military rule under General Pervez Musharraf, the avenue was easier to access, but now we have to make efforts to remain an actor on the political landscape."[80]

The field work for this research has shown that the elected government's reason for continuing the institution of local governments stems from its own internal motivation for maintaining control over these governments. As discussed in the previous section, even when the pseudo-elected government was in power under the military rule, substantive changes were made to the devolution plan devised as the LGP. The provincial governments and the bureaucracy were challenged by the increased authority devolved to the district governments and, therefore, the provincial governments viewed these district (local) governments as a threat to their electoral success. Furthermore, since the local government elections were held on a non-party basis, the political affiliation of the elected district mayors and their deputies was also seen as threat by the political parties that controlled the provincial and federal governments. The district mayors and the deputy mayors at the lower levels of the district governance therefore became institutional irritants for the provincial governments and the political parties, especially when these local elected officials had no party affiliation with the ruling party in the province. According

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[79] Mr. Irfan Mufti, Deputy Director South Asia Partnership–Pakistan (SAP-PK). The organization has been in the forefront in the implementation of the LGP. Interview with the author in Lahore, August 21, 2017.

[80] Mr. Muddassir Rizvi, Head of Programs, Trust for Democratic Education and Accountability – Free and Fair Elections Network (TDEA-FAFEN). The organization was founded in 2006 and is an independent entity that monitors the constituency politics and elections at all levels of governance. Mr. Rizvi has been associated with the organization when it was founded, and before joining TDEA-FAFEN, Mr. Rizvi had worked with the PATTAN Development Organization from 2000 to 2006. Interview with the author in Islamabad, February 15, 2017.

to the evaluation report conducted by the joint commission of the WB, DFID, and ADB, elected local

governments were in conflict with the provincial governments over the control and devolution of

resources to the district government (World Bank 2004).

One of the observers of the LGP, Dr. Ali Cheema believes, "The elected governments, in fact, the

political elite are always threatened by the local governments; they do not see these local governments as

the means to reach out to the voters. For the political elite, local governments disturb the electoral

equilibrium"[81] and thus in order to balance the "equilibrium, it was necessary that traditional political elite

retain the authority." Another observer of Pakistan politics argued that there is another actor in the

equilibrium and that is the bureaucracy; "the bureaucracy continues to enjoy the octopus-like status, and

they advise the political elite that local conditions can turn against them if the empowerment to the

grassroots is effected."[82] As shown in this chapter, the bureaucratic elite challenged the military's initial

design of the LGP, and as the political elite gained influence on the political landscape (at the provincial

and federal levels), the agenda of devolution set forth by the military dictatorship was prevented from

taking effect.

I believe the question *Why was the military regime able to continue with the LGP?* has few

plausible answers. First, it was the military elite's continued desire and need to gain popular support at the

grassroots and not because the military had committed to devolution per se. Secondly, the military

endorsed the local governments because political parties have considered local governments a threat to

parties' electoral success at local levels. Thus, by sidelining the political parties at local levels, the

military elite believed local non-partisan political elites, who would be loyal to the military regime, would

arise. These local elected political elite would realize that their significance on the political landscape was

due to the military's designed devolution plan. Thirdly, by establishing local governments and granting

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[81] Dr. Ali Cheema, Professor of Economics at Lahore University of Management Sciences. Interview with the author in Lahore, March 27, 2017.

[82] Dr. Mohammad Waseem, Professor of Political Science at Lahore University of Management Sciences. Interview with the author, November 29, 2016.

them executive powers at the expense of provincial governments, the military elite believed that the political control of the provinces not only would be loosened, but would impact the bureaucratic administration at the local levels to become responsive to the locally elected elite.

As shown in the previous discussion, historically all political parties (in government and opposition) have fundamentally believed that autonomous local governments are a challenge to the provincial governments, the middle tier of governance. (The federal is the highest tier, provincial is the middle tier, and district is the lowest.) By requiring districts to be dependent on the provinces, the political governments attempt to control political activism at the district level. Provincial governments maintain political power in the districts by blocking any new contenders of political power at the local levels. Political parties believe that district constituencies should always remain subservient to the provincial political governments. In my interviews with the civil society actors, all of them believe that the democratically elected governments have never considered the local government as a necessary, crucial political institution. The elected governments at the provincial and federal levels view local governments as threats to their electoral significance in their constituencies. Likewise, military governments have pursued local governments because democratic governments consider district governments political adversaries.

I believe, of all the actors on the political landscape, it was *only* the civil society that emerged as supporters of the LGP, though the civil society raised some very fundamental questions on the long-term sustainability of the LGP.[83] The civil society actors such as the NGOs saw in the LGP an opening up of politics for people at the grassroots. With people elected to the local councils, having authority to resolve local issues of concern, such as access to basic services, education, health, livelihood protection, environment conservation, etc., was unprecedented in local governance.

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[83] Please see chapter 4 for a discussion on skeptics, critics, and advocates of the LGP.

As explained in Part I of this chapter, traditionally the governance planning for districts was undertaken by the district bureaucratic elites, while provincial governments released funds and grant approvals for such planning. Hence, both the provincial governments and bureaucratic elite maintained political and administrative control over the districts. This equation was upended when the military dictatorship of General Musharraf was established. The launch of the LGP pushed back and dislodged these two players—the provincial governments and bureaucratic elite. However, as the military elite perpetuated its version of the hybrid regime that granted partisan political engagement under authoritarian precepts, the collapse of the LGP was initiated. The military dictatorship that had announced its devolution plan had to make adjustments with other actors—the civil services and political elite of Pakistan. As the latter two weighed in, they asserted themselves by rolling back the LGP.

During the interviews, all the civil society activists expressed belief that the military dictatorships' claims of devolution of power to democratize the political system were mere rhetorical declarations to gain popular approval. Because the military dictators also were wary of partisan political activism, military governments revived the local governments only to prevent political parties from directly engaging in political mobilization. By kindling the tensions and stoking the fear of local governments, the military government created the political chaos on which it thrived.

According to a senior journalist and an expert on Pakistan politics, "The military has to have these local governments at the grassroots levels so that they can claim they have the connection to the people. The elected governments, on the other hand, argue, "*We are the elected representatives; we already have the connection to the people; we do not need this unwanted link*."[84] The political elite, on the contrary, believe the local governments have to work within the stated framework as devised by the provincial governments. They argue, "Districts are the constituencies from within the provinces, and any

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[84] Mr. I. A. Rehman, the senior-most journalist and leading human rights activist in Pakistan. Interview with the author in Lahore, August 2, 2017.

direct federal link to the district would mean that provinces are redundant and any such drastic measure would mean political chaos in the country."[85]

Based on my data collection and interactions with the civil society, I also now believe that since local governments have increased the number of political contenders, this therefore is seen as a threat by the political parties. During the deliberation on the 18th Amendment, the political parties remained evasive on the fate of local governments; the political parties (in government and opposition), however, retained the constitutional clause but did not exhibit any motivation to put the words into action.

In my interview with Dr. Nafisa Shah, a Member of National Assembly (MNA) belonging to the PPP, I asked her why the SPCCR, led by the PPP, had not given instructions to the political government to pursue local governments as had been done under the military government of General Musharraf. In response she explained, "The political process is slow and it takes time for political actors to reach consensual agreement. Military dictators have no such obligation to fulfill." This left me with the counter observation that, even with the experience of three military dictatorships, the political parties lack the wisdom to consider local governments as a key component of a mature democracy. Dr. Shah, in response, argued, "As I said, the political process is time-consuming. I strongly believe [political] parties showed political astuteness in retaining the clause [140-A]."[86]

Based on my data collection and review of documentary evidence, I argue that political parties who were members of the SPCCR had certainly retained the policy measure devised by the military ruler, but, in essence, the political parties had given provincial governments executive control over local governments. This policy measure had also been a bone of contention among the designers of the LGP, the bureaucratic elite, and the political elite under the military-operated hybrid regime. The elected government under General Musharraf (from 2002 to 2007) had exerted provincial pressure over district

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[85] Ms. Rubina Khalid is currently a senator from the province of KPK and is an ardent PPP worker who started her political career by being a member of the student wing of the PPP at her college. Interview with the author in Islamabad, August 28, 2017.

[86] Interview with the author in Islamabad, August 22, 2017.

governments, but since the military ruler was at the helm of state affairs, the elected government could not dissolve district governments. In 2008, with the return of a democratically elected government, direct confrontation between the provincial and district governments surfaced. But because the local governments had been given constitutional protection until 2009, the newly elected government endured the local governments with a blatant disregard for people's councils at the grassroots.

However, the political parties that were in opposition under the military dictatorship also had come to recognize that by being participants in local politics, they had maintained their importance in the eyes of their electorates. So, if political parties had devalued local governments, again, it would have only downplayed their political relevance with the people. Hence, even before the local governments were dissolved, some of the locally elected political elite relinquished local politics and competed for seats in the provincial and national assemblies. One of the civil society reports reviewed for this research shows that in the 2008 general elections, some 28 district mayors from the province of Punjab contested the election for the national legislature, and 64 district mayors contested the provincial legislature election (Z. Islam 2014, 80).

The issue of local governments came full circle in 2010 with the passage of the 18th Amendment. The elected government and all the political parties that were part of the SPCCR decided to reserve the issue of local government for the provincial governments to decide on the schedule of their establishment, management, and operations. With the 18th Amendment, provinces were given the authority to reduce the influence and federal control over the 17 ministries that were devolved to the provincial governments; however, there was no such provision within the 18th Amendment that could have made it *mandatory* for the provincial governments to devolve authority down to the district level.

There seemed to be no substantive change in terms of the status of the local governments compared to other times when elected governments had been in power. Article 32 had been in the 1973 Constitution of Pakistan during the 1990s also, but it was invoked only under the military regime in the 1980s, and then the same was invoked in the 2000s. However, the application of institutional rule of local

governments was not seen as a dominant issue that needed to be addressed when the elected governments came to power, although the elected governments were always critiquing the military regimes when the local governments were invoked under the military rule.

In my analysis of the enactment of local governments post Musharraf's military government, I argue that the elected governments formed in 2008 showed a consistent apprehension for local governments. In my interviews with the civil society actors, including academics, staff of non-government organizations, and the bureaucratic and political elite, the respondents contended that the democratically elected government did not invite, engage, and deliberate on the matter of local government with civil society. As one respondent asserted, "The military government of Musharraf relied on civil society because there was a vacuum on the political landscape, since major political parties were severally restricted to partake in planning for a governance system."[87] The elected government in 2008 tolerated the local governments until July 2009, and later it gave authority to the provincial governments to decide the fate of local governments that had been established under the rule of General Musharraf.

Furthermore, the elected government of 2008, within few months (in April 2009), had assigned the SPCCR to devise the 18th Amendment. Thus, by April 20, 2010, the 18th Amendment had been promulgated, granting authority to the provincial governments to devise a local government plan based on provincial needs. Hence, the period from the expiration of local governments in 2009 to the promulgation of the 18th Amendment was short; moreover, this did not demonstrate that the elected government was averse to devolution per se. Rather, the central government led by the PPP and its coalition partners asserted that local government is a subject under the provincial governments; thus, provincial governments would decide the devolution of power from provincial governments to local governments. A question on the future of local governments—whether local government elections should be party-based or not—was an issue to be considered by the provincial governments.

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[87] Dr. Ali Cheema, Professor of Economics at Lahore University of Management Sciences. Interview with the author in Lahore, March 27, 2017

Though the coalition government led by the PPP in 2008 in designing the 18th Amendment agreed to grant local governments recognition in the Constitution, the 18th Amendment had not outlined the election timeframe for provincial governments to establish local governments. Thus, policy pronouncement 29 of the CoD was refuted. In other words, the central government argued that, for reasons of provincial autonomy, the subject of local governments could not be encroached upon by the central government.

In its terms of reference, the SPCCR stated the objective that its purpose was to "propose amendments to the Constitution, keeping in view the 17th Amendment, Charter of Democracy (CoD), and provincial autonomy" (Special Parliamentary Committee on Constitutional Reforms 2010, 5). Nine criteria were identified by the SPCCR, of which three pertained to provincial autonomy, good governance, and strengthening of institutions. The issue of local governments was considered a subject of provincial autonomy for ensuring good governance and strengthening institutions. The SPCCR thus granted governance to local governments, under the purview of provincial governments. SPCCR invited suggestions and recommendations from the general public for repealing the 17th Amendment, from July 29 to August 10, 2009. Also, the SPCCR claimed that it "decided to invite suggestions/proposals and amendments from the public at large through the press with a cut-off date of 1st of August, 2009, which was subsequently extended by the Committee [SPCCR] to 10th August, 2009. The Committee received a total number of 982 recommendations/proposals and amendments through this process" (Special Parliamentary Committee on Constitutional Reforms 2010, 6). However, there is no official documentation of what these 982 recommendations were.

