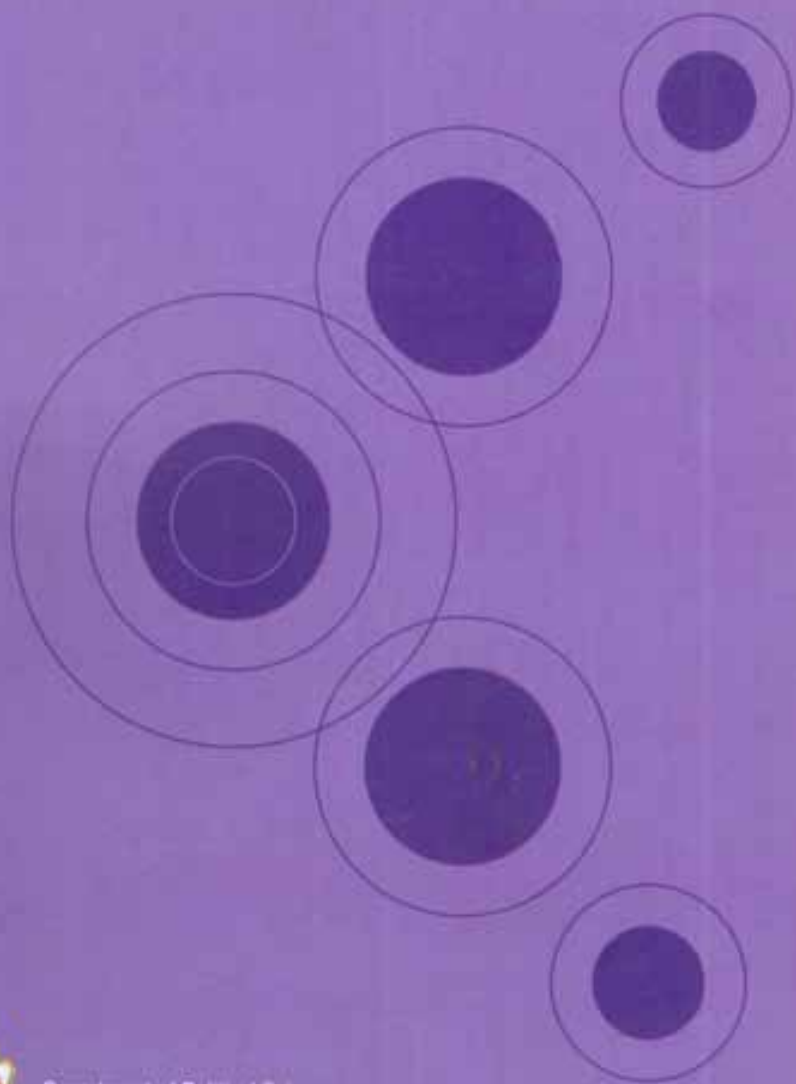


ISSUE VI

w i n t e r 2 0 0 4

# Al-Siyasa السياسة

A Journal of Politics, Society and Culture



Department of Political Science  
Programme in Diplomacy & Strategic Studies

University of the Punjab, Lahore

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**Department of Political Science**

**Programme in Diplomacy and Strategic Studies**

**University of the Punjab**

**Lahore- Pakistan**

**Phone: 92- 42- 9231229 Fax: 92- 42- 5838263**

**Email: pspunjab@yahoo.com**

**AL-SIYASA – A JOURNAL OF POLITICS, SOCIETY & CULTURE**

(Department of Political Science; Programme in Diplomacy and Strategic Studies  
University of the Punjab, Lahore – Pakistan)

**ISSUE VI**

**WINTER 2004**

**C O N T E N T S**

**ARTICLES**

AZAD KASHMIR AS A FACTOR IN INDIA-PAKISTAN RELATIONS	Rifaat Hussain	1
CHALLENGES FOR PRO-AMERICAN GOVERNMENTS	Mohamed Norman Galal	19
HINDUTVA POLITICS AND GUJARAT MASSACRE	Ahmad Ejaz	43
TRIBAL AREAS OF NWFP (PAKISTAN): LAND AND PEOPLE	Syed Minhaj ul Hassan	59
EVALUATION OF LOCAL GOVERNMENT STRUCTURE: A CASE STUDY OF THE PUNJAB	Ayaz Muhammad	77

**Policy Papers**

IRAQI CRISES AND THE REGIONAL RESPONSE	Syed Farooq Hasnat	107
ARMED CHALLENGES TO THE STATE	Aisha Shahzad	115

**BOOK REVIEW**

WOMEN, WAR AND PEACE IN SOUTH ASIA: BEYOND VICTIMHOOD TO AGENCY	Tahmina Rashid	123
---	----------------	-----

**DOCUMENTS**

SPEECH BY DR. MAHATHIR MOHAMAD; 16 OCTOBER 2003		129
OIC DECLARATION ON KASHMIR; 16 OCTOBER 2003		141
17 <sup>TH</sup> AMENDMENT OF 1973 CONSTITUTION		145

## AUTHORS

**Professor Dr. Riffat Hussain** is Chairman, Department of Defence and Strategic Studies; Quaid-e-Azam University, Islamabad

**Dr. Mohamed Noman Galal** is a former Ambassador and Assistant Foreign Minister of Egypt. Currently he is advisor for strategic studies at Bahrain Centre for Studies and Research.

**Ahmad Ejaz** is Senior Research Fellow; Pakistan Study Centre; University of the Punjab, Lahore

**Dr. Syed Minhaj ul Hassan** is Assistant Professor, Department of History, University of Peshawar

**Professor Dr. Ayaz Muhammad** is in the Department of Political Science and International Relations, Bahauddin Zakariya University, Multan

**Professor Dr. Syed Farooq Hasnat** is Chairman, Department of Political Science, University of the Punjab

**Aisha Shahzad** is Lecturer Political Science, Government College for Women, Gujranwala

**Tahmina Rashid** is Assistant Professor, Department of Political Science, University of the Punjab

## Azad Kashmir as a factor in India-Pakistan Relations

Riffat Hussain

In visible contrast to the growing body of scholarship on India's relations with Kashmir, ties between Pakistan and Azad (Free) Kashmir have received scant scholarly attention. This intellectual "silence" is partly a function of the small size of the area comprising Azad Kashmir, the marked absence of violence in the internal politics of the territory under Pakistani control, and largely due to the predominantly status-quo bias of the "partition literature". Yet, the significance of Pakistan-Kashmir ties can hardly be exaggerated. Symbolically, as noted Victoria Schofield, "As so long as Azad Jammu and Kashmir existed", Pakistan could convincingly argue that "an alternative formula other than integration within the Indian Union presented itself to the Kashmiri's across the ceasefire line."<sup>1</sup>

Apart from keeping the possibility of an "internal settlement" of the Kashmir question open, Pakistan's relations with Azad Kashmir are a critical component of Islamabad's overall security strategy vis-à-vis India and lie at the heart of Pakistan's Islamic identity. As such they have become the most vital source of recurring India-Pakistan crises. Pakistan's perceived inability to stem the flow of "terrorist activity from across the Line of Control (LoC) that divides Azad Kashmir from Indian-held Kashmir lay at the core of the May-June 2002 "compound crisis"<sup>2</sup> which very nearly provoked a catastrophic war between the nuclear armed adversaries. The crisis was defused through direct American diplomatic intervention. This paper looks at the nature, evolution and dynamics of Pakistan's relations with Azad Kashmir in the dual context of Pakistan's Kashmir policy and the impact this policy has had on India-Pakistan ties. The central argument of this paper is that while Pakistan's relations with Azad Kashmir display many features of inter-state inequality associated with the notion of dependent development, these ties are qualitatively different<sup>3</sup> from a situation of "internal colonialism" that characterizes New Delhi's rule over Indian-held Kashmir.<sup>4</sup> Due to paucity of statistical data no empirical examination of the different dimensions of the structure of ties between Pakistan and Azad Kashmir will be made.<sup>5</sup>

## I. Azad Kashmir: Historical Antecedents

Lying between longitude 73 -75 and latitude 33-36, Azad Jammu and Kashmir (hence forth AJK) has an area of 5,134 sq. miles. According to the 1981 Census the total population of AJK was 1.980 million, which is estimated to have grown to over 2.726 million in 1993.<sup>6</sup> The population is 100 per cent Muslim and 90 per cent of the total population is confined to rural areas. Density of population is 205 persons per sq km. Only 13 per cent of the total area is under cultivation and about 43 per cent is covered with forest.<sup>7</sup>

Since 1974 AJK has had a parliamentary form of government. The President is the head of the State, which the Prime Minister, supported by a Council of Ministers, is the Chief Executive. The Legislative Assembly consists of 48 Members, of whom 40 are elected by direct franchise while eight (3 male and 5 female) are elected by the members of the Assembly. The State has its own Supreme Court and the High Court. AJK is divided into two Divisions i.e. Muzaffarabad and Mirpur and five administrative districts, namely, Muzaffarabad, Poonch, Bagh, Mirpur and Kotli. The State's capital is Muzaffarabad. AJK also has a broad-based local bodies system. There are 182 Union Councils, 12 Town Committees, 30 Markaz (Centre) Councils, 2 Municipal Corporations and 5 Municipal Committees with 17 sub-divisions/tehsils and 1646 villages.

The Interim Constitution of the AJK (1974) lays down the following functions to the Government of Pakistan:

- a) The responsibilities of the Government of Pakistan under the UNCIP Resolutions;
- b) The defence and security of AJK;
- c) The current coin or the issue of any bills, notes or other paper currency; or
- d) The external affairs of AJK including foreign trade and foreign trade.<sup>8</sup>

The modern state of Jammu and Kashmir evolved from the Dogra heartland in Jammu, the home of many different ethnic groups and a diverse set of cultures. In 1834, Ladakh was conquered and incorporated into the state. Baltistan was conquered and annexed by

the Dogras in 1840. The Valley of Kashmir was acquired in 1846 when the British sold it to the Sikh ruler Gulab Singh for the sum of Rs. 75,00,000 on account of his neutrality during the first Anglo-Sikh war. Attempts to capture Gilgit were made from Baltistan in 1850-1890, but control was not established there. In 1935 Gilgit was leased to the British for 60 years, and in 1947 the British terminated the lease. Poonch joined the state in 1936 as the result of a judicial settlement. Aksai Chin came under Chinese control in 1962.

