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Pakistan In The Twenty-First Century: Change And Continuity

Abstract

For the most part, Pakistan's history is fraught with internal and external turbulence, which has obstructed the country's way to politico-economic stability. Notwithstanding its external challenges, Pakistan's polity as well as society has witnessed various predicaments: political instability, disruption of democratic process, provincial disharmony, disintegration, lack of the rule of law, suppression of civil liberties and poor economic performance. In post-9/11 era, the country has seen more instability, resulting mainly from the spill-over effects of the war in Afghanistan. Nevertheless, a deeper appraisal shows that the 21st century Pakistan is demonstrating changes in positive direction at state as well as society level. This paper focuses on seven variables—democracy, judiciary, society, media, governance, internal security and economic performance—to assess whether Pakistan is showing change or continuity in these areas. The study shows that Pakistani democracy, judiciary, society and media tend to experience progressive changes while governance, internal security and economic performance are largely characterized by continuity, although showing signs of improvement. In this context, Pakistan is undergoing a transition where the old order defined by stagnation and “muddling through” is under pressure and giving way to a new order characterized by modernization and progress.

Keywords: Pakistan, 21st century, change, continuity, democracy, society, judiciary, media, security, governance, economy

Introduction

Despite enormous challenges the 21st century Pakistan confronts, it has begun to experience numerous remarkable changes tending to reform and modernization. Foremost, Pakistan's democratic system, notwithstanding its flaws, has been functioning smooth since the end of Musharraf's government in 2008 resulting in first-ever completion of normal tenures of the civilian governments. Pakistan's superior judiciary has been demonstrating vigor and independence in upholding the rule of law since the Lawyers' Movement of 2007. Society, especially the middle class and the civil society, has started not only a keen participation in the political process but also a vocal demand for good governance, accountability and reforms. Finally, Pakistani media has assumed a crucial role in imparting

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information and ideas to people and shaping their perceptions on domestic socio-political issues.

On the other hand, Pakistan has as yet failed to break the monotonous continuity with respect to various domestic challenges, among which lackluster economic performance, poor governance and internal security problems stand out as critical. Although international rating agencies have noted an improvement in Pakistan's economic performance, it continues to suffer from deep-rooted structural problems such as energy shortfall, narrow export base, low tax collection, misgovernance and so on. Pakistan's democratic system now appears on an uninterrupted course, but it seriously lacks the substance of good governance. While military's counter-terrorism actions, particularly Zarb-e-Azb operation, have helped much in checking terrorist violence, terrorism and other forms of violence still pose a serious threat to internal security. This paper peruses Pakistan's democracy, judiciary, society and media in terms of change, while governance, internal security and economic performance in terms of continuity.

Democracy

Pakistan has experienced prolonged periods of military rule for more than 32 years, while no civilian government completed due tenure until PPP (2008-2013) and PML-N (2013-2018) regimes saw smooth transition of power after full tenure. Since the end of Musharraf regime in 2008, military has been restraining from direct intervention in politics, giving more political space to the civilian governments than in the past.

Although the first full-tenure civilian government of PPP showed dismally bad performance, it got credit for three Constitutional Amendments: 18th, 19th and 20th –all the three tend to strengthen democracy and the rule of law. The 18th Constitutional Amendment increases the powers of Prime Minister and Parliament and confers much demanded autonomy on the provinces. The 19th Amendment enhances powers of the judicial commission for appointments of judges. The 20th Amendment strengthens the role of opposition in the appointment of the Chief Election Commissioner (CEC) and formation of care-taker government. It also empowers the Election Commission of Pakistan (ECP) to set up independent and neutral structures to ensure free and fair elections. In addition, the government also undertook legislative measures related to the rights of minorities and women.

The PML-N government, elected to power in May 2013, is the second consecutive civilian government to complete full tenure. The government, although clouded with rigging charge and Panama Papers scandal, approved many acts, mostly related to counter-terrorism and economic reforms, during its tenure. In this regard, the Protection of Pakistan Act (POPA), enacted in July 2014, provides for the "speedy trial" special courts and special powers to law-enforcement agencies. The 21st Amendment, adopted in January 2015, authorised the constitution of military courts for a period of two years to ensure speedy trial of terror suspects. The 22nd Amendment makes civil servants and technocrats alongwith superior court judges eligible for appointment as the Chief Election Commissioner (CEC) and ECP members. Further, the government established National Commission for

Human Rights (NCHR) in May 2015. Above all, the government adopted at the very end of its tenure the landmark 31st Constitutional Amendment for FATA's merger with the Khyber Pakhtunkhwa Province.