I analyzed the period from June 29, 2009 to August 2009 and show that, though there had been a voice raised by civil society actors in support of local governments, there was no concerted effort by the civil society to directly engage with the state. The voices in favor of local governments were marginal,

and the outcome of civil society's mobilization for local government was ineffective.[88] Petitions were made in favor of local governments, but the elected government at the federal and provincial levels persisted in downplaying the pressure emanating from the public sphere. Therefore, I believe the civil society remained marginal in creating pressure on the elected government to pursue the local governments, which had been established in 2005 under the rule of General Musharraf.[89]

In my analyses of newspaper reports I found that the elected government of the PPP asserted that local governments established under General Musharraf were "illegal and unconstitutional"[90] and that the provincial governments would decide the fate of local governments.[91] The provincial governments instead made the local governments redundant by curtailing their administrative powers and driving them under bureaucratic controls that had been removed during the military rule of General Musharraf. In the populous province of Punjab, the provincial government led by PML-N, despite criticism from political and civil society,[92] appointed bureaucrats to oversee the local government, thus sidelining locally elected officials.[93]

The claim with which I embarked on the research journey was: *State and civil society communicative interexchange led to the democratically elected government to retain the constitutional clause on devolution.* However, as the research progressed, and in analyzing the evidence gathered through documentary analysis and interviews with academics, civil society activists, politicians, and civil

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[88] There were opinion pieces in newspapers in favor of local governments, but these did not deter elected provincial governments from reviewing their policy over local governments. See newspaper reports and op-eds:
"Dent in Democracy," *Dawn*, July 29, 2009.
"Dissolution of Local Bodies: NWFP Nazims Move SC Against Govt's Decision," *Dawn*, July 22, 2009.
"In Defence of LG System," *Dawn*, August 2, 2009.
I. A. Rehman, "Local Government Blues," *Dawn,* July 16, 2009.

[89] See newspaper report: "Gilani's Statement Opposed," *Dawn*, July 11, 2009.

[90] See newspaper report: "Gilani Says Local Govts Illegal, Unconstitutional," *Dawn*, July 11, 2009.

[91] See newspaper reports: "Provinces Will Get Right to Hold Local Bodies Polls: PM," *Dawn*, July 12, 2009.
"New System Prologue to Amendment Repeal," *Dawn*, July 13, 2009.
"Provinces Free to Change LG System," *Dawn*, July 27, 2009.

[92] See newspaper report: "LG Administrators: MPC 'No' to Bureaucrats Nomination," *Dawn*, July 16, 2009.

[93] See newspaper report: "Punjab Proposes 'Sunset Clause' in Local Govt Ordinance," *Dawn*, July 10, 2009.

servants, it became increasingly evident that civil society had a minimal role in exerting pressure on the elected government to retain the clause; rather, it resulted from the sole decision making of the political and civil service elite.[94]

In my evaluation of the case of devolution planning in Pakistan and, in particular, the post-Musharraf era, I had assumed that civil society had played an integral role in creating public discourse on the continuation of devolution and, in this regard, the enduring effect of the LGP. But the astounding fact is that the role of civil society in the case of local governments was minimal in 2008 and beyond. The civil society was not formally engaged by the democratic government to participate in deliberation processes for the continuation and strengthening of local governments in the 18th Amendment. Street protests were mobilized by the local elected political elite,[95] but the central and provincial governments prevailed, deciding the fate of local governments.[96]

Though there had been informal communicative engagement between the representatives of the NGOs and the political elite, there is no official record of such meetings; even the SPCCR, in its official report on the 18th Amendment, does not make any reference to such informal engagements. I, therefore, cannot speculate on such an informal communicative engagement between the political elite and civil society actors.[97] Therefore, based on interviews with civil society actors, I strongly believe that the

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[94] See newspaper reports: "Cabinet Approves Changes to LG Ord," *Dawn*, July 11, 2009.
  "Local Bodies Ordinance Summary Moved," *Dawn*, July 16, 2009.
  "Local Govt System: PML-N 'Agrees' to PPP Proposals," *Dawn*, July 28, 2009.

[95] See newspaper reports: "SUP Criticises Postponement of LB Polls, Census," *Dawn*, July 11, 2009.
  "Dissolution of Local Bodies: NWFP Nazims Move SC Against Govt's Decision," *Dawn*, July 22, 2009.
  "Councillors Warn Against Rolling Back LG System," *Dawn*, July 30, 2009.
  "Local Govts Reject New System," *Dawn*, August 6, 2009.
  "Majority Opposes Scrapping of LG System," *Dawn*, August 9, 2009.
  "SC Moved to Take Up LG Case," *Dawn*, August 11, 2009.

[96] See newspaper reports: "Punjab Aspires to Pre-2001 Power of Magistrates," *Dawn*, July 20, 2009.
  "Local Govt System: NWFP Prefers Zia over Musharraf," *Dawn*, August 13, 2009.

[97] In interviews with academic Dr. Ali Cheema, Mr. Muddasar Rizvi of FAFEN, Mr. Harris Khalique of AWAZ, these three interviewees speculated about civil society activists having informal meetings with the members of SPCCR, but since there was no official documentation available of such engagements, it cannot be said that civil society actors influenced the SPCCR in retaining the clause of local governments from the 17th Amendment into the 18th Amendment.

retention of public discourse on devolution by elected governments is an outcome of a changed political and social landscape of the country. The political society (elite and parties) had learned that steps must be taken in order to recognize local governments so that they must never be utilized by any future military leadership to garner public support. In this regard, the political society did take a substantive step to grant authority to the provincial governments to decide the issue of local government; by doing so, the political society diluted the role of the federal government over the matter of local government.

Concluding Remarks

The story of devolution of power to the grassroots in Pakistan is a complex one. It merited a narrative that locates the problem in a wider evolving political context, with special focus on the recently developed local government plan devised by the military regime.

Devolution plans implemented by the state in Pakistan illustrate a case where institutional design devised to regulate society was deliberated amongst a certain segment of the elite—the *military elite*. The design of decision making devised by the military elite was not inclusive, as the process adopted by them not only superseded the democratic system, but also excluded the inhibitions of political society and critical voices of civil society actors. Not only was legitimacy of institutional measures dubious because it ignored elected democratic institutions (such as political parties), but it also precluded debate and critical examination by civil society. The civil society and state communicative interexchange remains sporadic.

The state under the elected governments always has exhibited the tendency to centralize the state governing apparatus with tight controls on the civil society. Elected governments determine that the legitimacy to rule manifests only through their electoral successes, while state and civil society communicative engagement to develop and/or innovate political institutions of state is secondary to the democratic rule.

On the other hand, the military rule demonstrates that a perpetual hybrid regime is a perfect excuse for the creation of controlled political space in which the military drives the political landscape. Hence, in an attempt to legitimize their military rule, the military governments manipulate the political

institutions and grant minimal access to the civil society to engage with the state in the public sphere. The objective of both elected and military governments is the same: control the political landscape through whatever institutional manipulation is possible.

In this chapter, I have discussed and analyzed how the plan for local governments devised by the military regime of General Pervez Musharraf utilized the local governments to serve the purpose of electing General Musharraf as president of the country. Early in the chapter I discussed *the reason why* the military regime had taken on the task to reform the governance structure in Pakistan. But as the discussion progressed, the role of other key players, such the civil bureaucratic apparatus and the political elite, came to the fore. These were the actors who negotiated with the military regime on the design of the LGP. As it became evident to the bureaucracy and political elite that the local governments were established to serve the military general, enabling him to be elected president for a 5-year term, the bargaining process accelerated the gradual demise of the LGP.

The elected governments that came to power in 2008 and later in 2013 continued their recalcitrance for revitalizing local governments. Local governments, in the eyes and minds of the elected political elite, are an administrative issue for the provincial governments and, therefore, federal government should not intervene in the provincial matters of governance unless asked for policy advice.

But as I have explained, political parties believe that local governments at the grassroots levels *challenge* their electoral success and their authority; hence, they prefer that these local bodies remain inactive, or when activated, continue without any authority. The military regime, on the other hand, sees these local governments as an extension of their influence to bypass the traditional political structure valued by the political parties. Within this cartography of the key actors on the political landscape of Pakistan, the bureaucratic elite are crucial. They also have an interest in guarding their position within the existing power framework, and since the LGP had systematically reduced the civil bureaucracy's traditional influence in society, they were therefore severe critics of the plan. With the return of the democratically elected government in 2008, the bureaucratic elite gained back the prestige they had lost,

while the local governments that had been established because of the LGP's implementation were systematically made redundant.

On the other hand, the civil society actors within this framework observed the changes made to the local governments as mere spectators of the political bargains between the different institutions of the state: the *executive versus the administrative bureaucracy*; *the executive versus the legislative branch*; *and the executive versus the judicial branch.* Civil society actors such the NGOs and the media did not shy away from highlighting the deficits in the pledges made by the military regime and the political elite. The work they did, however, made no substantive difference to the policy design and its implementation of the state. In Pakistan, the civil society and state communicative interexchange in the design of the rules that enable the state to regulate society is contingent upon the state's (military and political governments) willingness to adhere to the principle of inclusiveness in democratic politics.

My initial research question placed greater significance on the role of civil society in informing the state on the design of institution through which the state regulates state and society relations. But as I delved into the case of Pakistan, I encountered serious structural issues that pushed me in the direction of first identifying and understanding the role of key actors in Pakistan. These actors include not only partisan political players but also the state actors, such as the military and bureaucracy.

The role of civil society is marked by the state's temporary inclination to bring civil society's voices to policy-making debates. However, the state in Pakistan has been obstinate in bringing civil society's perspectives into institutional design. Traditionally, the actors having a strong presence and influence on the institutional design have been political parties and the political, bureaucratic, and military elite. Of all these actors, the military has had the greatest influence in transforming the political institutions to serve their interest in controlling administrative, legislative, and executive power. The role of civil society as an actor in informing the design of political institutions remains an improbable idealistic construct.

CHAPTER 6

CONCLUSION

"The New Constitution"

In a short story by Saadat Hassan Manto,[1] "The New Law," the main character, Ustad Mangu,

believed that the "New Law" promulgated by the British gave extraordinary powers to the Indians to

question their British rulers if they mistreated them. "The New Law" refers to the Government of India

Act of 1935 that supposedly gave considerable autonomy to the colonialists to decide on matters of

governance.[2] In his newfound excitement with the New Law, Ustad Mangu decided that the time had

come to confront the British Raj.

The following short excerpt from the story emphasizes that Ustad Mangu's excitement and

confidence with the New Law was unfounded; the change to an institutional structure did not transform

the mindset of the colonial British. The custodians of the British Raj, the English colonials also known as

the *gora*[3] in Manto's story, reprimanded Ustad Mangu and reminded him that it was the *gora* who ruled

over society, and that any change in the law that supposedly empowered people like Ustad Mangu was a

figment of his imagination. Manto's story lays out the confrontation between the protagonist Ustad

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[1] Saadat Hassan Manto (1912-1955), born in British India, is regarded as Urdu language's most prolific short story writer. His stories narrate the life experiences of ordinary citizens affected by social, economic, and political challenges. The stories he has authored focus on issues of people's daily lives and their attempt to reconcile with such issues.

"The New Constitution" narrates the story of an ordinary citizen named Ustad Mangu, who earns a livelihood by driving people with his horse buggy, otherwise known as a *tonga* on the Indian subcontinent. Though Ustad Mangu does not have a formal education nor has he attended school, he is a man of great knowledge and insight, learned from many of his customers who have ridden on his *tonga.*

One day when he was taking passengers from the railway station, he heard that the British rulers in India were introducing a "New Law," which would give extraordinary self-government powers to Indian subjects. Ustad Mangu is excited to hear about this New Law, for he has an extreme dislike for the British. The British who have been his customers have always mistreated him, and Ustad Mangu loathes their heavy handedness.

[2] For more on Government of India Act of 1935 please see chapters 2 and 3.

[3] Literal translation of *gora* is "white man."

Mangu and his *gora* nemesis. The police personnel (enforcers of the colonial law) also facilitate the

gora's forcing Ustad Mangu into submission.