Dogra rule over the state of Jammu and Kashmir was "hated" by the Muslims who constituted the majority of the population and "were discriminated against in every way." The first signs of Muslim organization and assertion came in the field of education. In 1905, the Mirwaiz of Kashmir, the spiritual leader of the Kashmiri Muslims, founded an educational forum, which sought to provide schooling for poor Muslims and fund those who wished to study abroad. The beneficiaries of this reform effort included people such as Sheikh Mohammed Abdullah, Ghulam Abbas, Mirza Aslam Beg, G.M. Sadiq.

Following Maharaja Hari Singh's succession to the throne in 1925, simmering Muslim resentment against their subjugation reached new heights. In 1929, Ghulam Abbas, a Muslim from Jammu, reorganized the Anjuman-i-Islam into the Young Men's Muslim Association of Jammu, to work for the betterment of Muslims. In Srinagar, the Reading Room Party led by Muhammad Yusuf, Prem Nath Bazaz, Sheikh Mohammed Abdullah came into being to fight against Hari Singh's oppressive rule. The massacre of the twenty-one Kashmiri protestors by Dogra police in the Abdul Qadir incident in Srinagar on July 13, 1931 further intensified Kashmiri opposition to the Maharaja's autocratic rule.

In 1932 All Jammu and Kashmir Muslim Conference was formed by Sheikh Abdullah to give an institutional voice to Muslim demands for better treatment. The Jammu and Kashmir Muslim Conference contested the thirty-five seats open to them under the 1932 Constitutional Act and won sixteen. However, dissatisfied with the limiting focus of the Muslim politics centered on demands for better pay and jobs and deeply influenced by the socialist thinking of the India National Congress and Jawaharlal Nehru who had fought for the rights of the princely states under the aegis of the States' Peoples' Congress, a wing of the Congress Party, Sheikh Abdullah distanced himself from the All Jammu and Kashmir Muslim

Conference. In 1939, he changed its name to the National Conference and moved closer to the rising Congress Party leader, Jawaharlal Nehru, who promised a secular and socialist India.

Sheikh Abdullah's growing ideological and political affinity with the Indian National Congress made the policy platform of the National Conference "meaningless to Muslims" especially those of "ethnic Punjabi stock from Mirpur and Poonch" who found his advocacy of land-redistribution threatening to their feudal interests. Paralleling National Conference's strategic drift towards the Indian National Congress, the weakened Muslim Conference led by Mirwaiz of Kashmir, Mohammed Yusuf Shah started up a close and important association with the Muslim League which, led by Mohammed Ali Jinnah, passed a historic resolution in Lahore in 1940 calling for the creation of independent states in "those areas where Muslims were in majority."<sup>9</sup> In 1943, Muslim Conference invited Mohammed Ali Jinnah to Kashmir to chair its annual summit. Without hiding his "dislike of Abdullah" Jinnah asserted that the "Muslim Conference represented the will of the people."

In sharp contrast to Jinnah's rejectionist stance, Jawaharlal Nehru praised Sheikh Abdullah as an undisputed leader of the Kashmiri people. Speaking at the annual session of the National Conference in Sopore, where he was invited as a guest speaker, Nehru said, "Dogra government forced you to lead a subhuman existence. Thanks to Sheikh Sahib's efforts you have once again attained human dignity. In Kashmir, wherever I have gone, I have heard the resounding slogan of "Long live the Lion of Kashmir."<sup>10</sup>

The growing links between the National Conference and the Indian National Congress, on the one hand, and the Muslim Conference and the All India Muslim League on the other also reflected the profound differences in the stand, which both the Congress Party and the Muslim League adopted towards the princely states. Jawaharlal Nehru and the Congress Party had defined their position on the Indian States in August 1935: "The Indian National Congress recognizes that the people in Indian states have an inherent right of Swaraj (Independence) no less than the people of British India. It has accordingly declared itself in favour of establishment of representative responsible Government in the States." On the contrary, Mohammed Ali Jinnah and the Muslim League made it clear that they did not wish to interfere with the

internal affairs of the princely states which was a "matter primarily to be resolved between the rulers and the peoples of the states."<sup>11</sup>

In 1946, Sheikh Abdullah launched his famous "Quit Kashmir" movement to protest the autocratic Dogra rule. The Muslim Conference boycotted the campaign at the behest of the All India Muslim League, which charged that he had launched the agitation in order to salvage his sagging popularity on account of his pro-India stance. Sheikh Abdullah was arrested in 1946 after he attempted to visit Nehru in New Delhi. To demonstrate his solidarity with his incarcerated friend, Nehru attempted to visit Kashmir in July 1946 with the intention of defending Abdullah at his trial. After waiting for several hours to gain entry, he was taken into protective custody, before being released. This episode further solidified bonds of personal friendship between Sheikh Abdullah and the future Prime Minister of India.

At the time of the partition of British India in 1947, the State of Jammu and Kashmir was one of the 564 princely states asked by the British to join either Pakistan or India in accordance with the twin principles of geographical contiguity and self-determination.<sup>12</sup>

Although the State of Jammu and Kashmir had a Muslim majority (77% in the census of 1941), and shared a long border with the new state of Pakistan, the Maharaja refused to opt for Pakistan. His reticence stemmed from agitation by his predominantly Muslim subjects against his brutal rule, ongoing since the early 1930s on the one hand and the aggressive lobbying campaign launched by the Indian National Congress to seek Jammu and Kashmir's integration with India.

Faced with the armed revolt by Muslims from Poonch in June 1947, the Maharaja retaliated with brutal force against them. He further ordered his rebellious subjects to hand over their weapons. "Feeling distinctly vulnerable, the Poonchis looked for another source of arms and found they were readily available from NWFP."<sup>13</sup>

The revolt then spread to the other areas of the Jammu and Kashmir. To stabilize the situation, the Maharaja signed a standstill agreement with the new state of Pakistan. The situation deteriorated during August and September of 1947 as the Kashmiri Muslims openly revolted. In this armed insurrection, they were joined by their

fellow tribesmen from Northwest frontier province in Pakistan who were incited by communal riots and clashes in neighboring Punjab and stories of Hindu and Sikh attacks on Muslim villages in Jammu where there was a large non-Muslim population. By late October 1947, the tribesmen-led rebellion succeeded in capturing several towns, massacred large number of civilians, and advanced within four miles of the capital, Srinagar.<sup>14</sup>

To forestall his imminent overthrow by the advancing rebel troops, the Maharaja requested military aid from India on October 24. The uprising caused considerable interest in Pakistan where Mohammed Ali Jinnah and his Prime Minister Liaqat Ali Khan hoped that it might force the Maharaja to opt for Pakistan. Sensing that Kashmir was ready for the taking, Nehru sent V.P. Menon to Srinagar on October 25 where he reportedly told the "Maharaja that if he did not sign the Instrument of Accession there and then Delhi would be unable to send Indian troops to help him."<sup>15</sup> Faced with the ultimatum, embattled Maharaja acceded to the Indian Union. The Indian Government accepted Maharaja's accession, while stipulating that this accession of Kashmir to India should be ratified ultimately by popular consultation. India's military intervention on behalf of the besieged Maharaja led to the first India-Pakistan war over Kashmir. India took the Kashmir dispute to the United Nations, calling for world body's intervention in the matter.

After their first war over Kashmir in 1947-48, India and Pakistan signed a cease-fire agreement on January 1, 1949. India and Pakistan went to war over Kashmir in 1965 and the resulting line of control divided old Jammu and Kashmir into four political units:

(1) Ladakh and Jammu and Kashmir Valley (Indian-occupied Kashmir or occupied Kashmir from a Pakistani view-point); (2) Azad Kashmir (Pakistan-occupied Kashmir from an Indian view-point); (3) the Northern Area, administered by Pakistan; and (4) Aksai Chin, controlled by China.

The Northern Area administered by Pakistan (Gilgit, Baltistan, and Diamont Districts) has an area of 27,800 square miles (82,010 square kilometers). The Karakorum Mountains surround the Northern Area, with 28 peaks of more than 20,000 feet (6,100 meters). Within these mountains are a number of important passes: Chaleli, Mintka, Kilik, Shamshal, Shandour, Karambar, Thougre, Burreil, and Durhit.

The Northern Area has a population of about 650,000 people, who live in 645 villages and towns perched along narrow valleys. Some people live at 11,000 feet (3,350 meters) a climb in the summer to 14,000 feet (4,265 meters) with their sheep and goats.<sup>16</sup>

India, however, does not recognize the Northern Area as part of Pakistan. It argues that it was part of Jammu and Kashmir State by virtue of the Maharaja's decision to accede in favor of India.

## II. Evolution of Pakistan-Azad Kashmir Ties

The Government of Azad Kashmir was established at Pulandri in Jammu district on October 24, 1947 under the aegis of the working committee of the All Jammu Kashmir Muslim Conference. Sardar Mohammed Ibrahim Khan, a thirty-two year old Suddhan, who had organized an army of about "50,000" during the Poonch rebellion, was confirmed as President of this new entity. The Azad Kashmir government defined its objective as the liberation of Jammu and Kashmir from the Dogra dynasty and then the Indian authorities. In a bid to assert its legality, on 3<sup>rd</sup> November, the Azad Kashmir Government requested international recognition as a State from the UN General Assembly. Its international legal status, however, never went beyond what United Nations Commission for India and Pakistan (UNCIP) described as a "territory to be administered by the local authorities under surveillance of the Commission."<sup>17</sup>

In March 1949, the AJK Government concluded a power-sharing treaty with the Government of Pakistan. According to this Treaty matters pertaining to defence, foreign affairs, negotiations with UNCIP, publicity in foreign countries and in Pakistan, responsibilities for relief and rehabilitation of refugees, the plebiscite, activities related to procurement of food, civil supplies, transport and refugee camps, and medical aid were to be dealt with by Pakistan. Additionally, the affairs of Gilgit, and Ladakh (Baltistan) previously under a political agent became the responsibility of the Pakistan government.<sup>18</sup> All the other matters fell within the purview of the Azad Kashmir administration.