Although Pakistan's civil-military relationship is functioning better than in the past, it is far from being stable. The military wields much influence in steering and implementing internal as well as external policy. In the end, it is civilian leadership's efficiency and performance that will keep away army from politics and determine the final shape of civil-military relations. An examination of military take-overs in Pakistan reflects that the major underlying factor for army intervention was bad performance of the civilian leadership. While military still wields a great deal of influence in politics, it is restraining from at least direct intervention in the democratic process.

Judiciary

Pakistan's judiciary has been unable to check extra constitutional regime change and unconstitutional measures undertaken by the ruling elite. For instance, following the suspension of constitution resulting from the 1999 military takeover, judges of the Supreme Court succumbed to Musharraf's pressure to take oath under the Provisional Constitutional Order (PCO), although six out of thirteen judges refused and resigned. This led to the validation of the 1999 coup by a reconstituted Supreme Court on the basis of the doctrine of state necessity.

Commendably, Pakistan's superior judiciary asserted independence in the face of military regime. After assuming the post of Chief Justice of Pakistan (CJP) in 2005, Iftikhar Muhammad Chaudhry started to take suo moto actions against the government functionaries. Musharraf regime was particularly worried about two cases undertaken by the Supreme Court: invalidation of the privatisation of the Steel Mills; and pursuance of petitions on the "missing persons." These cases coupled with his fear of the Supreme Court's action against dual office status led Musharraf to suspend CJP and move a reference for his accountability before the Supreme Judicial Council in March 2007. While the CJP was tremendously supported by the lawyers' movement, he was reinstated in July 2007 by the Supreme Judicial Council. Following Musharraf's re-election as President in October 2007, the Supreme Court declared that he could take oath of the office after clearance of his dual office status. This led Musharraf to impose the state of emergency on 3rd November 2007. However, this time, a massive majority of the judges from the superior courts refused to take fresh oath and validate the proclamation of emergency.

Since the restoration of the CJP in March 2009, the Supreme Court has been taking up high profile cases involving high-ranking figures as well as institutions. More recently, Chief Justice Mian Saqib Nisar has increasingly undertaken the cases related to governance, including Panama corruption scandal of the former Prime Minister Mian Muhammad Nawaz Sharif. Judiciary's assertive role in political and administrative matters during PPP and PML-N's rule has been labelled as "judicial activism." It is criticised on two accounts: destabilising the civilian government by meddling in political and administrative matters that fall in

political domain; and collaborating with army for political vendetta. Judiciary's transcendent actions may result in an unintended destabilisation of the governments, they are actually the consequence of the latter's failure to abide by the law and address governance issues.

Society

History of Pakistani politics has been dominated by three major characteristics. One, justifying its rule on economic, security and ideological grounds, military has been at the helm of state's affairs for most of the time. Two, although Pakistan's political elite has not got much time and power to establish a democratic political culture, it has preferred to exercise the patronage-based rather than the representative politics. In this configuration, society has remained voiceless in politics, while service delivery has mostly taken place through patron-client relationship. Middle class, well-known as an agent for socio-political change, has remained marginalised in terms of both size and voice. Three, Pakistani society has remained divided along various lines: ethnic, ideological, sectarian, class and resources.

However, the 21st century Pakistan has seen certain social transformational trends. During 2002-07, some significant socio-economic changes took place, notably expansion in economic growth, urbanisation, electronic media and modern communications. In this period, all economic indicators experienced the optimal improvement: 6-7% average annual economic growth, \$925 per capita income (2007), \$7 billion FDI (2006), \$7 billion remittances (2007), and twofold increase in exports (Lodhi, 2011). Increased economic activity in urban areas resulted in a wave of urbanisation and hence a spectacular rise in the size of the middle class. The size of the middle class was estimated at around 30 million by 2008, with an estimated \$10,000-\$15,000 per capita income in terms of Purchasing Power Parity (Lodhi, 2011). Two more concurrent developments were a rapid expansion in the broadcast media and a boom in telecommunication, which connected and empowered middle class within the society and enabled it to benefit from globalisation.