> With his swagger stick, he [gora] motioned Ustad Mangu to get down. The polished cane touched Ustad Mangu's thigh two or three times. Ustad Mangu, standing up, looked down at the short-statured gora as if the sheer weight of a single glance would grind him down. Then his fist rose like an arrow leaving a bow and landed heavily on the goras's chin. He pushed the man aside, got down from his tonga and began to hit him all over his body.

> The astonished gora made several efforts to save himself from the heavy blows raining down on him, but when he notices that his assailant was in a rage bordering on madness and flames were shooting forth from his eyes, he began to scream. He was thrashing the gora to his heart's content while shouting, "The same cockiness even on 1 April! Well, sonny boy, it is our Raj now."

> A crowd gathered. Two policemen appeared from somewhere and with great difficulty managed to rescue the Englishman. There stood Ustad Mangu, one policeman to his left and one to his right, his broad chest heaving because he was breathless. Foaming at the mouth, with his smiling eyes he was looking at the astonished crowd and saying in a breathless voice, "Those days are gone, friends, when they ruled the roost. There is a new constitution now, fellows, a new constitution."

> The poor gora, with his disfigured face, was looking foolishly, sometimes at Ustad Mangu, other times at the crowd.

> Ustad Mangu was taken by police constables to the station.

> All along the way, and even inside the station, he kept screaming, "New constitution, new constitution!" but nobody paid any attention to him.

> "New constitution, new constitution! What rubbish are you talking? It's the same old constitution."

> And he was locked up. (201-02)[4]

My objective in citing Manto's story is to show that there are striking parallels between what is

illustrated in the story and in contemporary politics of Pakistan. In my view, the citizenry and the civil

society are the Ustad Mangus of the contemporary period, while the *gora* and two sentries are the

military, political society, and bureaucracy, respectively. Moreover, the literal translation of the name of

the protagonist is a critical observation by Manto. Because the word *Ustad* in the Urdu language is an

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[4] Translated by Khalid Hassan. See "The New Constitution" in Saadat Hassan Manto, *Kingdom's End: Selected Stories* (Penguin Global, 2008)*, 190-202.

adjective and a title, its literal translation in English is a mentor or teacher.[5] *Mangu* is the shorter version of a proper noun; it even can be described as a term of endearment; *Mangu,* however, cannot be a proper noun. The etymology of *Mangu* is derived from the Urdu word *Manng,* which literally translates as "demand." I am assuming that Manto imagined Ustad Mangu to be *the people* that the British Raj had colonized; yet Manto also does acknowledge, through the symbolism of the Urdu language, that *the people* demanded political empowerment from the colonial state. In my opinion the story's symbolism echoes the tumultuous political course of Pakistan.

Through this writing, I encountered numerous difficulties in understanding the Pakistani state, which consistently defies being pinned down, as it forever fluctuates between moments of order and disorder, equilibrium and disequilibrium. Through a writing strategy that is as fluid as the state itself, I investigate the actors that have come to define the governing structure of the state. I cannot claim that I have been able to pin down the state, but what I have been able to do in this research is to show that the complexity of the regime type undermines the proposition of communicative interexchange between the state and the society.

In the beginning, while searching for evidence of the communicative interexchange between the state and the civil society, I believed that the devolution planning undertaken during the military rule of General Musharraf had paved the way for civil society to engage with the state. I had assumed that the military rule had created an enabling environment for the political and civil society to engage with the military elite in the designing of institutions.

My singular focus was on finding evidence of communicative interexchange. As a consequence, I overlooked the fact that the case I was studying was not a democratic regime, but rather a regime type that is neither democratic nor authoritarian. Thus, I have found that my hypothesis—state and civil society communicative interexchange is imperative for the sustainability of the laws devised by state—is refuted.

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[5] *Ustad* is used for man, while the adjective and title for woman is *Ustani*.

The study of regime type thus became the central focus of my study in order to understand the communicative interexchange between state and civil society.

I therefore had to first reorient myself with the reality of the regime type in Pakistan, focusing on the intervention of the military in politics. Secondly, I had to investigate political society and, within it, the political parties and role of the political elite in particular. Thirdly, the role of civil society was studied in contrast to the role of political society. Hence, the actors investigated in this research were the military-bureaucratic elite, the political elite, and the civil society actors, such as the print media and nongovernmental organizations.

I began this research with the claim that the state-civil society communicative interexchange enables the state to devise the laws through which it regulates the society. Furthermore, I had argued that the laws are sustainable only when the laws devised are the result of public deliberation in the public sphere between the state and the civil society. But as I ventured further into the research, it became evident to me that, in a regime that is not democratic, the laws are not the consequence of state-civil society engagement. Instead, the laws are devised by the ruling elite (which included, in the case of Pakistan, the military, political, and bureaucratic elite) to strengthen their control over the political landscape in order to sustain their rule.

I, as a researcher and a citizen of Pakistan, witnessed through the course of this dissertation research that there is deep entrenchment of authoritarianism rooted in Pakistan's political landscape. Authoritarianism has always been a constant feature of nominally democratic institutions established by the ruling elite. For example, though democratic institutions such as frequently held elections and the pliant elected legislature were considered the epitome of democracy, measures to strengthen state and society engagement were always ignored by the ruling elite. In essence, the ruling elite conserved the authoritarianism of the state. The result was that political rule oscillated between periods of rule under elected leadership and military-bureaucratic oligarchy.

The political rule that oscillated between elected governments and the military's authoritarian rule constrained democratic institutions but did not strengthen them. Undoubtedly, political institutions did operate, but under severe restrictions, as in the advent of political competition during elections and the mobilization of political parties, and when permission was granted by the state to civil society actors such as the print media to experience press freedom; in a similar manner, the state also allowed nongovernment organizations to assist and augment state-devised development programs for the citizenry.

The measures adopted by the ruling elite, however, masked the deep-rooted authoritarianism. The political institutions were indeed enacted, and the political rights and civil liberties were certainly granted, but under constraints. However, the institutions were manipulated to make authoritarianism permanent, thus disabling democracy from being established as a secured political system. I have now come to realize that the military rulers, the bureaucratic elite, and the elected leaders have been engaged in establishing a seemingly perpetual hybrid regime.

The political institutions devised under the various military rulers and elected leaders rarely empowered the ordinary citizen. The citizenry did indeed experience the rule of military dictator(s) and elected leader(s), but the experience was lacking in democratic empowerment. There were momentary upsurges of activism—e.g., the coming together of political parties in 2006, and the signing of the Charter of Democracy (CoD) and lawyers' movement of 2007, but such activism lacked the vigor to dislodge the base of the hybrid political regime. My argument is that the institutional measures undertaken by the authoritarian regime morphed into a perpetual hybrid regime, thus having minimal effect on the political landscape. Under the institutional rules of the authoritarian regime, there were a few episodes of momentary activism—and the same was witnessed under the hybrid regime—but such momentary activism was episodic.

My research delved into a particular policy designed by military rulers through which they strengthened their rule over society: devolution plans. The military elite successively initiated three distinctive versions of devolution. Since these plans were designed and implemented by the military

regimes, they therefore lacked electoral legitimacy and accountability. I realized, much like the character of Ustad Mangu, I had wrongly imagined that the laws devised by the state of Pakistan were for the empowerment of the citizenry.

During the course of this research, I was reminded by academics, activists from NGOs, political elites, and members of the state's bureaucracy that devolution planning initiated by the state has been devoid of state and civil society communicative engagement. It seems the Ustad Mangu (the citizen) in me was oblivious to the fact that institutions of the state are devised by the ruling elite to enable the rulers to have control of the citizenry, rather than to empower them to hold the rulers accountable. Moreover, I had seemed to ignore the fact that when the base of a political system is founded on solidly persistent authoritarian grounds, the institutional design on the surface remains precarious.

In my interviews, I was told to reacquaint myself with the empirical reality that is Pakistan's unfortunate history of political institutions. The historical account of formal institutional design, investigated in chapters 3 and 4, showcases the country's repeated swings from civilian to military rule. During these repeated transitions, there were infrequent episodes of state engagement with society over design of institutions, but such engagement was the prerogative of the state. It was the state that would, if it desired, engage with society. It seems to me that, for the ruling elite, society is a mere mass to rule over and not an entity to dialogue with. The ruling elite of the state, the military-bureaucratic oligarchy and the elected rulers, rarely respected communicative engagement with society.

Moreover, in these transitional swings, a predictable governance pattern emerges: the army takes over every decade or so, welcomed by Pakistan's fractious civil society and political parties because of the underperformance of civilian governments. The military elite rule over the society for a decade. However, political society eventually becomes tired of military rule and joins forces with the civil society to temporarily push for the restoration of civilian rule. While the transition happens, the new civilian government starts to aggrandize its personal rule.

The political leadership detaches itself from the manipulated political institutions that were enacted by the military-bureaucratic oligarchy. But the political elite lack the astuteness to devise institutional measures that will strengthen political institutions. There is this lack of intuitive sharpness on the part of political society to forge democratic alliances for the benefit of the polity. Furthermore, elected leadership starts to distance itself from civil society while undercutting the political institutions. The result, therefore, is perpetual adulation for the past military rules. Hence, the authoritarian principles enacted by the military-bureaucratic oligarchy find perpetual resonance, even in electoral democracy. The elected leadership, in its complacency, perpetuates the hybrid regime, and this then leads to society's disenchantment with the civilian government.

The military intervenes and is welcomed by society, thus relegating the political society to the sidelines once again. Once it takes over, the military devises institutional measures to revitalize its direct control of the political and societal landscape. Since the military-bureaucratic oligarchy has a need for politicians, the military regime with the subservient bureaucracy coalesce the factitious political society into submission. The political elite does not resist the military's encroachment; the selectorate, whom I define as the willing subset of political elite, become the collaborators by allowing themselves to be co-opted by the dominant military. The selectorate are therefore elected to the legislative assemblies (national, provincial, district) to give a perception of representative governance and to support the constitutional changes made by the military regime.

Argument in This Dissertation

At the beginning of this dissertation, my argument was that state and civil society communicative interexchange enables the state to devise institutional measures through which it can regulate society. But in the course of the field research for this study, I came to realize, through the evidence collected from interviews and research material, that civil society in Pakistan has been a convenient tool for the authoritarian state to achieve its policy objectives. Furthermore, the research material I collected from various sources in the print media, scholarship on Pakistan, and the military's publications highlights the

fact that the political society did make itself available to serve the military in their efforts to usurp political power.

My attention to the theoretical focus on state and civil society was soon eclipsed by the reality of political experience of the regime type. I soon realized that, for the theory of deliberative democracy, the regime type is not the primary issue of concern. Deliberative democrats assert that the ruling elite in any regime type—authoritarian or democratic—can devise micro-initiatives between the state and the citizenry to plan for policies that engage the state with the wider public. The works by deliberative democrats Goodin and Dryzek (2006), Dryzek (2009), Dryzek and Niemeyer (2012), Fung and Wright (2003), Fung (2006), Parkinson (2007), Warren (2009), and Mackenzie and Warren (2013) were persuasive texts that argued for making deliberative democracy a reality in the contemporary world. Works by Dryzek (2009) and Dryzek and Niemeyer (2012) argued that even authoritarian regimes such as China have brought state policies closer to society by engaging in communicative interchange with the citizenry.

Hence, these deliberative democrats, Dryzek (2009) and Dryzek and Niemeyer (2012), argued that the theory of deliberative democracy transcends the challenge of regime type. However, I do not believe that such micro-engagements between an authoritarian state and the citizenry can have a lasting effect on democratizing the authoritarian political regime. My research in Pakistan's devolution planning shows that an authoritarian state might engage with civil society to help the citizenry feel empowered, but, in essence, such measures by the authoritarian state are just other means to strengthen its outreach in the society. Dryzek; Dryzek and Niemeyer do not investigate the authoritarian state's engagement with the citizenry as a result of the voices coming from the society, but rather they focus on the authoritarian state's own desire to engage with the citizenry.

The prerogative of the state to engage with society does not translate into democratizing the authoritarian state; rather, it indicates that authoritarian states are ever willing to manipulate institutions to perpetuate authoritarianism. Furthermore, the studies by Dryzek (2009) and Dryzek and Niemeyer (2012)

do not tell us what becomes of the voices that oppose the authoritarian state. Are these voices heard or ignored? It seems to me that these studies assume that since the authoritarian state is open to engagement with society, it therefore signals the march of the authoritarian state toward democratization.