In 1948, the Pakistan government created the Ministry for Kashmir affairs (MKA), headed by a Joint Secretary and placed it under the general guidance of the federal Ministry of Home Affairs. In

addition to supervising the foreign and financial arrangement of Azad Kashmir, the MKA was also to "assist in the appointment of leaders of Azad Kashmir."<sup>19</sup> In 1952 the government of Pakistan promulgated new "Rules of Business" which vested full power in the Joint Secretary, MKA, rather than the Muslim Conference Party.<sup>20</sup> Both Sheikh Mohammed Ibrahim and Ghulam Abbas criticized the MKA as an infringement on the rights of the people of Azad Jammu and Kashmir to freely choose their own government and "sought assurances that [it] would not over-ride popular sentiment within Azad Kashmir."<sup>21</sup>

Despite assurances by the Pakistan government that it would not "shadowing the government in Muzaffarabad" the confidence of the Muslim Conference in the former's "integrity" remained very low. In May 1954, Sheikh Mohammed Ibrahim publicly protested against bribery, corruption and embezzlement as well as accusing the minister of Kashmiri affairs in Pakistan of proposing to "colonize" Azad Kashmir.<sup>22</sup>

Pakistan's assumption of the direct administrative control over the Northern Area (Gilgit, Baltistan, Diamont Districts) on the assumption that they never formed part of the disputed territory of the State of Jammu and Kashmir further angered Muzaffarabad which viewed this move as a continuation of the British colonial policy of divide and rule.

In 1955, following the publication of the Kashmir Government Act, the Pakistani authorities placed Poonch and parts of Mirpur under martial law after outbreak of widespread disturbances.

In April 1957, riot police broke up the meeting of the Muslim Conference, following Sardar Ibrahim's call for some form of direct action in favour of a "united and independent" Kashmir.

This growing disaffection of the Muslim Conference toward Pakistan led to the formation in 1958 of the Kashmir Liberation Movement (KLM) with K.H. Khurshid as Acting Secretary. The KLM was a non-violent body which repeatedly challenged the Pakistani control over Azad Kashmir by attempting to cross the cease-fire line. KLM's activities led to the arrest of Ghulam Abbas and further widened the gulf of distrust between the old guard of the Muslim Conference and the Pakistani authorities.

In 1961, the military regime of Ayub Khan implemented the system of indirect elections in Azad Kashmir. This was done in clear violation of its earlier assurances that the provisions of "Basic Democracies" ordinance would not be extended to Azad Kashmir. Through this system 2400 basic democrats elected K.H. Khurshid as the new head of government in Muzaffarabad.

Facing splits in its ranks caused by differences over its exact response to events within Pakistan, the Muslim Conference under the leadership of Abdul Qayyum Khan, organized fresh crossings of the cease-fire line and set up groups of armed volunteers to "liberate" Indian-held Kashmir, not "for Pakistan but for a separate Kashmiri state." Such activity provoked clashes with the Pakistan authorities, which attempted to contain such agitation in view of the sensitivities of the border areas.

These strains in Pakistan's relations with Azad Kashmir did not deter Muzaffarabad from either becoming "dependent on Pakistan for its economic survival" or as an "adjunct to Pakistani politics, at times used as a launching pad for initiatives into the valley, at others, a poor relation, which because of Pakistan's claim to the whole of the State of Jammu and Kashmir, the Pakistani government never found itself in a position to acknowledge as a province of Pakistan."<sup>23</sup>

In 1987/88, Pakistan provided more than 2.1 billion rupees to Azad Kashmir's 2.5 billion rupee budget. In 1989/90 Pakistan provided 1.94 billion rupees to Azad Kashmir's 2.76 billion rupee budget.

In 1964 General Ayub Khan appointed a Kashmir Public Committee with Foreign Secretary Aziz Ahmed as its Chairman to keep the Kashmir situation under review.<sup>24</sup> The Kashmir Committee then prepared two plans, one to encourage sabotage activities across the cease-fire line and the other to provide "all out support for guerillas to be inducted into Kashmir." Both these task were assigned to "HQ 12 Division located at Murree."<sup>25</sup> In mid-February 1965, the Kashmir Committee prepared Operation Gibraltar, which was personally approved by General Ayub Khan on May 13.<sup>26</sup> The principal aim of the Operation Gibraltar was to "disrupt the situation in the Srinagar Valley and create conditions whereby the emboldened local populace would rise against the Indian Army of occupation using

weapons provided by Pakistan.<sup>27</sup> The Kashmir Cell trained some "7000" guerrillas who, led by Pakistan Army Officers crossed the Cease-Fire Line in August and launched their attack.<sup>28</sup> The anticipated Kashmiri revolt, however, never materialized.<sup>29</sup> Operation Gibraltar turned into a military disaster for Pakistan as India launched a counter-military offensive along the ceasefire line, which allowed the Indian military to "cut off the militant's supply lines, leaving the infiltrators short of material and completely isolated."<sup>30</sup> Swift Indian military response endangered the security of Azad Kashmir as many forward Pakistani posts including Hajipir pass fell to the Indian army on August 29, 1965.<sup>31</sup> By September 10, the Indian Army "virtually held a line from Uri to Poonch."<sup>32</sup>

Operation Gibraltar's manifest failure to achieve its stated aims of "defreezing Kashmir problem" "weakening India's resolve" and to "bring her to a conference table without provoking a general war"<sup>33</sup> caused profound disillusionment in Pakistan and Azad Kashmir. Contrary to its objectives, Operation Gibraltar not only triggered a full-scale India-Pakistan War but also underscored Pakistan's inability to fight a "thousand year" war with India over Kashmir. In the wake of the 1965 War it became quite evident that Pakistan "could not realistically expect New Delhi to give ground on Kashmir or expect the rest of the world to exert itself after Pakistan had tried and failed to resolve the issue through the use of force."<sup>34</sup>

Having lost their hopes for Kashmir's liberation from New Delhi's oppressive rule, leaders of the political parties in Azad Kashmir turned inward and began agitating for a fully sovereign status. In 1968, Amanullah Khan led a procession of the All Parties Kashmir Committee in Karachi representing various political parties including the Plebiscite Front and the Liberation League. Other Azad Kashmiri leaders such as Sardar Abdul Qayyum, Sardar Ibrahim and K.H. Khurshid joined forces and demanded "Azad Kashmir should be recognized as the sovereign government successor of Maharaja Hari Singh for the whole of the state." In 1969, Pakistan Peoples Party, founded by Zulfikar Ali Bhutto in October 1967, set up its branch in Muzaffarabad. This development marked the beginning of party politics in Azad Kashmir.<sup>35</sup>

Faced with the rising tide of Kashmiri nationalism, Islamabad announced a new constitutional set up for Azad Kashmir. Under the 1970 Kashmir Government Act a twenty-five member Legislative

Assembly, elected by full adult suffrage, was set up. Sardar Abdul Qayyum won the first Presidential elections in October 1970, which according to one analyst proved the point that Kashmiris "were not a bunch of mountain dwelling simple folk who live on Pakistan's bounty but a dynamic people even capable of giving a lead to Pakistan despite having clipped our wings in the 1949 Karachi Agreement."<sup>36</sup> The introduction of electoral politics in Azad Kashmir, while removing the biggest source of unease between Islamabad and Muzaffarabad, did not lead to complete harmony of views.

Following Pakistan's dismemberment and humiliating defeat in the 1971 India-Pakistan War, Islamabad signed Simla Agreement with India in July 1972. The Simla Agreement was "devoid of any reference to the UN's mediation and peacekeeping roles in Kashmir." Further, "it said nothing of the UN resolutions that had enabled the original ceasefire; and there was no mention of the role of that UNMOGIP...might play in delimiting the new line in policing it."<sup>37</sup> These omissions coupled with the conversion of the Cease-fire Line into Line of Control (LoC), as a result of which the Indian and Pakistani forces deployed in Kashmir became "eyeball-to-eyeball" created an impression in Azad Kashmir that Pakistan was either no longer able or worse willing to stand up for the rights of the Kashmiri people. These negative Kashmiri perceptions were reinforced by Islamabad's decision to put Gilgit and Pakistan-administered Baltistan under Islamabad's direct control. The incorporation of the former princely state of Hunza into the detached Northern Territories in 1974 further undermined hopes of a special relationship spawned by the Kashmir Government Act promulgated the same year.

Despite Muzaffarabad's public protestations, Islamabad continued the process of political integration of the Northern Areas into Pakistan. In 1977, they were included in Martial Law Zone-E by General Zia ul Haq when he assumed power in a military coup on July 5. In April 1982 he nominated three members of the of the Federal Majlis-e-Shura from the Northern Areas and publicly stated that while "Kashmir has been a disputed issue, but so far as the Northern Areas are concerned, we do not accept them as disputed." In July, 1982 General Zia declared that the northern regions of Gilgit, Hunza and Skardu were an integral part of Pakistan.<sup>38</sup> In 1984, special units of the Indian Army occupied three key passes (Sia, Bilafond La, Gyong La) in the Saltoro range dominating approaches onto massive Siachin Glacier. Pakistan Army's efforts to get the area



vacated proved futile due to extraordinary hazards of altitude and climate.<sup>38</sup> Indian military incursion into Siachin further strengthened Zia regime's resolve to accelerate the process of integration of Northern Areas into Pakistan.

These moves by the military regime provoked a strong reaction in Azad Kashmir. On May 4, 1984, four of the major political parties (Jammu and Kashmir Muslim Conference, Azad Kashmir People's Party, Jammu and Kashmir Mahaz-e-Raiy Shumari – Plebiscite Front – and Azad Muslim Conference) sent a jointly signed letter to President Zia explaining their position on the issue of Northern Areas. While claiming that Northern Areas had belonged to Azad Kashmir, they charged that Zia's statements "were depriving around 6 to 7 hundred thousands inhabitants of the area of their right to vote in the plebiscite, which will be a great loss to Kashmir and to Pakistan."<sup>40</sup>

Ignoring Muzaffarabad's assertions, Islamabad announced a "reform package" for the Northern Areas on April 1994, the implementation of which turned these contested territory into a defacto fifth province of Pakistan.<sup>41</sup> To further extend Islamabad's administrative and legal writ to the Northern Areas, the federal government, for the first time, decided to appoint a Chief Secretary and four Secretaries in the area.

To underscore Azad Kashmir's opposition to Islamabad's moves to absorb the Northern Areas into the administrative structure of Pakistan, the full bench of the Azad Kashmir High Court held in a ruling on March 18, 1993 that "Northern Areas (Gilgit and Baltistan) are part of Azad Kashmir, historically and constitutionally" and further pronounced that "The Azad Kashmir government should establish administrative and legal institutions in these areas." Islamabad challenged this decision in the Supreme Court in Muzaffarabad. Announcing its decision on 14 September 1994 the AJK Supreme Court said: "No doubt, that Northern Areas are part of the state of Jammu and Kashmir – but not of Azad Kashmir. Therefore the government need not take administrative control of these areas." The Supreme Court of Pakistan in its verdict of May 28, 1999 pronounced, "Northern Areas were constitutional part of the State of Jammu and Kashmir."<sup>42</sup> It called upon the government of Pakistan to "ensure that basic human rights and other political and administrative institutions are provided in the areas within six months. However, the action

should not adversely affect Pakistan's stand concerning the Kashmir dispute."