The effects of such socio-economic changes were seen in the form of mobilization of urban middle class during 2007-09. In March 2007, Musharraf's failure to force Chief Justice Chaudhry to resign led to latter's suspension and house arrest. This brought about the lawyers' movement across the country, joined by opposition parties, civil society organisations, professional groups, women and students. Media's wide coverage of large-scale protests was consequential. The struggle of this "urban coalition" was charged with a desire for the rule of law, independent judiciary and democracy. Moreover, in recent years, a significant chunk of Pakistan's urban middle class has assertively associated itself with the struggle for a genuine change in the country.

Media

Mostly, the military regimes have promulgated media laws in Pakistan and, thus, have often used media as an instrument of policy promotion. Historically,

Pakistan's electronic media remained state-owned and hardly enjoyed the freedom of expression. Ironically, it was Musharraf's military regime, rather than any civilian government, that, in 2002, took the decision of electronic media liberalisation, which led to the mushrooming of private TV channels. In 1999, just one state-owned TV network was operating in Pakistan. The number rose to over fifty by 2007 and around 100 in 2010 (Lodhi, 2011). Needless to say, media is recognised worldwide as the most useful platform for people's voice. Pakistani media has effectively played the watchdog role by raising problems of people and scrutinising conduct of governments. Becoming a trustworthy source of information in a short span of time, media has raised the level of awareness, strengthened the public discourse on judicial independence and continuity of democracy, shaped public opinion on issues of national importance and promoted national unity.

Media's contribution to strengthen and deepen the democratic process is visible in many forms. First, in the midst of the movement for judiciary, the 24/7 news media effectively generated a "political and emotional connect" across the country, involving Pakistani diasporas as well, for independence of the judiciary. Second, the media, in collaboration with civil society, is playing the role of an effective "opposition" and serving as a "watchdog" over government. Third, given defects of electoral system and need of electoral reforms in Pakistan, media's watchdog role in discouraging malpractices and ensuring maximum possible fair play and transparency in national elections is of paramount importance. Fourth, media discourse on national problems helps build national consensus on priorities and policy courses for the solution of problems. Media played this role in forming and sustaining the national consensus on the Swat military campaign against the militants in April 2009 and comprehensive anti-terrorism military offensive, *Zarb-e-Azb*, in June 2014. Despite these achievements, Pakistani media is criticised for the lack of quality and professionalism.

Governance

There is a consensus that good governance ensures broader socio-economic development and enables the state, the private sector and the civil society to distribute the gains to the population (Hussain, 2011). According to the World Bank, "governance refers to the manner in which public officials and institutions acquire and exercise the authority to shape public policy and provide public goods and services" (Bevir, 2011, p. 160). Ishrat Husain, Pakistani Banker and economist, has cited the following as the essential constituents of good governance: "participation, transparency, credibility, rule of law, efficiency and accountability" (Hussain, 2011, p. 152). Viewing Pakistan through these indicators reveals the state of governance in the country.

Regarding participation, it is the center that has always held too much control over power. This is one of the major reasons for Pakistan's poor governance, ethnic divisions, and fragmentation of the social fabric. Prime minister or president, aided by a small in-group of loyalists, exercises almost absolute power to make

decisions, while parliament serves as rubber stamp to approve decisions. The 18th Amendment entrusts the provinces to devolve governance to the local bodies but they lack will to do so. With regard to transparency, a huge gap exists between the standard practices and the prevailing conditions. On Transparency International's Corruption Perception Index (CPI), Pakistan has shown only little progress by moving from the position of 139th least corrupt country in 2012 to 127th in 2013, 126th in 2014 and 117th in 2015 ("Pakistan Corruption Rank," n.d.).