However, in my analysis of the case of Pakistan, I show that in a state where political institutions are manipulated by the ruling elite, the resultant laws are never sustainable. The ruling elite, in giving a semblance of communicative engagement with society, manipulate political institutions to further entrench authoritarianism. There is no substantive advance toward democratization; instead, the citizenry is deceived by the ruling elite. In other words, authoritarianism persists and communicative engagement withers away.

As I researched planning for devolution to look for an answer as to how state and civil society communicative interexchange enables the state to devise sustainable institutional measures, I endeavored to evaluate the case of devolution planning in Pakistan through the engagement of the state with civil society.

This dissertation looked into the three distinctive military dictatorships. It highlights that, under dictatorial rule, the regime incumbents established a system of governance that thrived on institutional manipulation that has had a lasting effect on the resulting elected regimes. The political parties belonging to the political society, the print media, and the nongovernmental organizations (NGOs) representing the civil society were affected by the military's intervention and institutional manipulation. The elected governments often did not challenge but rather cooperated with the military and bureaucratic complex; thus, as a result, elected governments could never break away from the authoritarian legacy.

Scholars have argued that autocrats institutionalize their rule to sustain their political survival (Geddes 1999, 2005; Gandhi 2008). Their political survival is enhanced by the benefits that carefully managed elections and legislatures may be able to provide (Gandhi 2008; Lust 2009). Hence, the adoption of nominally democratic institutions is the rational choice made by self–interested dictators seeking to co-opt challengers and counterbalance the power of political and civil society actors. In order to maintain,

strengthen, and secure political survival, regime incumbents exploit political parties and legislatures for their added efficiencies in the distribution of patronage to regime sympathizers.

In his discussion on the "institutional creature(s)" that are devised by the autocrats, Schedler (2010) contended that the institutions of local governments are also manipulated by authoritarian rulers to create pliable political support for the autocrat. Decentralization, therefore, is such an institutional creature, where dictators share power with local elites in the interest of efficient and effective governance, which arguably benefits their political survival. Thus, dictators share power with local elites in exchange for their political support.

The local elites possess in-depth knowledge, maintain personal connections, and even bear moral legitimacy at local levels to stabilize social orders. The local elites are identified as those local people who (1) have the background of strong familial influence in the region, (2) are local bureaucrats, and/or (3) are the local faction leaders. To qualify as local elites, they have to maintain a strong bond with local people. In other words, a sufficiently long period of stay in the region is required. The longer local elites stay in sub-national levels, the more likely they are to accumulate information about local governance and build up relationships with local people. The presence of this local-level elite thus provides an interface with the dictator (Schedler 2010).

I have argued that in Pakistan the military dictators have a time-tested policy tool of decentralizing and devolving power to the grassroots, a tool that permits them to concede only a small portion of decision-making authority to the lower levels of the state's hierarchy. With the installing of the local governments, the military dictators were able to reach out to the citizenry. However, this reaching out of the military regime to the public was further strengthened by the pliable local political elite that provided to the military regime the access to the society. But these measures were preemptive. Schedler (2010) argued that in hybrid regimes, such measures are enacted only to counter "local challenges"; thus, by revising the local government, central authorities "minimize the odds that [they] will lose control over local elites" (75).

The military's intervening in local politics gave an impression to the civil society that its plans for devolution were designed to grant more space to the citizens in the local politics and development. The claim made by the military was that by empowering citizens to effect change in their communities, the citizens can make local elites accountable. But in reality, these plans devised by the dictators strengthened their rule, even though the regime insisted that these measures were meant to empower the citizenry.

I realized that the military government(s) utilized devolution to enhance their legitimacy; they were keen on devolution in the name of "real" democracy when, in reality, all other formal political institutions are abrogated. However, in this moment of realization, I was faced with the question as to why civilian government(s) never exhibited any serious resistance to such a policy of devolution—aside from the discontinuation of such plans when in power. On the surface, it is self-explanatory that civilian governments reject the military rulers' claims to legitimize their rule through the structural façade of devolution. But why would civilian governments themselves not have sought democratic penetration in the society by similar means? In other words, during the military rule, the state's push for empowering local government is very visible, but during democratically elected civilian rule, the local governments are stagnant.

The answer, I believe, lies in ruling elites' reluctance to effect a democratic design of political institutions. The ruling elite, comprised of the bureaucratic, political, and military, successively devised institutions by reducing the burgeoning civil society to a mere service tool to be invoked as and when the state requires. The nascent civil society witnessed the designing of political institutions as bystanders, mere conduits of the state's unilateral institutional designs.

Pakistan's Experience of Devolution Planning

I had assumed that there was communicative interexchange between the state and the civil society when the devolution plans were devised by the state. But as I progressed into the research, my hypothesis that state and civil society communicative interexchange informs the laws of state encountered the challenge of the political regime type in Pakistan. I then had to explain *what* role does the political regime

type play in the design of political institutions? Without first understanding the political regime type, and identifying the actors of the political regime and their role in structuring the political institutions, my inquiry into the communicative interexchange between the state and civil society would have been incomplete.

This dissertation has made an effort to investigate, evaluate, and understand the following:

- Why did military dictatorships engage in redesigning local government institutions?

- What has been the role of communicative interexchange between the state and civil society in designing state institutions?

- In designing institutions, what actors from the political and civil society were coerced, co-opted, and manipulated by the military dictatorships?

- What lasting effect did the military's devised institutions have on the political landscape?

- What explains the continued endurance of devolution planning in Pakistan's hybrid regime?

One answer, I believe, lies in the hybridity of the political regime: in Pakistan there is a continual tussle for control of political power by the military-bureaucratic oligarchy and political parties. Another answer is the ineffectiveness of the civil society to encourage critical resistance against the joint forces of the military-bureaucratic oligarchy and political parties. These two groups of ruling elites have devised the laws of the state, thus enabling the state to regulate society.

Amongst the ruling elites, the military-bureaucracy oligarchy was dominant; by drawing on the inability of the political elite to design effective political institutions, the military encroached upon the political landscape. The result was the emergence of a political regime which was hybrid regime in which institutions devised by the military-bureaucratic oligarchy remained in effect. The political elite not only provided political legitimacy to the dominant military and bureaucratic elites to rule over the political landscape, but they were willing contributors to the military and bureaucratic oligarchy.

The military dictatorships have shown ambivalent regard for the democratic institutions to benefit their military rule. At the same time, the elected governments never did strengthen the democratic

institutions to challenge the military's intervention in the political landscape. The extent of authoritarianism, as I have shown in this dissertation, is exhibited by the military and political elite in their opportunistic use of democratic principles.

To say that the military, bureaucracy, and political parties are embroiled in a continual tug of war to craft permanent shares of political power in the Pakistani hybrid regime ignores the work of civil society. However, there is no denying that the role of civil society in hybrid regimes is often curtailed by the rulers, curbing citizens' political and civil freedoms. Undoubtedly, as is shown in this dissertation, civil society actors such as the print media and nongovernmental organizations have all been greatly coerced and influenced by the ruling elite to amplify the state's narrative. The ruling elite, including the military and political leadership, enacted institutional measures such as the devolution plans to successively influence the civil society. But the civil society did show some resistance in challenging the dictatorial measures (e.g., the lawyers' movement of 2007 against General Musharraf); however, as I have been arguing, such incidents were momentary and episodic. The fact is, the civil society served the governing interest of the military-bureaucratic oligarchy. For example, as shown in this dissertation, by designing the devolution governance laws, the military elite not only co-opted the political society but also paved the way for the civil society to engage with the citizenry at the grassroots.

This institutional measure enabled the military's enacted hybrid regime to devolve its control over political power beyond the hold of the traditional macro-institutions of representative democracy, such as the legislature and the executive. The nodes of political decision making are expanded to include not only the traditional institutions of the federal state, but also those institutions at the lowest rung of the governance chain. These institutions include the district governments, the focus of the institutional design of devolution of power. The military governments were legitimized by the establishment of the district governments and the farcical claims to empowerment of the masses. The bureaucracy strengthened its control over the local administrative governance units by virtue of its specialized knowledge of rules of governance. The selectorate, on the other hand, benefitted from their willing partnership with the military-

bureaucratic oligarchy to secure their political careers and strengthen their control over their electoral constituencies. This engagement between the military, bureaucracy, and political elite has led to the design of institutional rules favoring traditional institutions of power over any innovative measures that genuinely devolved political power to local or grassroots levels.

Ultimately, the military, bureaucracy, and political elite successively undermined the autonomy of the district governments. In chapter 5, I showed that the way the elected government, led by PML-Q under the regime of General Musharraf, made amendments to the LGP fundamentally redefined the dynamic and the revolutionary elements of the LGP. Instead of expanding the political participation of citizens in the local district governments, the military and selectorate successfully used these reforms to encroach upon the local political landscape.

Military Regimes and Devolution Planning

The Pakistani military dictators (Generals Ayub Khan, Zia-ul-Haq, Pervez Musharraf) all effected military coups, held presidential referenda to substantively change the parliamentary form of government, influenced the judiciary to get legal concession for the military rule, and formed a particular group of their advocates among the political elite. Of all of these measures, the revival of local governments has been the most persistent and consistent strategy employed by military juntas to legitimize their removal of elected governments.

Their authoritarian style of governance permeated the society not only by the force of coercive apparatus (in the Weberian sense) but also through the hegemonic influence of discursive engagement (in the Gramscian sense). In the initiation of discourses, the coercive apparatus of the state generated such discourse in the public sphere that overpowered any counter-hegemonic narratives in the society. For example, military-generated terms such as "true democracy," "guided democracy," and "grassroots democracy" found a permanent place in the public's imagination when military dictatorships took control of the political landscape.

Scholars argue that under authoritarian rule, such measures for generating a pro-regime discourse are a prerequisite for the regime's survival: "[A]uthoritarian states expend considerable resources to maintain hegemonic discourse that both legitimizes the existing regime and also renders political alternatives politically and discursively impossible. Maintaining these legitimacy discourses involves . . . consistent policing of actors—including civil society—who may influence this process" (Lewis 2013, 333). For example, each military dictator, after taking control over the state's apparatus, emphasized that the political elite's incompetent rule and their machinations to strengthen their own personalist rule over the state was the foremost reason the military had to intervene. This therefore suggests "authoritarian legitimation (like all political legitimation) relies heavily on hegemonic strategies of presenting existing political order as natural and uncontroversial" (March 2003, 210).

Thus, "hegemony is achieved through discourses that do important ideological work: they circulate in society, in both official language and in daily informal intercourse and in so doing contribute to the everyday maintenance of regime legitimacy" (Lewis 2013, 334). General Ayub legitimized his rule by imagining the Pakistani population as politically immature and gullible because of the ineptitude of political society amidst the communist threat from the USSR. General Zia legitimized his action against the elected government as an effort to save the country and to reform its laws according to Islamic laws amidst the Afghan Jihad against the USSR invasion of neighboring Afghanistan. General Musharraf followed the lead of General Ayub and launched his military rule to oust the elected government, claiming that the political society had failed on the issue of "good governance." General Musharraf perpetuated the military rule amidst the ongoing Global War on Terror; he believed that in order to tutor society on "good governance," enlightened mediation with the civil society ought to be initiated by the military regime.

Thus, under the military dictator, discursive hegemony allowed the leader to associate his regime with stability, order, security, and modernization, suggesting that authoritarian rule is the morally correct order for Pakistan because of the inept political society and dysfunctional political institutions. Against

such a backdrop, civil society actors faced a considerable task. The repressive regime had not only purged the counter-discourses that challenged the regime's legitimation efforts, but the political society was also unable to challenge the dictator's discursive hegemony. Chapter 3 of this dissertation investigated the role of the passive political society and the nascent civil society vis-à-vis the volatile political regime in Pakistan.

The three military rulers were different from each other only in their personal styles of governance. For example, General Ayub was keen on the modernization of the Pakistan in terms of industrialization and mega development in the country; for him the military's devised modernization of the political system was crucial. In contrast, General Zia saw religious vigor as the route to the country's Islamization and made the military the custodian of order of this kind. General Musharraf believed in the modernization of Pakistan's society but also accepted that other actors in the society might play a role in bringing about political stability. Another very critical pattern that emerges in the Pakistani polity is that regional and international political crises always give the military-bureaucratic oligarchy in Pakistan a new lease on life: the red scare during the rule of General Ayub, the Afghan Jihad under General Zia, and the Global War on Terror in the time of General Musharraf.