Pursuant to the Supreme Court's decision, Islamabad prepared a constitutional reform package, which was announced by General (Rt.) Abdul Majeed Malik during his visit to the area on October 2, 1999. The package envisaged replacing the existing Northern Areas Council with a Legislative Council and called for the holding of elections for the Council and local bodies. Despite the takeover of power by the Army on October 12, 1999 these elections were held as proposed by the deposed Nawaz Sharif government. On July 7, 2000 the military government announced another package of reforms under which Northern Area Council was renamed as "Northern Area Legislative Council" comprising 29 members. Five seats were reserved for women – one elected indirectly from each district. While empowered to "legislate in 40" items, the Council cannot approve development schemes which remain the prerogative of the Federal Government.

These latest moves by Islamabad to "empower" the people of Northern Areas and to improve their depressed economic conditions continue to evoke anxiety and opposition in Azad Kashmir.

Muzaffarabad sees these administrative and political initiatives not only as a blatant violation of the sovereignty of AJK but also an effort by Islamabad to "truncate" the size of the disputed territory of the State of Jammu and Kashmir.

## NOTES AND REFERENCES

<sup>1</sup> Victoria Schofield, *Kashmir in the Crossfire* (New York: I.B. Tauris, 1996), p. 183.

<sup>2</sup> Stephen Cohen, *The Compound Crisis of May 2002* (Unpublished paper) (Washington: The Brookings Institution, 2003).

<sup>3</sup> While noting that there a good number of issues, such as Azad Kashmir's exclusion from international agreements, the suspicion in Pakistan that many Kashmiri Muslim would prefer an independent Kashmir over their accession to Pakistan, Azad Kashmir's resentment against interference by the Ministry of Kashmir Affairs and the utter dependence of the Azad Kashmir government upon Islamabad for financial support which are a continuing source of disaffection between Islamabad and Muzaffarabad, Leo Rose, nevertheless, concludes that "Pakistan's influence and control in Azad Kashmir is exerted primarily through the State's political units and leaders as well as the government...What we hear about (occasionally)...are instances of Azad Kashmir kowtowing to Islamabad. What rarely ever gets reported are the equally numerous occasions that the Pakistan government has to make concessions to Muzaffarabad." Leo

Rose, "The Politics of Azad Kashmir," in Raju Thomas, ed. *Perspectives on Kashmir: The Roots of Conflict in South Asia* (Boulder: Westview, 1992), p. 244.

<sup>5</sup> In his recent analysis of the causal impact of the prevailing socio-economic conditions on the ongoing insurgency in the Indian-held Kashmir, Siddhartha Prakash states: "...it is clear that the alienation of the Kashmiri people has been driven by sheer disillusionment in the state. Their ideals and aspirations have been thwarted by a series of rent-seeking governments, as well as the misguided policies of the Centre. Therefore, a genuine solution to the conflict depends on restoring Kashmir's confidence in a democratic and secular India with the creation of job opportunities (within the state and in other parts of the country), a clean administration and political freedom. The first step in that direction is hold a plebiscite to enable the people of Jammu, Kashmir and Ladakh to determine their future either as part of India or Pakistan, or as a separate nation." (pp.332-333). Siddhartha Prakash, "The Political Economy of Kashmir since 1947," *Contemporary South Asia* (2000) 9 (3), pp. 317-337.

<sup>6</sup> However, it is worth noting since 1947 when Pakistan gained control over AJK, the latter has done very well in the field of education. Literacy rate in AJK is higher than its average in Pakistan. In 1947, there were only 286 educational institutions in AJK with only three hundred students in attendance at all levels. By 1986, the number of educational institutions had increased to 4096 and 92 percent of the boys and 49 percent of the girls were attending primary schools. By 1995 97% of the boys and 82% of the girls were receiving primary education. Similarly, despite Pakistan's control over the banking sector, there are more bank branches per capita in Mirpur than in Karachi, the commercial and financial capital of Pakistan. See *PAKISTAN: An Official Handbook 1988* (Islamabad: Directorate General of Films and Publications, Ministry of Information and Broadcasting, Government of Pakistan, 1989), pp.521-527.

<sup>7</sup> *PAKISTAN: An Official Handbook, 1995* (Islamabad: Directorate General of Films and Publications, Ministry of Information and Broadcasting, Government of Pakistan, 1996), p.270.

<sup>8</sup> *Ibid.*

<sup>9</sup> *The Azad Jammu and Kashmir Interim Constitution Act, 1974* (Amended up to date May 1997. (Muzaffarabad: Azad Govt. of the State of Jammu and Kashmir., Law Justice and Parliamentary Affairs, Deptt, May 1997).

<sup>10</sup> Following Mohammed Iqbal, the influential philosopher-poet, who in his Presidential Address to the All India Muslim League in 1930 had called for the creation of a Muslim state comprising the Punjab, Sind, the North-West Frontier Province (NWFP), Chaudhry Rehmat Ali, Muslim student at Cambridge in 1933 proposed that this new Muslim state should be named PAKISTAN (land of pure). Acronomically, "P" stood for Punjab, "A" for Afghans for the frontier (in fact the Pushtuns of the NWFP), "K" for Kashmir, "S" for Sindh, and "tan" for Baluchistan). The inclusion of the predominantly Muslim state of Jammu and Kashmir in the new entity to be called PAKISTAN was indicative of the fact that "there was already a body of opinion which believed that the princely state should become part of Pakistan, if and when it could be achieved. After... the partition of the subcontinent took place this opinion held fast." Victoria Schofield, *Kashmir in conflict: India, Pakistan and the Unfinished War* (London, New York: I.B. Tauris, 2000) p.21.

<sup>11</sup> Tavleen Singh, *Kashmir: A Tragedy of Errors* (New Delhi: Penguin Books, 1996), p. xvi.

<sup>12</sup> *Ibid.* p. 23

<sup>12</sup> There is an unending controversy over the role played by Lord Louis Mountbatten, Britain's last viceroy in India, in the events leading to the partition of the subcontinent in 1947. Some scholars accuse him of rigging the final boundary award in favor of India while others defend him as a fair and "impartial" man, who did his best to deal with a very trying situation. For a good discussion of these contending view points see Robert G. Wirsing, *India, Pakistan and the Kashmir Dispute: On Regional Conflict and Its Resolution* (New York: St. Martin's Press, 1994), Chapter One esp. pp. 11-38. Regardless of Mountbatten's intentions, the fact remains "if Gurdaspur in Punjab had been awarded to Pakistan, and not India, by the Boundary Commission, Kashmir could not possibly have come to India." Tavleen Singh, *Kashmir: A Tragedy of Errors* (New Delhi: Penguin Books, 1996), p. xvii.

<sup>13</sup> Owen Bennett Jones, *Pakistan: Eye of the Storm* (New Haven: Yale University Press, 2002), p. 63

<sup>14</sup> Mushtaqur Rahman, *Divided Kashmir: Old Problems, New Opportunities for India, Pakistan and the Kashmiri People* (Boulder, Co: Lynne Rienner Publishers, p. 2.

<sup>15</sup> Jones, op.cit., p. 66

<sup>16</sup> Mushtaqur Rahman, *Divided Kashmir: Old Problems, New Opportunities for India, Pakistan and the Kashmiri People* (Boulder, CO: Lynne-Rienner, 1997), p. 18.

<sup>17</sup> Leo Rose, "The Politics of Azad Kashmir," op.cit. p. 236.

<sup>18</sup> Following is the text of this important agreement, which continued to govern ties between Azad Kashmir and the Government of Pakistan until 1970.

#### A. Matters within the purview of the Government of Pakistan.

1. Defence (as modified under....).
2. Foreign policy of Azad Kashmir.
3. Negotiations with the United Nations Commission for India and Pakistan.
4. Publicity in foreign countries and in Pakistan.
5. Co - ordination and arrangement of relief and rehabilitation of refugees.
6. Co - ordination of publicity in connection with plebiscite.
7. All activities within Pakistan regarding Kashmir such as procurement of food, civil supplies running of refugee camps and medical aid.
8. All affairs of Gilgit - Ladakh under the control of Political Agent.

#### B. Matters within the purview of Azad Kashmir Government.

1. Policy with regard to administration of AK territory.
2. General supervision of administration in AK territory.
3. Publicity with regard to the activities of the Azad Kashmir Government and administration.
4. Advice to the honorable Minister without Portfolio with regard to negotiations with United Nations Commission for India and Pakistan.
5. Development of economic resources of AK territory.

#### C. Matters within the purview of the Muslim Conference.

1. Publicity with regard to plebiscite in the AK territory.
2. Field work and publicity in the Indian occupied area of the State.
3. Organization of political activities in the AK territory and the Indian occupied area of the State.
4. Preliminary arrangements in connection with the plebiscite.
5. Organization for contesting the plebiscite.
6. Political work and publicity among the Kashmiri refugees in Pakistan.
7. Advise the honorable minister without Portfolio with regard to the negotiations with the United Nations Commission for India and Pakistan.

<sup>19</sup> Vernon Hewitt, *Toward the Future? Jammu and Kashmir in the 21<sup>st</sup> Century* (London: Cambridge, 2001), p. 110.

<sup>20</sup> Rose, "The Politics of Azad Kashmir," op.cit., p. 238.

<sup>21</sup> Hewitt, op.cit., p.111.

<sup>22</sup> Victoria Schofield, *Kashmir in Conflict*, op.cit; p. 91.

<sup>23</sup> Victoria Schofield, *Ibid*; p.91

<sup>24</sup> Other members of the Committee were Secretary Defense, Director Intelligence Bureau, Chief of the General Staff and the Director Military Operations. General K.M. Arif, *KHAKI SHADOWS: Pakistan 1947-1997* (Karachi: Oxford University Press, 2001), p. 47 Also see Sher Khan Mazari, *A Journey to Disillusionment* (Karachi: Oxford University Press, 1999), p. 128

<sup>25</sup> *Ibid*.

<sup>26</sup> *Ibid*, p. 48.