The rule of law has gained significant attention, in both debate and practice, following the lawyers' movement and subsequent empowerment of the judiciary. However, the debate as well as action is mostly selective rather than indiscriminate. While the Supreme Court has improved capacity to enforce the rule of law and expedite the resolution of cases, the lower strata of judicial hierarchy suffers from the lack of accessibility, delays in the delivery of justice and corruption. With respect to efficiency, education, health, police and judiciary are the most important departments. Pakistan spends an average 2% of the GDP on education and less than 1% of the GDP on health, which is one of the lowest in the world and much below the Millennium Development Goals (MDGs). The 2015 UNDP Human Development Index categorised Pakistan among Low Human Development countries, ranking it 147 out of total 188 countries ("Human Development Report," 2015).

Finally, accountability remains one of the weakest areas of governance in Pakistan. Although the country has numerous accountability-related laws and institutions, it suffers from deficits in the quality of laws as well as the lack of institutional capacity for implementation. Pakistan has various institutions for accountability, including National Accountability Bureau (NAB), provincial anti-corruption establishments, Auditor General of Pakistan (AGP), the office of Ombudsman, and Public Accounts Committees. Limited capacity, controlled autonomy and politicisation of these institutions hinder their performance. Usually, accountability is used as a tool for political objectives rather than achieving its actual purpose.

Internal Security

Pakistan's internal security problems—insurgency, militancy, terrorism and extremism—have an important link with poor state of governance. A report of Washington-based Center for Strategic & International Studies states that bad governance in Pakistan is not an offshoot of militancy and vice versa. However, the report recognises that improvement of governance would be essential to effectively deal with the problem of militancy (Lamb & Hameed, 2012).

In case of Pakistan, the link between weak governance and militancy/terrorism is visible in two ways. First, weak governance results in gaps in the provision of basic services and lack of political legitimacy and these provide the illicit non-state actors an opportunity to propagate their own agenda. They do so either by providing services to local populations or by doing anti-state propaganda. Second, weak governance, particularly poor law enforcement, provides the terrorists/militants more space to engage in violence. In post-9/11 period,

particularly since 2007, Pakistan has faced worst terrorist, sectarian and ethnic violence. According to the data collected by Pakistan Institute of Peace Studies, 1,577 terrorist attacks took place in Pakistan in 2012, killing around 2,050 and injuring 3,822 people (Hussain, 2013). Pakistan military's grand military offensive, Zarb-e-Azb, is a significant success in defeating militancy and terrorism. However, the civilian government's part in fighting terrorism and extremism through law enforcement, particularly National Action Plan (NAP), lags far behind.

Pakistan's criminal justice system is comprised of three components: investigation, prosecution and justice. The cases of terrorism are tried in special courts called Anti-Terrorism Courts (ATCs). Despite being the victim of heinous terrorism, Pakistan failed to sufficiently upgrade terrorism-related laws in accordance with the severity and new forms of terrorism. Further, it does not have a coordinated and coherent counter-terrorism strategy. In this regard, the National Counter-Terrorism Authority (NACTA), created in 2009, remains almost ineffective due to administrative and capacity issues. Finally, police suffers from financial constraints, insufficient security apparatus, and inadequate counter-terrorism training and expertise.

Economic Performance

Pakistan's economic record since 2008 has dismally been poor. The average GDP growth rate during 2008-12 was merely 2.9 percent (Mohammad, 2012). According to the data of Pakistan Bureau of Statistics (PBS), Pakistan's GDP growth rate picked up in past few years, with growth rate of 4.05 percent in FY 2013-14, 4.04 percent in FY 2014-15 and 4.7 percent in FY 2015-16 (Ahmed, 2016). Compared with other regional countries, Pakistan lags far behind in terms of economic growth. Another fact showing Pakistan's economic instability is the IMF loan which it has availed twice since 2008—\$7.6 billion in November 2008 and \$6.6 billion in September 2013.

Three interrelated problems are majorly responsible for Pakistan's bad economic performance: fiscal deficit, current account deficit and inflation.