However, in each of these three periods of military rule, each military dictator never could distance himself from the appeal of democracy as system of governance. I argue that under each of these military dictatorships, authoritarianism was partially concealed by the manipulation of democratic political institutions. The military dictators had not completely eradicated political institutions such as elections, political parties, legislature, etc. The military, by manipulating the political institutions, in fact carved out a permanent role for itself to direct political processes. What is more, the elected governments that ruled the polity in the aftermath of the military dictatorships lacked the vigor to strengthen political institutions in order to overcome institutional manipulation devised by the previous military government(s). One of my interviewees, a leading veteran journalist, contended that the political elite had

not learned about the institutional design of democratic political institutions, whereas the military elite

encouraged debates on the design of political institutions as part of the military's training.[6]

The military dictators never did believe in being subservient to political rule. The military

generals co-opted the political elite to be the military governments' electoral façade. The blatant

authoritarianism under Generals Ayub and Zia curtailed the political and civil liberties of the people; the

political society was curtailed and the civil society was severely censored. During the rule of

authoritarianism, the political society also did not consistently resist the military in its encroachment on

the political landscape. Instead, the new recruits to the selectorate continuously sought to retain the ability

to use the military for their own political gains when needed.

The military encroachment upon the political landscape was also enabled by the political

society's inability to prevent democratic backsliding. In fact, political parties and political elites have

themselves indulged in autocratic governance, damaging democratic norms. The political society, as in

the case of Pakistan, remained inept and passive to the military's engagement in politics and, in fact,

became the collaborators of the military and bureaucratic complex to perpetuate a mixed system of

political governance: the hybrid regime. Hence, under the military rule of General Musharraf, the political

regime was shaped into a political system that had been transformed into a hybrid regime with a lasting

imprint of the authoritarianism of the past. However, under General Musharraf's rule, as I have shown in

the dissertation, the liberalization policies of his government activated the dormant civil society to engage

with the state.

Political Society: Willing Cooperators with Military Dictatorships

In their recent book titled *How Democracies Die,* Steven Levitsky and Daniel Ziblatt (2018)

claim that democracies can die from two causes: either through military coups or because of inept elected

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[6] Mr. I. A. Rehman, a veteran journalist and leading human rights activist in Pakistan. Currently, he heads the Secretariat of the Human Rights Commission of Pakistan (HRCP) in Lahore. Mr. Rehman is the founding member of HRCP, which was formed in 1986 against the military rule of General Zia-ul-Haq. The HRCP publishes annual reports titled "State of Human Rights" and is a leading member of the civil society in Pakistan. Interview with the author in Lahore, August 2, 2017.

leadership. These authors believe, "[D]emocracies may die at the hands not of generals but of elected leaders—presidents or prime ministers who subvert the very process that brought them to power" (3).

The authors of the book believe that a political society that shows resolute ability to engage in communicative engagement with the public can overcome the autocratic advance of the undemocratic forces. Political society helps to foster democratic norms, but if political society is incompetent in forging democratic principles of engagement, dialogue and participation in political discourse, the result is political chaos. Levitsky and Ziblatt (2018) argue, "Political parties are democracy's gatekeepers" only if they are committed to the norms of democracy (20). But when the political parties are inept, they succumb to the authoritarian advance. Or, as I have shown in this research, it can even be argued that political society can become collaborators with authoritarianism.

In Pakistan, sadly, it is the ineptness of the parties that has paved the way for military hegemony and downplayed parliamentary supremacy. The political parties and the selectorate, as shown in chapter 3, for the sake of their political significance in the polity, were compelled to cooperate with the military regimes. The selectorate, in order to secure their relevance in local constituencies, remained actively engaged in electoral politics under the military regime; the result was that the political elite never did resist military intervention in order to strengthen democratic principles. The selectorate relied on and facilitated the military and bureaucratic oligarchy to take over the political system. The first of my hypotheses stated: *In a political system that emerges from authoritarian rule, the institutional arrangement devised by the ruling elite perpetuates an authoritarian footprint.* My research into Pakistan's political system confirms that this certainly has been the case.

For the political elite, the perpetual authoritarian rule enacted by the military and bureaucratic oligarchy meant the political elite absolved themselves of the task of designing political institutions; the political elite were dependent on the military and bureaucratic oligarchy and rarely challenged its hegemony. When the political society did oppose the hegemony of the military and bureaucratic oligarchy, the consequences were dire for the political elite. The decade of the 1990s exhibited the

ineptness of the political parties and their ineffectiveness to transcend their differences to challenge the hegemony of the military and bureaucratic oligarchy. The political society lacked a unifying voice against the encroachment of military intervention on the political landscape. The internal differences of the political society paved an interventionist path for the military.

As shown in this dissertation, the military's advancement in politics continued because of the political society's complacency and incompetency. My discussion of the selectorate indicates that the political elite were compelled to become cooperators with the military elite. Those who did not cooperate experienced a failed or stalled political career during the period of military rule. The political elite that comprised the selectorate were basically what I call the *constituency-level politicians*. The selectorate is a subset of the political society with a fluid political loyalty. These are the political elites who are most interested in keeping themselves electorally relevant in their respective constituencies, and thus in order to remain relevant, these politicians allow themselves to be co-opted by the military elite.

To draw a parallel with Manto's story, "The New Constitution," I believe the political elite is like one of the sentries (the other sentry being the bureaucratic elite) that facilitated the *goras'* (i.e., the military rulers) control over society. Also, it can be argued that the political society wanted to take up the role of the *gora,* but due to the military's frequent use of coercive power, it has been reduced to the role of the sentry. The political elite who might have protected society against authoritarianism were, in fact, controlled by the military and bureaucratic oligarchy.

As a result, the political culture that developed in Pakistan is most focused on local political issues primarily concerned with constituency politics and not the establishment of a democratic regime or strengthening political institutions. The political parties and the political elite have primarily focused their energies on conserving their electoral relevance on the level of constituency politics. For the political society, the recurrent military intervention is not a matter of concern as long as the political society's engagement in constituency politics is not challenged. But if the secured electoral position of political society is threatened by the military's devised institutional design, the political society endeavors to

prevent such institutions from taking root. The analysis of decentralization reforms in chapter 5 reinforces this observation.

The political elite brought on the political landscape by the military regime were the constituency-level politicians, or those whom I have defined as the selectorate. These politicians define the culture of political society in Pakistan. I believe the pliable political society and, within it, the constituency-level politicians that explain the presence of the military-bureaucracy oligarchy at the macro level of politics and its control of the executive branch, legislature, and law enforcement. For the constituency-level politicians, the establishing of political institutions that check the encroachment of the military and bureaucratic complex has been of minimal concern to the political elite. The constituency-focused selectorate derived their support from strong clientele relationships in their constituencies and are therefore not affected by who is in control of macro institutions of politics. The presence of these constituency-focused political elite, therefore, made them a perfect candidate for co-optation by the military governments, as they are easy to identify and bring a reservoir of political support to the dictator.

My analysis of decentralization reforms revealed that the political society participated in their implementation only to safeguard its interest in remaining electorally relevant at the level of constituency politics. However, remaining relevant at the constituency level meant that the selectorate was seen as the beneficiary of the military benefactor. Moreover, this meant that that political society was amenable to arbitrary rule by the dictator. But a political regime established on artificial, opportunistic alliances is unlikely to sustain itself. As I have argued, Pakistan's political history is marked by intermittent electoral rule and frequent military takeovers; thus, in such a political regime that continues to shift between authoritarianism and electoral democracy, the political actors make strategic choices to safeguard their political careers for example the conduct of selectorate.

For example, in time of direct military rule, the military regimes were aware that their control of political power would remain temporary unless the political elite were co-opted. In my analyses, I show that the military rulers understood that their rule could be endured by society only through those political

elite whom the military regime would bring on the political landscape. The role of the political elite co-opted by the military rulers was to mediate between citizens and the military's enacted hybrid regime. The selectorate, carved out of the political elite, was aware that the military rule would be sustained only if alliances were fostered between the two. Hence, for the advancement of the selectorate's own political career and sustainment of a regime led by military, the military and selectorate found decentralization reforms expedient for the survival of their partnership.

Civil Society: Nascent Existence, Weak Activism

In the vast literature on the state-civil society from the field of comparative politics, and the conception of civil society in the field of political theory, there is general consensus that civil society is an individualistic, exclusive, voluntary realm of citizens. On the other hand, the state is seen as the conglomerate of a bureaucratic network of specialized institutions that devise policies and laws so as to regulate the society at large (Lawson 1993; Young 1999; Habermas 2006).

Much as the modern state complex is composed of specialized institutions, civil society also is composed of a multitude of actors. The media; interest groups such as trade unions and citizen clubs; specialized voluntary associations such as religious groups, neighborhood committees, and non-governmental organizations, etc., are all distinctive examples of such civil society actors. This multitude of actors gives organized expression to the disparate voices and the distinctive interests professed by citizens in the society. Other than the media, scholars have argued that non-governmental organizations (NGOs) stand out as the most recognized entity belonging to the realm of civil society. In recent scholarship on the deliberative theory of democracy, political theorists such as Habermas (2006), Dryzek (2010), Chambers (2002), and Young (1999, 2002) have argued that NGOs are a recognized civil society actor. Comparative politics scholars also contend that in the scholarship on civil society NGOs have found their permanence (Ndegwa 1996; Yudice 1998; Keane 1998; Keck and Sikkink 1998; Lang 2013; Edwards 2014) .

Assuming an autonomous civil society according to the theoretical perspective of the deliberative model of democracy, I proceeded to study the relationship of civil society under authoritarianism. The case of Pakistan presented not only definitional challenges but also practical difficulties. First, the definitional challenge: how to proceed with the theoretical analysis when it is exceedingly difficult to assume that Pakistan had been a democratic state throughout its years as an independent, sovereign state. Since 1947, the Pakistani state has alternated between military control and civilian control at least four different times. At each transition, from military to democratic government, the civilian leadership achieved no substantive advance toward the consolidation of democracy. In short, the case of Pakistan's governance system exemplifies a hybrid regime (Adeney 2017).

Second, the practical difficulties: I realized that while conducting interviews with civil society activists, retired and serving state officials, and academics, these groups viewed the state-civil society relations as another means by which the political regimes create the false impression that an autonomous civil society exists. The interviewees asserted that no such entity in Pakistan has an independent status vis-à-vis the state. They have reminded me that critical voices raised against the military and/or elected governments have never had any effect on changing the regime type in Pakistan. Such voices can be heard in the society, but their ability to challenge the political regime is weak to nonexistent. The academics and activists argued consistently that though there had been incidents when the civil society did stand up to the state, such incidents were episodic. The incidents rarely dislodged the base of the hybrid regime. There was the student movement against presidential rule of General Ayub, the women's movement against the Sharia laws under General Zia-ul-Haq, and the lawyers' movement against the dictatorial edict under General Musharraf, but the state has withstood the activism of the civil society. The momentary upsurge created euphoria that was soon replaced by the coercive, controlling imperative of the state.

The role of civil society actors, most specifically NGOs, came up in discussion whenever I would inquire about the role civil society actors played in informing state policy on devolution plan(s), most

specifically the 2001 Devolution Plan under the Musharraf regime. It did not matter to the interviewees whether the state control and bureaucratic apparatus was under a military ruler or civilian elected governments, because, before the respondents could respond with any detail, they would assert emphatically that most of civil society in Pakistan is inactive and that NGOs are recognized as the civil society. In fact, most surprisingly, as I have shown in chapter 4, NGOs have come to be known as *the* civil society in Pakistan and the ideal of civil society being autonomous is a farce.

Hence, my respondents would then ask me, *How could the NGOs ever oppose the state's directives?* Interviewees insisted that my theoretical argument overlooked the fact that the very actors whom I regarded as critical players in the public sphere have always been under the overpowering influence of the state. Amidst such a façade, I had wrongfully (much like the character of Ustaad Mangu) assumed that there existed an independent and critical entity of the civil society that countered the hegemony of state. Within the civil society, the media as an actor appear to have a critical role— criticizing the political actors. The media are indeed critical of political governments, which include the military and elected; however, the media are extremely careful in criticizing the military as an institution, more so than its vociferous criticism of the political society.