<sup>27</sup> Sher Khan Mazari, *A Journey to Disillusionment* (Karachi: Oxford University Press, 1999), p. 128

<sup>28</sup> *Ibid*, 129. According to General K.M. Arif, Operation Gibraltar envisaged that "[S]mall groups" should be "inducted in the Indian-held Kashmir (IHK) on a broad front to destroy or damage military targets – bridges, ammunition and supply dumps, formation headquarters, lines of communications, military convoys – to create panic, arouse hatred against the occupation power and encourage the oppressed people to rise in revolt. The aim was to take advantage of the anti-India feelings nursed by Kashmiris. The infiltrators carried arms and explosives and a limited quantity of rations with them. Thereafter they planned to live off the land and rely on local hospitality." *Ibid*, p. 49

<sup>29</sup> Brian Cloughley attributes this failure on the part of the inhabitants of the Valley to take up arms against their "Hind master" as a function of their perceived interests, which "lay more in tourists, woodcrafts, and papier mache than in aspiring to political freedom." *A History of the Pakistan Army: Wars and Insurrections* (Karachi: Oxford University Press, 1999), p. 69. General Arif gives the following assessment of the conceptual and operational flaws besetting Operation Gibraltar.

- The operation was conceived on faulty political assessment and flawed assumptions
- The people of Kashmir had not been consulted or taken into prior confidence. They did not rise in a war of liberation fearing brutal reprisals by the Indian military forces
- The planning time was excessively telescoped and the plan was implemented prematurely
- Excessive secrecy prevented the flow of essential information to all concerned on a need to know basis
- Intelligence failure

- Lack of inter-service and inter-arm coordination
- Inadequate training for the specialize operation
- Inadequate attention to the diplomatic and psychological fields
- The Pakistan Army possessed limited and mostly theoretical expertise in launching a guerrilla operation or combating it. The prescribed institutions were bypassed and operational planning violated the prescribed channels. Some of the planning errors might have been corrected had the relevant institutions been consulted. K.M. Arif, *Ibid*; p. 50.

<sup>30</sup> Owen Bennet Jones, *Pakistan: Eye of the storm* (2002), p. 77.

<sup>31</sup> General Arif, op.cit. p.54.

<sup>32</sup> Iffat Malik, *KASHMIR: Ethnic Conflict, International Dispute* (Karachi: Oxford University Press, 2002), p. 122.

<sup>33</sup> The August 29, Directive from President Ayub Khan Genera Mohammed Musa, Commander-in-Chief Pakistan Army defined "Political Aim for Struggle in Kashmir" as follows:

...to take such action as will defreeze Kashmir problem, weaken India's resolve and bring her to a conference table without provoking a general war. However, the element of escalation is always present in such struggles. So, whilst confining our action to the Kashmir area we must not be unmindful that India may in desperation involve us in a general war or violate Pakistani territory where we are weak. We must therefore be prepared for such contingency.

2. To expect quick results in this struggle, when India has much larger forces than us, would be unrealistic. Therefore, our action should be such that can be sustained over a long period of time.

3. As a general rule Hindu morale would not stand more than a couple of hard blows delivered at the right time and place. Such opportunities should therefore be sought and exploited." As quoted in Brian Cloughley, *A History of the Pakistan Army: Wars and Insurrection* (Karachi: Oxford University Press, 1999), Pp. 70-71.

<sup>34</sup> Dennis Kux, *The United States and Pakistan 1947-2000: Disenchanted Allies* (Washington, D.C.: Woodrow Wilson Center Press, 2001), p. 164.

<sup>35</sup> Patricia Ellis and Zafar Khan, "Partition and Kashmir: Implications for the Region and the Diaspora," in Ian Talbot and Gurharpal Singh, *Regions and Partition: Bengal, Punjab and the Partition of the Subcontinent* (London: Oxford University Press, 2001), p. 278.

<sup>36</sup> Quoted in *Ibid*., p.276.

<sup>37</sup> Robert G. Wirsing, *India, Pakistan and the Kashmir Dispute: On Regional Conflict And Its Resolution* (New York: St Martin's Press, 1994), p. 69.

<sup>38</sup> Iffat Malik, *Kashmir*, op.cit; p. 219

<sup>39</sup> Robert G. Wirsing, "Kashmir Conflict: The New Phase," in Charles H. Kennedy, ed. *Pakistan: 1992* (Boulder: Westview Press, 1993), p. 138

<sup>40</sup> *Northern Areas – Facts, Problems, Recommendations* (Islamabad: Institute of Policy Studies, October 2000), p. 18.

<sup>41</sup> The package proposed following measures: a) the membership of the existing Northern Areas Council should be enhanced from 18 to 26 and members should be elected on the basis of adult franchise; b) Federal Minister of Kashmir Affairs will be the Chief Executive of the Council with a Deputy Chief Executive to be elected by the Council; c) three to five members of the Council will be taken as Advisors to the Chief Executive with the status of provincial ministers; d) the post of the Judicial Commissioner will be

abolished and a 3-member Chief Court will be constituted under the Chairmanship of a retired judge.

<sup>42</sup> *Northern Areas-Facts, Problems, Recommendations* (Islamabad: Institute of Policy Studies, October 2000), p. 21.

## Challenges for Pro-American Governments

Dr. Mohamed Noman Galal

At the outset one may present three important observations:

**First:** The using of terminology "Pro-American" could be a politically indicative term, though it is not a hard-core scientific one. It expresses a state of affairs where there is a convergence of interests between USA and certain governments at a specific period of time and it could be changed quickly. For example Egypt under Nasser as compared to Egypt under Sadat, or Iran under the Shah is different than Iran under Khomeini, or even late king Hussein's position towards the invasion of Kuwait by Iraq in August 1990... etc. However there are certain countries that uphold the same position towards the USA over the last 50 years, in particular the GCC members.

**Second:** The pro-American governments are not on the same position even when they adopt a hereditary political system like the GCC and Jordan. There are great differences as far as challenges, which they confront due to the size and the composition of their population, the degree of political liberalization and stage of social and economic development. Jordan's population comprises Bedouin Jordanian and old immigrant Palestinians as well as new immigrant Palestinians. Bahrain composition of population from Shia and Sunni leaves its impact on envisaging the challenges and how to respond to them. Egypt is not only the most homogenous country in the region but also is the most developed, politically and culturally in the Arab region, so its response to the challenges is different from many countries which considered being pro-American. These differences are very important as we deal with complex socio-eco-political phenomena.

**Third:** Most of the Arab countries, which have so called pro-American governments, do not like to be called so, or to be called allies, rather they prefer to be called friends. This is particularly true as far as Egypt is concerned. The Egyptian intelligentsia and political elites detest calling their country

pro America or pro West as a result of their deep sense of pride due to their ancient civilization, long history and their dynamic and leading role in the Middle East.

In analyzing the reaction of the pro American governments, to the American invasion of Iraq, one may identify four groups:

**First:** The politically charged group i.e. countries with population highly politically motivated by political orientation due to considerations mentioned in the second observation - Egypt, Jordan and Bahrain fall in this category. One may find three levels of reactions. The government official reaction to the American invasion of Iraq was critical. The undeclared position of the governments was cooperative to a great extent and extended a helping hand to the American action against Iraq, albeit with different variations from one government to another.

While the people reacted by strongly condemning the invasion and expressing pro Iraqi sentiments, though not necessarily supporting Saddam Hussein regime. This position is motivated by the concept of Arabism and Arab solidarity, in the face of the unwarranted attack. Among factors that added fuel to a highly inflammatory situation are American double standard towards the Middle Eastern issues and the American pro-Israeli policies. The American support for Israel went to the extent of even harming the American interests in the region, according to many Arab analysts and officials of various Arab governments.

In a nutshell, there is a semi dichotomy of the positions of these governments and their peoples as well as quasi-contradiction between the declared and undeclared positions of the governments.

**Second:** Countries with nearly unambiguous pro American stance such as Kuwait and Qatar. These countries witnessed no people's demonstrations to express sympathy with Iraq or to show indignation to the American invasion. On the contrary they either kept silent such as in Qatar for example, or hold pro American demonstrations such as in Kuwait. Nevertheless, there was another kind of contradiction. In

Kuwait many suicidal acts took place against the American troops, while in Qatar, *Aljazeera* Satellite Channel played a dubious role, i.e., agitating the Arab public masses against American invasion, and at the same instance, inciting the people against their governments. It further exposed the weakness of the Arab governments and calling for their condemnation for failing to put forward any alternative in face of the invasion and encroachment upon Arab territories - deploring Arab regimes for lack of cooperation and lack of building up a strong and effective Arab national security.

**Third:** "Semi silent" governments. Positions of Saudi Arabia, Oman and UAE governments fall in this group. They publicly made some official statements to show disapproval of the invasion, while no public demonstration was permitted; surprisingly the peoples also showed no serious concern or interest, apart from chats in public cafés or social gatherings.

These governments offered, at last minute, an outlet for Iraqi President calling on him to resign and seek political asylum, to avoid the invasion and to spare the country from destruction and the people from catastrophic consequences-let alone to spare the whole region from incalculable risks and dangers.

**Fourth:** The ambivalent group where the governments and the peoples were trapped and entangled in their internal debacles or dilemmas. Countries in this group could be Algeria, Tunisia, Morocco, Yemen and Palestine. Where some demonstrations took place but their governments were occupied with other priorities and showed little interest or concern about Iraq and its regime.

It is a pertinent question to ask what is the challenges facing the pro-American Arab governments?

One may envisage seven main challenges as follows:

- 1) The regression of the concept of Arabism and of the Arab international status.
- 2) The cultural change.
- 3) Challenge of foreign occupation.

- 4) The necessity for democracy.
- 5) Necessity of educational change.
- 6) The economic development.
- 7) The population problem.

At the end of the study, it becomes pertinent to highlight the necessity for a new Arab thinking and approach towards the daunting challenges, facing the region.

#### **First: Regression of Arabism and Arab International Status: <sup>(1)</sup>**

The concept of Arab national identity evolved particularly in the beginning of the 20<sup>th</sup> Century. It has been promoted by number of scholars, intellectuals and political activists in Syria, Lebanon, Iraq, Egypt, Arabian Peninsula and other areas, where the Arabic language and culture are predominant. However the concept got two main shots in the arm by the creation of the Baath Party in Syria in early forties, and the establishment of the league of Arab States with its headquarters in Cairo, in March 1945. But the concept gained a special momentum when former Egyptian president Gamal Abdul Nasser made the concept of Arab Nationalism a predominant concept of the Egyptian Foreign Policy and its relations in the region and Worldwide. The Arab masses responded positively to Nasser's approach, which made him a champion of Arab Nationalism. This helped to focus attention as well as activities on Arab identity and to forge many ties among Arab countries.