Fiscal Deficit: Fiscal deficit refers to the amount by which the total expenditures of a government exceed the revenue that it generates. Presently, Pakistan's fiscal deficit is the main cause of its bad economic performance. While Pakistan's budget deficit reached as high as 8.5% of the GDP in the FY 2012 and 8.8% of the GDP in the FY 2013, it lowered to 5.7% in FY 2014, 5.3% in FY 2015 and about 4.3% in FY 2016 ("Govt Misses," 2016). The apparent contraction of budget deficit does not show well-founded economic improvement due to two factors. First, although tax collection by the Federal Board of Revenue (FBR) has increased by 20 percent, it is more the result of an increase in the rates of direct and indirect taxes on the existing taxpayers than increase in the tax base. Second, the government set up the Tax Reforms Commission but failed to undertake a comprehensive and credible reform as well as a thorough and serious implementation of Commission's recommendations. 68 percent of total tax

revenue still comes from indirect taxes on fuel, electricity and food items (“Pakistan’s Economy,” 2015).

Pakistan’s fiscal deficit problem is the consequence of failure to mobilise the domestic sources of revenue and simultaneous overspending. Persistence of the fiscal deficit problem since 2007-08 has led to dependence on both internal and external borrowings to cover the gap between revenues and expenditures. Borrowing has resulted not only in soaring of both foreign and domestic debt but also in high inflation. Foreign debt has led to massive increase in debt-servicing costs, pressure on foreign exchange reserves and hence further fiscal problems. As of March 2016, Pakistan’s public debt, according to the official record, stood at Rs.19,168 billion (“Highlights of Pakistan,” 2016).

Current Account Deficit: Current account is the sum of the balance of trade, income from investment, and current transfers. It is one of the measures of the balance of payments, which shows a country’s potential to maintain monetary transactions with the rest of the world. In Pakistan’s case, while current transfers in the shape of foreign inward remittances, aids and grants, donations and official assistance provide key support to the economy, balance of trade and foreign investment are very poor. During first 10 months of FY 2016, trade deficit stood as high as \$19 billion (Khan, 2016). Similarly, foreign direct investment (FDI), excluding the CPEC, has seen massive decline in the country. Pakistan met a deficit of \$2.5 billion in current account during FY 2016 (Iqbal, 2016). Various domestic factors such as energy crisis, poor security environment, macroeconomic instability, corruption, high business costs and political instability are responsible for low foreign investment in Pakistan.

Notwithstanding the relative stability of current account, the breakup analysis indicates a bad picture. Remittances inflows from overseas Pakistani workers, immensely important for balance of payments, dropped 20.2 percent in July 2016 compared to July 2015 (Alam, 2016). Appallingly, Pakistani exports have been falling for a couple of years despite inclusion in EU’s GSP+ scheme and an improvement in law and order situation. Exports account for only 46 percent of the import bill (Sherani, 2016), while remittances, in comparison, pay for about half of it (Alam, 2016). Besides, FDI, another important source for external financing, from important countries except China is far below the potential.

Conclusion

Since inception, Pakistan has been afflicted with multifaceted enduring problems, which have kept it from gaining socio-economic and political stability. However, the polity and society of Pakistan has been experiencing progressive structural changes since the turn of the 21st century, particularly with respect to democratic process, political participation, independence of judiciary and media’s watchdog and agenda-setting role. Since the return of civilian regime in 2008, the democratic process has been experiencing a continuity. More significantly, the 2007-08 lawyers’ movement, launched for restoration of the then deposed chief justice of Pakistan, has popularized the ideas of judicial independence and the rule of law. Concomitantly, Pakistan’s urban middle class, particularly youth, is taking keen

interest in national politics and pushing political elite to respond to governance issues. Last but not the least, Pakistani media has brought about an unprecedented information revolution while performing as an agent of change through its watchdog, issue-raising and agenda-setting roles.

While Pakistan is transforming, it needs to surpass various challenges. Foremost, there is an urgency to address governance issues, particularly related to transparency, participation, rule of law, accountability and efficiency. Grand military operation, Zarb-e-Azb, has helped much counter the menace of terrorism. However, an enduring solution of Pakistan's internal security problems—militancy, terrorism, separatism, and extremism—requires good governance. In this regard, implementation of the National Action Plan (NAP) in toto is an immediate requirement. Finally, Pakistan must improve economic performance, which is currently far below the potential. It faces economic challenges such as burgeoning debt, declining exports and low revenue collection. In comparison, other regional economies—Bhutan, Bangladesh, India and Myanmar—have much better economic performance.

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