Given that I, along with many scholars of comparative politics, expected an adversarial relationship between civil society organizations and the authoritarian state, it is no wonder that investigating the organizational autonomy of NGOs is perceived to be of utmost importance for analysts and policymakers. While the co-opted, compromised, and/or cooperative civil society is a practical reality that is realized by scholars of civil society, this line of thinking is largely missing amongst the deliberative theorists of democracy. In my discussion of the actors of the civil society in chapters 3 and 4, I explained that the civil society actors, the print media, and the NGOs had been under pressure from the authoritarian practices of the hybrid regime.

The military and successive elected governments had constrained these actors to generate counter discourses on the devised institutions of the hybrid regime. The laws devised by the military and elected

governments had placed these actors under the bureaucratic control of the state. Through the laws directed against the independence of these actors, the print media and NGOs became dependent on the state for their continued existence in society. If they challenged the state through the generation of counter-hegemonic discourses, these actors faced the termination of their work in society.

I have discussed that the theory of deliberative democracy tends to conceptualize the presence of the civil society as autonomous from the state; furthermore, theorists of deliberative democracy argue that civil society actors communicate independent opinions formed in the public sphere to the institutions of the state. Such an arrangement may be a permanent feature in consolidated democracies, but such communicative interexchange between the civil society and state is absent within hybrid political regimes such as Pakistan.

The empirical research on the deliberative theory of democracy highlights examples where practitioners of this theory have created institutional innovations, such as cooperative projects between the government and civil society, to increase the access of citizen groups to the policy process. In addition to creating channels for groups to access public policy in their area of interest, these cooperative projects also have enlarged the space available for social action through building trust between government and the citizenry.

But these institutional innovations were designed in contexts ruled by democratic governments and not by authoritarian regimes. Furthermore, deliberative democrats such as Dryzek (2009) and Dryzek and Niemeyer (2012) have assumed that even in authoritarian regimes, the ruling elite can devise institutional innovations to bridge the gap between the state and citizenry, which is a positive step toward democratization. But elsewhere, Dryzek (2001, 2012) argued for the multiplicity of voices in the public sphere; for him, the public sphere is an integral base for deliberative democracy. But in his later writings, he reduces the conditions for communicative engagement between state and civil society. But I believe this assumption conveniently dismisses the hegemony of authoritarian state and softens its authoritarianism without addressing the fundamentals of the regime type. In other words, when the base

of the political system is not inclusive, then the decision-making process in such systems remains with the ruling elite. Under authoritarianism, the ruling elite use the very measures of so-called engagement with society to strengthen their rule, not to open the system to the citizens.

Whereas deliberative democrats may view these institutional measures in democracies as innovations to address the democratic deficits, we cannot assume that such measures are steps toward democratization in authoritarian regimes. I have argued that under authoritarian regimes rulers use similar measures to strengthen their rule over society. The investigation in this research shows that military dictators devised institutional measures of devolution to neutralize the opposition against their military rule.

I suggest that under military rulers, the centralization or decentralization of state structures in Pakistan is inevitably connected to military dictators' desire to protect themselves against potential internal or popular threats and, ultimately, to prolong their tenures in power. Therefore, to preserve their rule, military governments created institutions to strengthen their rule over society. The political society, on the other hand, has been willing cooperators with the military-devised institutional campaigns, whereas the civil society has been somewhat forced by the state to engage with the state institutions.

My second hypothesis stated: *Civil society actors critically analyze the institutional arrangements devised by the state.* State laws will continue to endure when the laws devised are informed by civil society actors. My research shows that this hypothesis is not confirmed and thus is rejected based on the evidence gathered. While it is true that civil society critically analyzes the institutional arrangements, evidence suggested that the civil society in Pakistan was severely censored and directed by the state to engage with the state itself. Furthermore, as long as the state willingly accepted the presence of civil society, the state heard the voices of civil society; but when the state was hegemonic, the civil society became dormant.

As discussed in chapter 3, the role of civil society has depended on a particular autocrat's openness to engage with it in the first place. In practice, both military dictators and elected leaderships

have had a rather consistent repressive attitude toward any communicative interexchange with civil

society actors. Under the authoritarianism of Generals Ayub and Zia, the military regime curbed civil and

political liberties. For instance, the print media, one of the most prominent actors of civil society in

Pakistan, remained under the state's repressive policy that curbed freedom of speech. Likewise, civic

associational groups and associations had been routinely under the state's watchful monitoring.[7]

However, as discussed in chapter 4, with geopolitical changes in the region, due to the Jihad in

neighboring Afghanistan and the concurrent instability of the political regimes in Pakistan, an increase in

NGO formation and activity began in the 1990s. These NGOs served the developmental needs of citizens

in Pakistan's chaotic socio-political scenario. With the rise of NGOs and Pakistan's dependence on

international financial institutions (IFIs) such as the WB, IMF, ADB, and other donor agencies, the

magnitude of the work of the NGOs increased to include working on the state's devised policies.

As a result, the NGOs' attention moved toward reorienting the state to devise laws that extended

political decentralization to the grassroots and to reform the civil bureaucracy to serve the citizenry. The

elected governments of the 1990s and the military government established with General Pervez

Musharraf's military coup selectively engaged with civil society to understand and effect measures to

address the issues of governance. Evaluative studies initiated by the elected governments advised these

governments to undertake reform measures to devolve bureaucratic and political powers from the central

government to the provincial and district governments.

Though there had been piecemeal reforms effected under previous military governments, only the

military government of General Pervez Musharraf engaged with civil society to undertake measures to

address gaps in bureaucratic governance. It also mobilized political commitment to effect the reform

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[7] The elected regime in the 1990s continued with such repressive measures but lacked severity in punishing the social rights campaigners. However, under the rule of General Musharraf, the curbs were less severe than under the military and elected predecessors. The period of General Musharraf's rule witnessed a vibrant public sphere where the media and NGOs multiplied. The 2000s saw public deliberation on a scale unprecedented in Pakistan's political history.

agenda of Musharraf's regime. The foremost of the military government's initiatives was the design of yet another plan for devolution of power to the grassroots. But as I have shown in my investigation of devolution plans devised under the military governments, the political and bureaucratic elite reluctantly implemented such plans.

The communicative interexchange initiated under General Musharraf's regime also remained selective in its engagement with the political society. Such interexchange was also inattentive to the demands of the civil society to implement devolution reforms that affected all levels of government, from federal to provincial to district levels. Civil society organizations argued that devolving decision-making power from the federal to district governments, bypassing the provincial governments, ignores political and bureaucratic institutions. This then results in the isolation of these institutions and their consequent unwillingness to undertake reform measures that would be effective at the grassroots level.

Concluding Remarks

Deliberative democratic theory focuses on the primacy of communicative dialogue between varied political and societal forces. The assumption is that the force of better argument should shape the decision making in a polity. The protagonists in the decision-making process so conceived are the designers of the policies and laws through which the political community is regulated. The advocates of the theory of deliberative democracy argue that while the state is the chief architect of lawmaking, to regulate the society it cannot ignore the actors of either the political or civil society. The site where state and civil society engage in communicative interexchange is the public sphere.

Furthermore, the advocates of deliberative democracy argue the communicative process between the state and civil society in the public sphere lends legitimacy to political decision making. The theory of deliberative democracy takes for granted the legitimacy of lawmakers nor the institutions through which elected representatives are chosen. It is, however, the process of making and legitimizing decisions, policies, and laws that the deliberative theory of democracy is interested in.

But what explains the role of civil society actors within such regimes that enact institutions that favor authoritarianism over democratic rule? When I looked to the deliberative theory of democracy to explain the complexity of the case of devolution planning in Pakistan, I realized that the theory of deliberative democracy was insufficient to address the state and civil society interexchange. First, this is because the very entity of autonomous civil society has been absent in Pakistan. Secondly, the issue of regime type has not been adequately addressed by theorists of the deliberative theory of democracy.

However, this does not mean that theorists of the deliberative theory of democracy dismiss the value of studying undemocratic political systems. In fact, there have been attempts to evaluate state and citizenry communicative engagement on specific policies of community development. But these studies, I have argued, do not study the political system per se and thus fail to evaluate the reach of deliberative theory beyond democratic systems. I, on the other hand, have focused on utilizing the theoretical conditions of the state-civil society communicative interexchange on a political regime that keeps hovering between authoritarianism and democracy.

The hybrid state in Pakistan combined democratic principles with the authoritarianism of the military junta. Pakistan has hovered between an authoritarian regime and transitional democracy. It has been an authoritarian regime with the military ruler being the *dictator and president* of the country. But this authoritarianism was obscured by the so-called democratic interventions by the military ruler. Thus, under the elected leadership, the political system was a transitional democracy as a result of elections. But the continual military dictatorships have had an effect on political institutions.

Under the military dictatorship of General Musharraf, the democratic institution of elections and the elected legislature rendered his military rule a hybrid regime with the military ruler being the head of the state. The political institutions such as the executive, legislature, bureaucratic apparatus, and judiciary functioned under the directive of the military's leadership led by a military general.

I argue that the military's intervention in politics (1960s and 1980s) has transfixed the political regime to remain unstable. The result was that Pakistan regressed to become an enduring hybrid regime in

the 1990s. The trend persisted under General Musharraf in 2000s. Under the time of direct military rule, the military elite have been at the helm of the political landscape; similarly, during the time of elected rule, the military elite direct the political landscape. In times of the elected governments, the executive and the legislature were comprised of elected representatives, but the very political system of the regime was not democratic. The regime was a hybrid regime with the military and bureaucratic apparatus having the control over the reserved policy domains. Under elected governments, the incumbents were elected rulers, but they were subject to governing prerogatives reserved for the military elite.

More generally, the case of Pakistan's political history and most specifically the design of devolution plans in Pakistan signifies that a state controlled by undemocratic forces devised plans to strengthen local governance. Such plans were attempts to gain legitimacy to rule over the political community and not to strengthen local political institutions. The combination of democratic principles with authoritarian applications perpetuated the hybrid regime in Pakistan.

My research shows that in Pakistan the three actors of the state—the political parties (political elite), the bureaucratic elite, and the military elite—have been locked in a constant rivalry to take control of the executive powers of the state. The hybrid regime in Pakistan and the design of laws and policies by the state is, however, not only the result of the long intervals of military rule. The political society is also responsible for the foundation of the hybrid regime in Pakistan. The military and political elite build partnerships when it suits them in order to take the reins of political power. Civil society, I argue, is a bystander in these partnerships; engagement with civil society is invoked only when required by the hybrid regime. Though there have been incidents of momentary upsurges by the civil society against the hegemony of the state, such activism has been episodic. Furthermore, another important caveat of activism of civil society ignores the fact that civil society is not a monolithic entity; it does include citizen groups, associations that are cooperators of the state and support the institutional rules and hegemony of the hybrid regime. I am referring here to the religious, right-wing associations of citizens who have come into being to counter the left-leaning critical voices coming from within the civil society.

Genuine democratic deliberation on the design of institutional rules is possible only when the state apparatus and political and civil society are engaged in communicative interexchange, exchanging ideas and speaking in a language understood and accepted by all others. Moreover, in such an exchange, the interlocutors do not hold back their thoughts to achieve strategic control in order to subvert the communicative engagement. The deliberative theory of democracy advocates communicative engagement between state and society actors that results in institutional rules that are accepted by all. But as my research has shown, in the case of Pakistan, elites have always been keen on strengthening their strategic control over institutional rules rather than engaging in communicative interexchange to strengthen the institutional rules.

The ruling elite constituting the military bureaucratic complex and the political society are the defining reality of the political landscape, whereas the people and civil society are the disenfranchised entities in contemporary Pakistan. The episodes when the people and civil society challenged the ruling elite were only momentary; though the ruling elite were pushed back, they came back to reassert their authority over the people and civil society.

The ruling elite, in order to perpetuate themselves, manipulate the political institutions without destroying the hybrid base of the regime. The ruling elite have never changed the underlying coalitions of power defining the nature of the hybrid regime. In short, this dissertation argues that the political regime in Pakistan is an enduring hybrid regime that has remained a pervasive reality. The sporadic illusions of democratic communicative engagement achieved by the ruling elite have never uprooted the hybrid base of the political regime.

In the end, I conclude by saying that Ustad Mangu's desire for a New Constitution remains unfulfilled.

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Appendix A

Request for an Interview

Request for an interview

My name is Beenish Kulsoom. I am pursuing doctorate in Political Science from Western Michigan University, USA. Currently I am in Pakistan to conduct field research for my dissertation. The topic of research is "**Deliberation for Devolution in the Public Sphere: The Case of Pakistan".** There are two components of my research: theoretical and empirical. The *theoretical* discussion draws on modern democratic theory and I examine the model of deliberative democracy focusing on its necessary conditions. Whereas, the *empirical* component of my doctorate research analyse the case of Pakistan vis-à-vis the fundamental conditions of deliberative democracy. *The* policy issue that I focus on in the case of Pakistan is "devolution of power".