Israel's creation coupled with the plight of Palestinian refugees represented some of the main rallying points for the Arab countries and masses as they felt that their Arab Palestinian brethren are facing serious dangers and Arab security is at stake, particularly with the defeat of 1967.

The oil boom after the October war of 1973 dealt a strong blow to the concept of Arabism as it created disparity and suspicion among some Arab countries. Notwithstanding, some positive results also resulted from the movement of labor forces from poor to newly rich Arab countries.

President Sadat's unilateral peace agreement, the suspension of Egypt membership in the Arab league and the impotence of so called rejections' Arab countries to draw up a viable strategy to deal with Israel put the concept of Arabism into question. However, Saddam Hussein invasion of Kuwait in 1990 knocked the Arab concept down in a deadly way. <sup>(2)</sup> So it remained a slogan, a feeling, a sentiment, a hope but far from being able or being expected to be materialized into a unity as the thinkers and politicians had hoped in the forties and fifties of the last Century.

It is noteworthy in this regard that while the world is ushered into the era of integration and interdependence, the Arab search for unity, suffered a regressive tendencies and an upsurge of traditional political and social concepts and behavior of tribal rivalries, petit competitions, i.e., instead of working for economic integration and cooperation. This led to a loss of many Arab valuable resources as well as increasing the vulnerability of Arab countries, individually and collectively.

Why then we say that this concept represents a challenge for the pro-American governments?

One may put forward the following reasons:

- 1) The concept of Arabism is based on a real commonality among the Arab societies, and individuals particularly the common language and culture as well as common historical experience. Even today when this tide of Arabism is at its lowest ebb, no government dares to repudiate or declare publicly that it is against it. It is so, because it reflects a real need and a genuine sentiment as well as an aspiration. <sup>(3)</sup>
- 2) The concept is the most important factor that ties the region together for a long time in their history.
- 3) The concept is striving to make the region viable, entity in an era that regional integration is the call of the day, be it in Europe, Asia, Africa or in the Americas. <sup>(4)</sup>

However in the light of the need for the concept and the difficulties as well as hurdles to achieve it, a frustration lies ahead and unexpectedly a boiling situation could play havoc in the region.

The demonstration in many Arab countries, particularly in those that have moderate regimes and pro-American policies, to protest against American invasion of Iraq and Israeli oppressive policies against Palestinians are but few examples that the concept of Arabism is not outdated and it is a confirmation that it is not a myth as some scholars and politicians may think or claim.

Unfortunately, the U.S. and some Arab politicians and even Arab American scholars do not have the full grasp of the situation. Scholars such as Fouad Ajami or Iraqi politicians who came back from America or Europe, after the toppling of Saddam Hussein regime are an example for such lack of comprehension, though they are not the only ones.<sup>(5)</sup>

### Second: Cultural challenge of reform and distortion of the Arab National Character

The Arab national character has suffered a serious blow in the last two years due to the incidents of Sept 11, 2001. The Arabs in particular and the Muslims in general are publicized as terrorists, extremists or fundamentalists and hatred mongers. The Right wing tide in USA politics and its agenda for the Middle East were instrumental in this connection, without sparing the Arabs from their role in this regard. The Arab government apathy for opening up their societies for more democratic practices and freedoms is one of the main reasons for the calamity that befallen the Arab region.

In a statement by Arab intellectuals adopted in Egypt after a meeting of the Arab ministers in charge of culture as well as Arab intellectuals, entitled "Cairo Declaration", the conferences called for the abrogating of all regulations that stifle freedoms and liberties such as freedom of opinion and expression, freedom of belief, freedom of artistic expression and innovation. They called for a new mentality and a new religious discourse that allows freedom of *ijtihad*, rejects guardianship on religious or nationalist thinking or tendencies. They considered that situation is a prerequisite for a religious discourse that could benefit the present era. They rejected exploiting religion for political ends and vice versa.<sup>(6)</sup>

The Moroccan minister of culture, in a press interview, after attending the Arab meeting, stated that it is necessary to reform the Muslim society, if we want to avoid the contradictions between the religious tenets and the requirements of a modern state. The minister stressed that there is a fundamental contradiction between the actual situation in which we are living and the religious provision and textbooks, which we consider as a holy ones. For example, a modern state requires a banking system, not necessary compatible with the rigorous traditional Islamic Jurisprudence (*Fiqh*).<sup>(7)</sup>

### The Arab culture landscape and necessity of change

One of the great challenges that Arab societies are facing today is related to culture and the role of intellectuals. Dr. Taher Labib, a Tunisian Marxist professor of sociology went to the extent to describe the Arab cultural landscape that it represents culture without intellectual's *ثقافة بلا متقنين*. He envisages four categories of intellectuals based on the vision of each one.<sup>(8)</sup>

**First:** The epic intellectual *المتقف الملحمي* who appeared in the sixties in the context of social and intellectual movements. He drafted projects and worked for its materialization. They were realistic projects and could be achieved. He believed in social movements and in a society as a collective unit. He did not believe in individual heroism but collective one. It was the era of the great Arab intellectuals. They had great expectations, which failed afterwards. Thus frustration engulfed the Arab nation and its people.

**Second:** The contractual intellectual *المتقف المقاول* who works in an experimental way, within the limits of what is possible. He is moved from the culture of principle to the culture of stake "Enjeu" *من ثقافة المبدأ إلى ثقافة الرهان*. He is the intellectual of liberalization. He is close to the vocabulary and style of speech of those who have the authority and power, though not necessary promoting or advocating their policies *قريب من السلطة ولكنه ليس متقف السلطة*. This led to the spread of the activities of many NGO's. His role is

decided by his ability to be useful in organizing how to deal with the symbols, which draw culture close to the realities of life in society.

**Third:** The intellectual of alternative. *متقف البدائل*. He strives to dig for alternatives. He tries to pull down the great expectation to the land of realism. He is the intellectual of possible consciousness viz' a viz the contractual intellectual *متقف الوعي الممكن في مواجهة متقف العقاول التجريبي*. These intellectuals work under the umbrella of civic society. They envisage globalization as a stage in the process of capitalist world order. They are sectored and sometimes sectarian intellectuals in their thinking and in their activities.

**Fourth:** The intellectual of Tragedy. *المتقف التراجيدي* or the tragic intellectual, who believes in the deepest of his heart that what he believes is the truth though not necessarily to be materialized *أن ما يعتقد هو الحقيقة ولكن ليس من الضروري أن تكون الحقيقة التي يفرضها الواقع*. He lives in exile in his vision or in his cocoon; though he lives in a society he is without supporters or real friends. Those who belong to this category could be the Marxists, nationalists. This category of tragedy intellectuals is at ease and comfortable in their cocoons with their vision which never expected to be materialized though those who believe in it are happy waiting for its promised heaven. This paradox led to the appearance of the religious or Islamic intellectuals who believe in the religious vision of the World. The dilemma, which those intellectuals are facing, is the disintegration of the relationship between the cultural and societal aspects in the Arab society.

Though from the logic of things the religious thinker or intellectual could not be classified in the tragic category because he believes that the whole world is nothing but a passing stage and he will possess and enjoy the hereafter. This new kind of intellectuals appeared in the mid-seventies as a result of the collapse of the epic intellectual vision.<sup>(9)</sup>

One had to state in commenting about these categories of intellectuals analyzed by Dr. Taher Labib that they represent a Marxist point of view about world history and the role of individual. The first category could be the Marxists and nationalist, while the second could be the liberals and capitalists. The third could be the technocrats while the fourth could be a new version or manifestation or a breed of the first.

An important question could be posed at this juncture that what are the factors pushing for a culture change in this panoramic landscape?

One may analyze the factors that lead to change. These factors could be divided into two main categories:

The external factors which could be a foreign country, challenging the traditional thinking and behavior. The USA insistence to condition its aid to developing countries with the good governance and respect for human rights is a case in mind. It could be also NGO's working in many countries such as the role of American NDI (National Democratic Institute) in promoting democracy and offering many workshops and training courses for members of parliaments, political organizations and political figures to visit democratic countries and to see how democracy is practiced in these countries.<sup>(10)</sup> The role performed by Hans Sidle Foundation could fall, by and large, in this category.

The internal factors could be classified into four groups:

- a) Social change in society. Needless to say that change is inherent in any given society. No society would continue in a static situation. However changes differ in scope and intensity. Thus it could be felt if its scope is large and its intensity is deep. Consequently if such change is great and affects many sectors of society and various fields of its activities then it is called upheaval. As social change takes place new classes come into existence while old ones disappear or their role is weakened or changed. This affects culture and its manifestation.



- b) Political change, such as revolutions would have their impacts on culture and cultural values.
- c) Economic change, such as adopting a new economic system necessitates a new culture of consumption, of production or of sharing the return of industry as well as services and goods. Also in this category falls the accession to the WTO and its impacts in society.<sup>(11)</sup>
- d) New inventions create their own cultural ramifications through creating new demands for the product of inventions.

The British historian Arnold Toynbee is quoted to say "Big social changes not inventions are always the decisive factor in the advance of humanity".<sup>(12)</sup>

In an article by an Egyptian poet and writer Farouk Goweida in Alahram newspaper on July 11, 2003, in which he emphasized that the only important factor to forge ties between the Arabs, is the culture factor as many other factors have been weakened. He calls for promoting this intrinsic fundamental bond of Arabism, which is culture in all of its artistic expressions and manifestations.<sup>(13)</sup>

### **A critical view of the Arab culture**

One of the prominent Egyptian sociologists Dr. Alsayed Yassin raised this issue in many of his studies and articles.<sup>(14)</sup> A recent article carried the same title to comment on the meeting of the Arab ministers of culture in Cairo from 1-3<sup>rd</sup> July 2003 and their call for a new cultural and a new religious discourse.