Hence, in this regard, I am conducting interviews with civil society actors and academics to investigate and understand the *causes* behind military governments' designing and implementation of 'devolution of power' plans in Pakistan. *The* plan that is the focus of my research is 2001 Local Government Plan (LGP) that was designed and implemented under General Musharraf.

Your knowledge and insight on the implementation of the various decentralization and devolutions plans designed and implemented under the various military regimes provides me relevant data so as to fully understand that *how the political elite of the time engaged with the citizenry under military rule.* Furthermore, I am also keen to gain insight on the process of deliberation that had led to the promulgation of 18th Amendment.

The **questions that I shall be asking during the interview are open-ended and generic pertaining** to *the* governance strategy (i.e., the devolving of power) preferred by the military leaders than the democratically elected leadership. Some of the questions are as under:

  a. Why would military engage in devolving of power to grassroots?

  b. What are the reasons for military preference for emasculating the traditional political parties?

  c. When the grassroots initiatives are designed by the military, the political leaders co-opt but later they dissolve such grassroots initiatives – *what* are the reasons for doing so?

  d. There is evidence that in 2005 when the devolution plan was implemented some of the MNA resigned and contested for Nazim elections at their respective districts – and later in 2008 elections some Nazmeens contested in general elections – the system of local government provides for newer leadership to emerge – yet it is not favored by political parties, *why?*

  e. Are political parties weary of the elected leadership at the grassroots? If they are, then why do you think it is so?

  f. What do you think of the greater provincial autonomy granted under the 18th Amendment?

g. The clause 140-A pertaining to the devolution of power to grassroots was retained under the 18th Amendment – however now we see that provincial governments are not going ahead with the devolution – *why is it so?*

h. Does this mean we are witnessing centralization at provincial levels – whereas previously it was centralization at the Federal level?

i. Do you see any role of civil society organizations in creating a discourse for continuing of the devolution of power to grassroots?

j. Has there ever been any active civil society movement on governments (military and elected) to devolve power to grassroots?

k. Do you think 2001 devolution plan endured better than the earlier such initiatives? Or am I wrong in assuming this?

Appendix B

List of Major Political Parties, Media Groups, and NGOs in Pakistan

The number of political parties in Pakistan are closer to 350 (Alvi 2018) however according to the Election Commission of Pakistan (ECP) the official regulatory body that registers the political parties and grants them the right to contest in the local, provincial and national elections, the number of registered political parties are 110. This figure suggests that only 31 percent of the political parties in Pakistan are officially recognized. The other political parties which are not registered are smaller and regional citizen groups lacking the organizational resources to be declared as a political party. According to the Elections Act, 2017 passed by the National Assembly (NA) in September 2017, all the political parties registered with ECP submit a list of 2,000 of its members along with their national identity numbers (confirming their Pakistani citizenship).

Traditionally, in Pakistan the political parties that have been most organized in mobilizing popular support in times of elections and raising opposition to the incumbent military and the civilian elected governments have been only too few. The leading parties are the Pakistan Muslim League (Nawaz) and Pakistan Peoples Party (PPP). The other parties also having electoral strength in times of election form coalitions with these two leading parties.[1]

More generally the political parties in Pakistan have ideologically been center to right. The political parties have traditionally been representing the interests of the dynastic families belonging to rural landowning base; the urban business interests and the elite belonging to military and civil bureaucracy. The political parties thus have formed to fulfill the interests of the ruling elite. The political ideology thus has been to serve the state and hence political parties have largely been center to the right. There has been a sporadic wave of modelling political party based on ideology for example the Pakistan Peoples Party (PPP) was established to serve the interests of the disenfranchised segments such as minorities, workers, farmers and the emerging middle class. But soon for the reasons of political exigency and the party's political future the PPP moved towards the center but it clutches onto the rhetoric to serve the interests of the disenfranchised segments. It was under the government of Zulfiqar Ali Bhutto from 1972 to 1977 that private industry was nationalized; socialist policies of providing welfare to the people was promised; and also that religious sentiment against minorities was raised. It was in his government that the religious minority the Ahmadis were declared non-Muslims in the 1973 Constitution. This attempt was crafted by Bhutto to appease the religious parties.[2]

The other political parties based on ethnic interests and religious conservatism are also stand ideologically towards the center to right – thus to serve the interests of the ruling elite. The political parties in Pakistan are geared towards winning elections and they are not ideology based mobilization platforms. In the wake of political expediency, the political parties have moved towards center to right so as to become closer to the center of the power which is controlled by the ruling elite and is termed the establishment (Siddiqa 2016, 63-64).

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[1] From the time of general elections in 2013 another political party led by a cricketer-turned politician Imran Khan has also had electoral success. His political party the Pakistan Tehreek-i-Insaf (Pakistan Movement for Justice) has emerged as the third largest political party to the PML-N and PPP. However, since this political party is a new addition to the Pakistan's politics, and has minimal relevance to the study of devolution planning (from year 2000-2010) in Pakistan, I therefore, have not discussed this political party in this dissertation.

[2] Qasmi, Ali Usman. "Chapter VII: The "Final Solution" of the "90-Year-Old Problem"?: The Parliamentary Proceedings of 1974." In *The Ahmadis and the Politics of Religious Exclusion in Pakistan*, by Qasmi Ali Usman, 185-220. Anthem Press, 2014.

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Table B-1 shows the widely known political parties in Pakistan.

Table B-1: Political Parties in Pakistan[3]

Name of political party	Year launched	Ideological position	Active in electoral politics
Pakistan Muslim League The founding political party, active in the time of Pakistan's independence in 1947. But this party was later divided into different versions of Muslim League each representing the personalist style of its leader.	1906	Center to Right	1935
Pakistan Muslim League – Nawaz (PML-N)	1990	Center to Right	1990, 1992, 1995, 1997, 2002, 2008, 2013
Pakistan Peoples Party (PPP)	1967	Center to Left	1971, 1977, 1988, 1990, 1992, 1995, 1997, 2002, 2008, 2013
Jamat-i-Islami	1941	Right (religious)	1971,1977, 1988,1990,1992,1995 1997, 2002, 2008, 2013
Awami National Party (ANP) This party was formed with the alliance of regional parties from province of Sindh, Balochistan and KPK. The alliance led by the National Awami Party (NAP) of Wali Khan from KPK.	1986	Left	1988,1990, 1992, 1997, 2008, 2013
Mohajjir Quomi Movement (MQM) later the party was renamed as Muttahida Quomi Movmenet (MQM)	1988	Center to Left	1988, 1990, 1992, 1997, 2002, 2008, 2013
Pakistan Muslim League – Quaid	2002	Center to Right	2002, 2008, 2013
Jamiat-Ulema-Islam	1940s	Right (religious)	1971, 1977, 1988, 1990, 1992, 1995, 1997, 2002
Jamiat-ulema-Pakistan (Fazal-ur-Rehman)	1990s	Right (religious)	1990, 1992, 1995, 1997, 2002

Source: (ECP 2018, ICG 2011, Jaffrelot 2015, Waseem and Mufti 2009)

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[3] The list is not a comprehensive and not exhaustible. The table lists only a few of the major political parties.

Print Media

There are dozens of newspapers, ranging from the large English and Urdu language dailies and weeklies, to the small local-language papers. All the major media groups in the country are active through their newspaper, periodical, magazine circulation and also via their TV channels. The number of television channels grew from two or three state-run stations in 2000 to over 50 privately owned channels in 2008.

The leader among the electronic media is *The Jang* group, owned by the Mir family. The group has several newspapers, Urdu daily *The Jang*, and English daily *The News*, as well as the monthly *Newsline*. Since 2003, this group is famous because of its TV Channels *Geo News, Geo Entertainment*, *Geo Sports*, and *Geo Tez*. Then comes the *Dawn*, the media group owned by Haroon family. It prints the oldest English daily in Pakistan *Daily Dawn*, the English Monthly *Hearld*, and the news channel *Dawn News*. The media group owned by *Nizami* family is the *Nawa-i-Waqat* (the oldest and still running Urdu newspaper in the country) also publishes English daily *The Nation* and also has news channel *Waqat News*. Then comes the group owned by the Lakhani family – the group published Urdu daily *Express News*, and English daily *Express Tribune* and a news channel *Express News.* And, there is another group *Dunya* – this group publishes Urdu daily *Dunya News*, and news channel *Dunya TV*. There are other groups also that have TV channels that present daily shows discussing the political issues, inviting debate between political parties and their representatives.

Table B-2 shows the number of the media houses in Pakistan, the newspapers and the electronic media outlets that these media organizations own and manage.

Table B-2: Media groups in Pakistan[4]

Media group	Year launched	Ideological position	Newspapers (Language medium English or Urdu)	T.V. Channels
The Jang Group	1942	Center to Right. The group is owned by Mir family, and is supportive of government in power.	Jang (Urdu) News (English) Mag (English weekly magazine) Akhbar-e-Jahan (Urdu weekly)	GEO Channels (includes a News Entertainment; Sports; Music channels.
The Nawa-i-Waqat	1940	Center to Right. The group is owned by Nizami family, and have traditionally supported government in power, with strong leaning to Islamist policies.	Nawa-i-Waqat (Urdu) Nation (English)	Waqat (Urdu) news channel.

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[4] The list is not a comprehensive and not exhaustible. The table only lists few of the major media groups in Pakistan.

Media group	Year launched	Ideological position	Newspapers (Language medium English or Urdu)	T.V. Channels
Dawn group	1941	Center to Right. The owners (Haroon family) of this media house has been in government under the military and civilian rules.	Dawn (English) Herald (English monthly magazine)	Dawn (Urdu) news channel. Dawn group also ran English news channel, but due to limited viewership, the group terminated the English news channel to launch its Urdu channel.
Express group	1998	Center to Right The owners (Lakhani family) of this media house has other corporate businesses such as a leading Tabaco company the Lakson Tabaco Company.	Express Tribune (English) Express (Urdu)	Express (Urdu) news channel. Express entertainment channel.
Dunya group	2007	Center to Right. The owners of this group is a Lahore-based businessman Mian Aamir. He also is owner of chain of private educational institutions the Punjab Group of Colleges. Mian Aamir also was directly engaged in politics, he was elected the district mayor of Lahore following the Local Government Plan (LGP) implemented under General Musharraf's military rule.	Dunya News (Urdu)	Dunya (Urdu) news channel.

Source: (Khan and Joseph 2008, Mezzera and Sial 2010)

Non-Governmental Organizations

The NGOs in Pakistan come in every form and size; for example, there are faith-based charities, including Christian and Islamic charity groups, though the latter are more numerous than the former. The nature of NGOs is also distinctive based on their work. Some of them are development NGOs that work on charitable projects in the different locations of the country, while some are advocacy creating associations that create awareness among citizens on their rights towards the state and vice versa.

The nature of the NGOs' work is strongly tied to their ideological preferences; for example, the religious-based NGOs such as those which are supported by the religious political parties such as Jama't-i-Islami and Jama't-ud-Dawa are more insular in their religious values and works. The other NGOs (such as the United Nations affiliates for example, United Nations Development Fund (UNDP); United Nations Educational, Scientific and Cultural Organization (UNESCO); United Nations Environment Programme (UNEP); United Nations Children's Fund (UNICEF); United Nations Development Fund for Women (UNIFEM), etc) that espouse liberal standards of freedom of speech and association focus on a range of development works all across the country, primarily the rights of women, minorities and children. These NGOs also work on public policies with the state such as environmental protection regulations, etc.

Some of the NGOs are working on community development initiatives, working directly with the state authorities in provision of basic services to the communities. There are also welfare-based NGOs such as The Orangi Pilot Project (OPP), one of the largest nongovernmental projects in Asia employing participatory techniques for the provision of sanitation and microcredit facilities to the half-million residents of the low-income Orangi Town neighborhood in Karachi. The Edhi Foundation is a nationwide voluntary network of ambulance services, disaster relief, and shelter for abused and abandoned women and children in Pakistan. There are others advocacy groups, the largest being the Human Rights Commission of Pakistan (HRCP) which was formed in 1986 during the repressive regime of General Zia-ul-Haq. There are also right-based initiatives advocating for women, minority and children rights, etc. All Pakistan Women Association (APWA) is considered to be one of the oldest such entities. Established in 1949, this association operates vocational aid centers and schools across the country.