Mr. Yassin while reviewing the political, and economic World situation since the collapse of the bipolar system in 1989 and the rise of the American hegemony particularly after Sept. 11, 2001; he laments the deficiencies in the Arab discourse and in acquiring of modern knowledge.<sup>(15)</sup> However he cautions against the negative impacts of globalization with its manifestations in political, economic and cultural fields. These negative consequences could lead to a new form of colonialism and imperialism, which would end up by losing the identity of societies. Meanwhile he recognizes the shortcomings of the current cultural manifestation and the introvert and conservative

thinking. In the same way of thinking Mr. Wafaa, a Kuwaiti thinker and politician raised what he calls the dilemma of identity and belonging in Arab societies.<sup>(16)</sup>

The Arab intellectuals and culture ministers meeting in July 2003 in Cairo generated a contradictory reaction. While some hailed it as it represents a new awareness for the changes in the world and the necessity for the Arab to cope with.<sup>(17)</sup> Others criticized it expressing deep concern that it toyed what they call the American thinking of change and their call for abrogating some verses of Koran.<sup>(18)</sup> However, One feels that the "siege and conspiracy mentality" is prevailing among many Arab masses as well as intellectuals. Of course there are many reasons for that situation among them the ramifications of the establishment of Israel as a state in the midst of an Arab environment, the American pressure against the Arabs and their policies of creating military parity between all Arab countries from one side and Israel from the other side.

However the need for a new Islamic discourse is not new to the Arab or Muslim societies. It has been raised, now and then, due to the dilemma which the Muslims found themselves as poor, miserable, backward, ignorant, under occupation and foreign domination as well as despotic rulers while the tenets of Islam speak about the Muslims as the best nation came into being. The unbridgeable gap could be crossed if the conduct and behavior of Muslims are changed. One important element in keeping the Muslims in bad condition and could do otherwise is the religious discourse and the interpretations of the tenets of Islam as revealed in the holy Koran and practiced by the prophet and his traditions. This is a very delicate issue which debate on it leads to a lot of antagonistic views. However an important effort to call for a new discourse is led by a number of Ulemmas and Islamic scholars among them Grand Sheikh of Alazhar, Dr. Mohamed Sayed Tantawi, Dr. Mahmoud Zakzauk minister of religious endowment, Dr. Gafaar Abdul Salam and many others not only in Egypt but also in various Arab countries.<sup>(19)</sup>

### **The Third Challenge of the foreign presence on the Arab territories**

This is a serious kind of challenge as it nearly rolls back the Arab recent history to the period before independence. This new foreign presence either American or British in Iraq or Israeli

occupation in the West Bank and Gaza or in Golan and Southern Parts of Lebanon is considered traditional sort of imperialism. Or even the Iranian presence in the three Islands in the Gulf that belong to the UAE.<sup>(20)</sup> All this, recall to the memory the previous situation in Arab region whereas it was under the British and French domination. When UK decided in 1969 to withdraw its military forces from East of Suez by 1971 the Gulf countries gained their independence. However the American policy propagated even in mid-fifties the concept of vacuum in the Middle East and tried to fill this vacuum by military pacts such as Baghdad pact as well as by bilateral military arrangements. Many of the Arab leaders of that time resisted it and elaborated a sort of inter-Arab cooperation, which served as a political show-talk rather than practical security arrangements.

Needless to say that the concept of vacuum in the Middle East has led to three negative aspects:

**First:** To show to the Arab people that Arab nation is always weak and vulnerable. It is a nation with peoples living in the past history and chewing up their memories rather than adopting concrete steps to strengthen their cooperation in various fields to be able to safeguard their security.

**Second:** The foreign powers, which shouldered defending Arab land and protecting Arab security cashed upon Arab vast resources and huge wealth to cover their military expenditure.<sup>(21)</sup> From the point of view of the majority of the Arab, it is exploitation rather than a protection

**Third:** The concept resulted in exposing the Arab region to international and regional rivalry thus the region becomes a playground for their direct involvement or proxy wars.

One may conclude that the foreign presence not only related to occupation in the traditional form, but also related to the presence of foreign military, naval or air bases in the Gulf with the full consent of the governments of the region who considered such presence as one of the means to protect their security.<sup>(22)</sup>

#### Fourth: Political Change and democratic challenge

In an interesting point of view a Saudi researcher claims<sup>(23)</sup> that failure of reform in the Arab World is due to its concentration on political and culture side while ignoring the economic factor and its effective role in shaping the political, cultural and social conditions.

The writer based his analysis on three incidents took place in the Arab World: the change in Ras AlKhayma which replaced the long standing crown prince by his brother, the aborted coup d' etat in Mauritania and the meetings in Saudi Arabia between the crown price and a number of intellectuals and religious scholars to discuss reform in Saudi Arabia. In all these three cases the political aspect was predominant.

Another writer while analyzing the new situation in Saudi Arabia emphasized that the country is going through a transitory stage where there is a great convulsion. Some groups are conservative, resisting change and insisting on upholding what they call tradition. Others are taking a forward looking steps among them the Saudi crown prince Abdullah who is trying hard to alleviate poverty which still exists in Saudi Arabia through visiting poor areas in an effort to draw attention to their plight, the third incident, or example which the writer referred to, is the adoption of a document of intellectuals after holding a national conference they called for to discuss the development of society. Fourth, is a call by women representatives to meet in a Shoura Council to discuss issues of their concern.<sup>(24)</sup>

Consequently one may put forward the question why now such debate is taking place in the Arab World about democracy and political reform especially in the most conservative societies such as Gulf societies particularly in Saudi Arabia. Then the second questions what are the issues on focus? Thirdly, what are the chances of the success of a reform and what are the scopes for it.

In answering these questions one may be in a position to deal with the dilemma of the pro Western governments in the Arab World.

There are many factors that could necessitate the importance of opening up the political system for more participation by the

people. Notably among these factors are the generational gap and need for opening up to Western culture as well as the impact of the technological revolution on communication i.e. satellite and Internet.<sup>(25)</sup>

### 1- Generational gap

The moderate or pro American Arab countries mostly they are introvert particularly the Gulf countries. Traditionally they have no stamina for discussion, and little interest in dialogue. These countries are satisfied of their culture, their traditions and their customs though they are not necessarily observant to these traditions wherever and whenever they find a way out. If one consults the records of political debate in the UN, international conferences and the Arab league, one could find few contributions or initiative by these countries. In the last few years Saudi Arabia diplomacy started to be vocal in the Arab league so they presented some initiatives. However they did not follow up these initiatives in an active way. So the wealth and riches in natural resources are not coupled with political activities or active and dynamic diplomacy. The new generation in the Gulf countries educated in Western countries has a different mentality. They are outspoken. This necessitates a political opening in society, and allowing dialogue to assimilate this new generation into the political process. Thus political change becomes a must to allow such assimilation and to avoid conflict.<sup>(26)</sup>

### 2- Dialogue with the West

In reviewing the list of the accused for New York and Washington incidents it is found that 15 out of 19 having Saudi nationality. The two top personalities in Al Qaida are a Saudi (Osama bin Laden) and an Egyptian (Ayman Alzawahri). Both persons are rich individuals and from well-to-do families. Osama Bin Laden is a successful businessman while Alzawahri is a well-educated physician. The question why these people and their alike went the way of extremism. Many explanations could be offered. **First:** There is a dominance of closed society, socially or politically, so they could not find a legitimate way to express their views. **Second:** They faced frustration of their generation economically and politically and they imagined that they could be God-chosen messengers to revive the nation. **Third:** They live the era of humiliation for their Arab nation at the hands of Israel supported by Western powers particularly the

USA. They sought revival of their nation through revenge from its enemies. **Fourth:** They are not exposed enough to the Western culture in its proper and decent form and value system i.e. honesty, integrity, hard work, reward for the efforts, participation in society, freedom of expression ... etc. They mostly know or are exposed to the bad side of the Western civilization i.e. Freedom of sexual practice, injustice towards Arabs and Palestinians ... etc. The most important challenge for the pro American governments in this connection is to educate the new generation about the art of dialogue. Such dialogue should involve not only their societies but also other societies, which are different in culture, social behavior, and political orientation. This should include societies with ethnic, communal or religious differences. They need to educate the new generation the culture of tolerance, moderation, relativism and acceptance of others.<sup>(27)</sup>

### 3- Revolution in information and communication:

This new World phenomenon affects the life of every individual wherever he or she is. The World becomes a global village. Imitation of individual's behavior in foreign societies cannot be avoided as satellite channels invade the privacy of every person. So the phenomenon of mode becomes a predominant and wide spread and affects the political life of societies.

Consequently one could envisage that the modern technology in the field of information and communication represents a challenge for pro American governments.

Although the world is witnessing a technological revolution and is living in the era of information highways, internet, supercomputer and satellite, the Arab region is lagging behind not only compared to big powers but even to medium powers even in the region such as Turkey, Iran let alone Israel which achieved great strides in this connection.

### Fifth: Educational reform

#### The textbooks and educational curricula: Egypt as a model

It is extremely important to revamp the textbooks to reflect the concepts, ideas, and way of thinking in the 21<sup>st</sup> Century. In the meantime it is equally important to keep the fundamentals of the

culture and basic religious tenets.<sup>(28)</sup> One important model in this connection is the Egyptian experience. The new Egyptian curriculum has injected the new concepts that reflect the values, principles and ideas of today World, without doing away with the fundamental basics of society, its culture or its religion.

Two main focuses are:

- 1) How to promote awareness of the phenomenon of globalization and its impact on various aspects of life with the ramifications which it carries as challenges, risks or opportunities.
- 2) How to promote the awareness of human rights issues, with its various dimensions and extending it to all sectors of society.

As for the first, the new curriculum highlights the importance of studying globalization, encouraging how to deal with it, how to preserve the national identity and how to promote tolerance, peace and to reject extremism as well as prejudices.

With regard to the second, the curriculum stresses the necessity of increasing the legal awareness and legal education of the duties and obligations as well as rights of the citizen and his role in society. The curriculum pays equal attention to the rights of all factions and groups in society such as women, children, aging people, minorities ... etc.<sup>(29)</sup>

It is noteworthy that the call for educational reform in Egypt is a very old one. It has been reiterated, now and then, throughout the last Century even since the 19<sup>th</sup> Century. However in the last decade of the 20<sup>th</sup> Century Dr. Hussein Baha El din, who is a pediatrician with strong political orientation that has nationalist flavor, become a minister of education in Egypt and dedicated a lot of time to developing new concepts for education particularly concepts such as bridging digital gap in education, education for excellence and excellence for all, education and national identity...etc. He authored three books and championed educational reform.<sup>(30)</sup> However his efforts got a mixed response as well as mixed results up till now.

Another point of view discussed by An American educationist of Iraqi origin Dr. Mohamed Jawad Redha.<sup>(31)</sup> He raised the issue of dichotomy in Arab culture and consequently Arab educational thinking where there is a differentiation between the education of the elite and education of the masses. This split in culture and education in Muslim and Arab societies between the elite and the masses though it is contrary to Islamic tenets prevailed in most of Arab societies. A wide and deep gap has been created all over the years. While the Arabs debate also educational reform at length in the meetings of Arab ministers of education from time to time,<sup>(32)</sup> the debate still going on, the reform is carried by each country according to its discretion.