Table B-3 shows the number of the leading NGOs in Pakistan, their date of origin, and their nature of work.

Table B-3: NGOs in Pakistan[5]

Name of NGO	Status (International or Local)	Date of Operation	Nature of Work
Human Rights Commission of Pakistan (HRCP)	Local	1986	Rights-based and Advocacy The protection of civil and political liberties and maintenance of the sanctity of the judicial and electoral machinery.
Edhi Foundation	Local	19	Service driven including Ambulance service, and orphanages.

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[5] The list is not a comprehensive and not exhaustible. The table only lists few of the commonly known non-government organizations in Pakistan. The list does not include all the various local and international NGOs operating in Pakistan. Some of the organizations, as is mentioned under Part II: NGOs as civil society actors in Pakistan were formed following natural and man-made disasters, e.g., the Afghan war of 1980s and influx of refugees in Pakistan and the 2005 earthquake in North of Pakistan. During these eventful periods the number of nongovernment organizations had increased and with the receding of crisis these organizations withered away.

Name of NGO	Status (International or Local)	Date of Operation	Nature of Work
Orangi Pilot Project	Local	1980	Community housing project. Providing education, and maintenance of housing facility in the region of Karachi.
All Pakistan Women Association	Local	1949	One of the oldest NGOs in operation in Pakistan. Works for the rights of women across Pakistan.
United Nations	International	1949	The United Nations through its specialized agencies such as United Nations Development Programme (UNDP); World Food Programme (WFP); United Nations High Commissioner for Human Rights (UNHCR); United Nations Children's Fund (UNICF), and others are operating in Pakistan. These specialized agencies work directly in the communities or partner with the government agencies, or local NGOs in the different across Pakistan.
Aurat Foundation	Local	1986	Rights-based, Advocacy organization working for women rights across Pakistan.
Al Khidmat Foundation[6]	Local (associated with the Islamist political party, Jamat-i-Islami)	1961	Service driven organization. Works across Pakistan and provide education, health programs.
Falah-e-Insaniat Foundation[7]	Local (associated with an Islamist group Jamat-ud-Dawa)	1990	Service driven organization. Work in the central Punjab and the Pakistan Kashmir, provides shelter, food and education in the project areas.

Source: Ghaus-Pasha and Iqbal 2003; Bano 2009

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[6] Khidmat is an Urdu word literally meaning *service*. Translation is mine.

[7] Falah-e-Insaniat are Urdu words and the literal meaning of the words are *betterment of humanity*. Translation is mine.

Appendix C

List of Interviewees

List of Interviewees

Total number of interviews conducted so far (latest August 28, 2017) = 29

Civil Society Actors

S. No	Name	Profession	Date Interviewed
1.	Mr. Moazzam Bhatti	Sustainable Development Policy Institute (SDPI)	October 19, 2016
2.	Ms. Saeeda Diep	Social rights activist.	November 16, 2016
3.	Mr. Zahid Islam	SANGAT Development Foundation	November 16, 2016
4.	Mr. Ahmad Bilal Mehboob	Pakistan Institute for Legislative Accountability and Transparency (PILDAT)	February 6, 2017
5.	Mr. Muddasir Rizvi	Free and Fair Election Network (FAFEN)	February 15, 2017
6.	Mr. Rashid	Free and Fair Election Network (FAFEN)	February 15, 2017
7.	Mr. Sarwar Bari	PATTAN	March 13, 2017
8.	Mr. Abdul Qadir	FES	February 16, 2017
9.	Mr. Harris Khalique	AWAZ (worked with SPO)	July 18, 2017
10.	Mr. Bilal Naqeeb	Worked with Strengthening Participatory Organization (SPO)	July 31, 2017
11.	Mr. I.A. Rahman	Senior Journalist – Human Rights Commission of Pakistan (HRCP)	August 2, 2017
12.	Mr. Salman Abid	Regional Head, Lahore for Strengthening Participatory Organization (SPO)	August 4, 2017
13.	Mr. Azhar Bashir Malik	Formerly associated with Devolution Trust for Community Empowerment (DTCE)	August 17, 2017
14.	Mr. Irfan Mufti	South Asia Partnership – Pakistan (SAP-PK)	August 21, 2017
15.	Mr. Malick Shahbaz	SUNGI	August 24, 2017
16.	Dr. Kaiser Bengali (interview via email)	Independent researcher	
17.	Mr. Omar Javed	SUNGI	September 7, 2017

Academics

S. No	Name	Profession	Date Interviewed
1.	Dr. Saeed Shafqat	Professor of Political Science at FC College University, Lahore	November 28, 2016
2.	Dr. Mohammad Waseem	Professor of Political Science at LUMS, Lahore	November 29, 2016
3.	Dr. Ayesha Jalal	Professor of History, TUFTS University, USA	March 23, 2017
4.	Dr. Ali Cheema	Professor of Economics at LUMS and Research Analyst at Council of Economic Research in Pakistan (CERP), Lahore	March 27, 2017

Political Elite

S. No	Name	Profession	Date Interviewed
1.	Dr. Hassan Nasir	Secretary General, National Party	February 18, 2017
2.	Ch. Pevez Elahi	Former Chief Minister of Punjab from year 2002 – 2007 and Deputy Prime Minister form 2008-2013.	August 20, 2017
3.	Dr. Nafisa Shah	Member of National Assembly (MNA) from Pakistan Peoples Party (PPP) and former Nazima of District Khairpur	August 22, 2017
4.	Ms. Rubina Khalid	Senator from Pakistan Peoples Party (PPP)	August 28, 2017

Designer of the 2001 Plan

| S. No	Name	Profession	Date Interviewed
1.	Mr. Ikramullah Ghauri	Member of the 5-member core team of National Reconstruction Bureau (NRB) that devised the 2001 Devolution Plan.	February 28, 2017 and March 4, 2017.

Bureaucratic Elite

S. No	Name	Profession	Date Interviewed
1.	Mr. Roedaad Khan	Senior retired bureaucrat. Served from 1947 to 1992.	January 25, 2017
2.	Mr. Zaffarullah Khan	Serving bureaucrat – working with Pakistan Institute for Parliamentarian Services (PIPS)	February 17, 2017
3.	Mr. Shahid Javed Burki	Retired senior bureaucrat. Associated with World Bank in Washington. Served as Finance Minister in Pakistan in 90s.	March 29, 2017.

Appendix D

Map of Pakistan and Additional Information

Map of Pakistan

Source: https://www.lonelyplanet.com/maps/asia/pakistan/
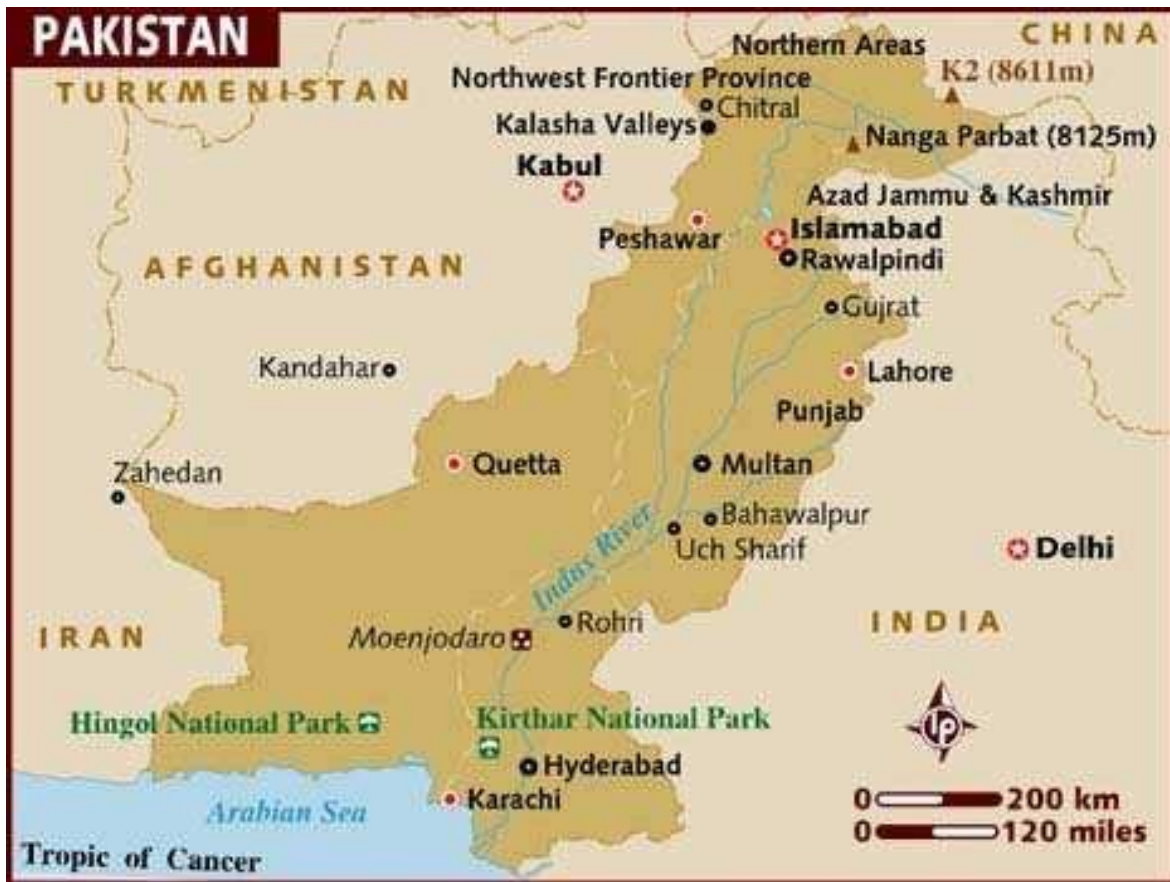
Additional Information

1 USD = 141 Pakistan Rupees

In 1947 the territory of Pakistan was divided in two units the East Pakistan (now an independent sovereign state of Bangladesh) and West Pakistan (the present day geographical territory of Pakistan). In 1971 following the armed conflict in East Pakistan and the war with neighboring India, East Pakistan declared independence and thus West Pakistan emerged as the sovereign state of present day Pakistan that comprises the provinces of Punjab, and Sindh bordering India on the South and East; Balochistan and KPK bordering Iran and Afghanistan in South and West and China in the North respectively.

Local governments were established under the military governments. Under General Ayub (1958-1969) local governments were established under the Basic Democracies (BD). Under General Zia (1977-1988) the local governments were established under Local Government Ordinance, 1979. These local governments were dissolved with the return of electoral democracy.

However, again under the military government of General Musharraf (1999-2008) the local governments were established under Local Government Plan 2001. However, these local governments were dissolved in 2009 and new local governments were not elected until 2013. Hence, any reference made to local governments is from 2002-2007 period.

Appendix E

Human Subjects Institutional Review Board Letter

WESTERN MICHIGAN UNIVERSITY

Date: April 4, 2016

To: Emily Hauptmann, Principal Investigator
Beenish Kulsoom, Student Investigator for dissertation

From: Amy Naugle, Ph.D., Chair

Re: Approval not needed for HSIRB Project Number 16-04-06

This letter will serve as confirmation that your project titled "Deliberation for Devolution in the Public Sphere: Case study from Pakistan" has been reviewed by the Human Subjects Institutional Review Board (HSIRB). Based on that review, the HSIRB has determined that approval is not required for you to conduct this project because you are not collecting personal identifiable (private) information about individual and your scope of work does not meet the Federal definition of human subject.

45 CFR 46.102 (f) Human Subject

(f) *Human subject* means a living individual about whom an investigator (whether professional or student) conducting research obtains

(1) Data through intervention or interaction with the individual, or
(2) Identifiable private information.

Intervention includes both physical procedures by which data are gathered (for example, venipuncture) and manipulations of the subject or the subject's environment that are performed for research purposes. Interaction includes communication or interpersonal contact between investigator and subject. *Private information* includes information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information which has been provided for specific purposes by an individual and which the individual can reasonably expect will not be made public (for example, a medical record). Private information must be individually identifiable (i.e., the identity of the subject is or may readily be ascertained by the investigator or associated with the information) in order for obtaining the information to constitute research involving human subjects.

Thank you for your concerns about protecting the rights and welfare of human subjects.

A copy of your protocol and a copy of this letter will be maintained in the HSIRB files.