### **Sixth: Challenge of Economic Development**

This is a most serious challenge. The UNDP report on human development in the Arab Region for the year 2002 includes some indicators that could cause profound alarm. It shows that the Arab Region with more than 300 millions of people, its GDP is 530 Billion US\$ which is less than GDP of Spain with 40 million persons which is more than 800 Billion US\$. The Unemployment is around 15% and the illiterates are 65 million persons more of them women, the population growth is 3.5% that is a high figure and could created problem in the long run as the age composition is not balanced.<sup>(33)</sup>

The lack of empowerment for women is another hurdle in the road for development as well as the lack of democracy, which means participation, accountability, and transparency.<sup>(34)</sup> Why the Arab World lags behind other nations? Many explanations could be offered in this connection. One of these explanations is attributed to the conservative culture, another to the failure of Arab political and intellectual elites. While a third explanation envisages the situation due to the apathy or inertia of the Arab masses to stand up for their rights against their despotic rulers.

However, in this respect one may submit that the Arab failed to catch the revolution in the information technology. The economy of the 21<sup>st</sup> Century is no longer based on agriculture or traditional industry or raw natural resources. It is rather based on information and information technology which contribution immensely in generating goods and services, which enable the GDP to multiply in

geometric not arithmetic numbers. So the Arab economy is in dire need to change its bases of economic activity.

To illustrate the dilemma in the Arab World as far as the information is concerned; suffice it to say that the Arab World allocates less than 1% of its GDP for scientific research while Israel allocates 8%. The end result is that an Arab researcher produces 1-2 research papers per year while an Israeli researcher produces 10 research papers. Prof Alyan from AlBalkaa University in Jordan highlights the dilemma of technology in the Arab World by stating that the World has gone through three revolutions, which lead to the emergence of information society.<sup>(35)</sup> They are:

- 1) Information revolution i.e. the explosion of knowledge in various fields.
- 2) Revolution in means of communications, which is related to the technology of communication from telecommunication to satellite and fiber cables.
- 3) Revolution in computer technology related to the hardware as well as the software.

Consequently societies are divided into three categories; first, participatory societies which could produce a technology in information or communication, second is the communicating societies which could use technology to communicate and the third is marginalized societies.

He adds that information society has emerged as a result of two main factors:

- a) Economic development
- b) Technological developments

The information could be classified into: the planning information, the achievement information, the education information, research information, and development information for individual or society including the training, entertainment technology.

One would wonder where is the Arab World in relation to the three revolutions in technology and to what categories of

societies the Arab society belongs. One may dare to say that it is in the marginalized societies or at the best a little ahead of it.

### **Seventh: The population problem**

Population represents a problem of great magnitude. It is also different from one Arab country to another. In the Gulf region population is small. So working force mostly from immigrant labor. While in the densely populated Arab countries like Egypt or Sudan, or Morocco unemployment is high and incomes are low. In the Gulf countries the participation of the natives in production is low. The issue of social fabric of society could generate tension due to the relations among the immigrant workers from various countries and the impact of the homeland problems for example the tension between India and Pakistan had its echoes in UAE where immigrants from both countries represent more than 70% of the working force. In some other countries the ethnic or religious composition of the population causes tension. Iraq and Bahrain are cases in mind.<sup>(36)</sup> So some Arab societies could be very fragile. Another aspect of the population challenge is related to the brain drain from Arab countries to Europe and America. Though others look at the issue from a different perspective. They envisage that the presence of Arabs in Western countries could promote understanding of the Arab culture thus help promoting civilization dialogue (37)

### **A vision for the future: Necessity for a new Arab approach towards the daunting challenges**

To capitalize on the various aspects which have been dealt with in the previous parts of this study one could conclude that there is a dire need for a timely change of the Arab approach towards cultural social aspects of their national character. Consequently this will lead to a real political change to usher the Arabs into the 21<sup>st</sup> Century. To present a vision for the futuristic approach towards Arab national identity one had to capsule the evolution of the Arab political / cultural history in comparison with the European one.

Arab history before the advent of Islam was characterized by tribal feuds, illiteracy, and insignificant achievement in the natural sciences as compared to the ancient civilizations of Egypt, Persia, India, China and Greece. The advent of Islam changed the approach of Arabs towards knowledge in general and science in particular. The

religion commanded its entrants to open themselves to other cultures for the acquisition of knowledge and education. This openness ultimately led to the birth of a civilization that was to be a bridge between ancient civilizations worldwide and the pre-cursor to the Renaissance era in Europe that in turn gave birth to today's Western culture. However, while Arab-Muslim civilization was paramount in its contribution to the natural sciences, its contributions in the areas of social science and social institutions are comparatively insignificant. And here one may find the seeds of decline for the civilization that once gave the world civilization Algebra, the Astrolabe, the mariner's compass and countless other scientific contributions. Without social and political institutions with an objective of serving and representing the populace, despotic rulers became a natural outcome. Then as now, scientific, artistic, and even religious achievements were nurtured or neglected at the whim of the governing patron and achievements were tuned to the service of that patron; prioritization of popular needs was secondary and dissent was difficult to be tolerated.

By the 19<sup>th</sup> century, six centuries of decline and the burden of Ottoman Empire then European colonization had left broken societies where the only working institutions were those serving the colonizing rulers or traditional conservative religious institutions. With the weakening of the colonial powers after World War I, Arab writers such as Tewfik Elhakim would express the hope for an emergence of a redeemer in his novels such as "The Soul Returned" that looked to inspire the Arab nation to a new and independent Arab renaissance. An apparent redeemer would come in the form of Egypt's Gamal Abdul Nasser in the 1950s, but Nasser failed to provide a working example of democratic institution- building in his country. He also failed to achieve a breakthrough in changing the Arab approach to integration and cooperation. Nasser departed from this world broken by unprecedented defeat, and dashed aspirations of Arab unity and progress.

Three decades later, the oil rich Arab nations would manage to build modern infrastructure but as well have failed in developing their political and social systems to cope with 21<sup>st</sup> Century realities of a culturally, economically, and politically open and interdependent world.

In the end, the only redemption will come from within; dictation from Western "outside" sources will only serve the status quo as the populace is tuned to traditional suspicions of meddling outsiders with no real care for their interests. However, in anticipation for such a change to come from within, Arab societies are in dire need for a change in their way of thinking; this in turn requires a new political elite enlightened enough to study and understand the radical changes in the world. They should command the courage to put forward a suitable response to the daunting challenges. They cannot live in the past; neither in a glorious one as many imagine it to have been, nor the catastrophic one as many of its events might really show.

A first step in achieving the required change is a revision of the Arab nation's image of its history and of its culture as it stands today. It is important to reconstitute both on a sound body of facts and to induce the Arab mass to think in a rational and scientific way. Perhaps most important, on the religious front, readings in what are called "yellow paper textbooks" written in the Medieval era of Islam have to be replaced by new thinking with in-depth knowledge in all fields. The old concept of a world division between believers and non-believers must be replaced by new concepts in political, social, as well as religious ethics that reflect today realities. While, this can be based on the authentic Islamic concepts of harmony, cooperation, moderation and coexistence, the same way that Western societies claim a tradition of Judeo-Christian ethics, the role of the Ulemmas' (clergy) in giving verdicts or *fatwas* on every aspect of social life has to be stopped and the masses taught how to think rationally and independently. The West can have a positive catalytic role in this process through tacit support of reformists and giving up its double standard in dealing with issues relating to Arab national aspirations. However, it is the Arab world that will need to proactively pursue the change so that they are defining their own role in the community of nations of the 21<sup>st</sup> Century as opposed to a sidelined and reactive role being written for them. The challenges are daunting given the entrenched interests, the shallow ranks of an elite willing to affect the required changes, and now made worse as the Arab-Islamic world is put on the defense with the ongoing Middle East conflict and war on terrorism.

## Conclusion: Challenge of Change

In the postindustrial era the concept of change becomes the buzz of the day as innovations are at high speed in nearly every field. The wave of change is approaching the Arab Region thus necessitates a proper and adequate response through a new approach in political, social, economic and cultural fields. It is worthy noticing that new managerial, entrepreneur classes, which possess cyber information and capital resources generated from this advanced knowledge came into being. Study of international relations indicate that new players at the World theatre such as NGO's or multinationals got prominence sometimes at the expense of the traditional role of sovereign states. Nevertheless, the Arab region still lingers behind in the developmental stage of the world. Its economy is a rental one, its service sector is not well advanced except in few places. Arab countries import weapons for stockpiling rather than effective usage for defense. Culturally they are not coping with the modern age. Socially they are mostly introvert and reserved to say the least.

Having stated so, one has to hasten to highlight that Arabs could possess the tools for being modern states as they have vast natural resources, skilled human resources, and an elite with good command of modern sophisticated knowledge. Nevertheless as societies and as political systems they are still living far from what is expected or aspired to by their peoples.

To sum up, one could state that the challenges are great, the risks are serious but the chances and opportunities are available if a vision with proper strategies and policies are adopted and adhered to.

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## HINDUTVA POLITICS AND GUJARAT MASSACRE

Ahmad Ejaz

The "Hindustanism" or "Hindu nationalism" is based on the Hindutva (Hinduness) ideology, which is the quest for transforming the nature, makeup and basic ethos of the Indian society, under the supremacy of Hinduism. It emphasizes that the national identity of every Indian citizen, irrespective of his/her religion or faith is inseparable from the core Indian religious identity, exclusively based on Hinduism. In other words, Hindu philosophy etymologically connects words Hindu and India. A person is not a Hindu until he believes in India as a holy land. It maintains that every Indian is a Hindu because Hinduism or Hindu culture is the common thread running through the Indian society. The Hindutva philosophy automatically excludes all minorities and thus generates hatred against the non-Hindus.

Communalism is the permanent feature of the Indian society for the last many centuries. Since 1947, it has increasingly been the integral part of Indian politics and has assumed alarming proportion for the last decade. Hindutva communalism functions broadly with the fascist exposition. It is based on fear and hatred and has a tendency to use violence or terror as a weapon against opponents. Muslims, who constitute the largest religious minority in India with 120 millions in number or about 12.12% of the total population, are the particular target of the Hindu communalists or Hindutavists. Muslims are seen as "alien" and "inimical" element within the Indian political and social body and are expected either to accept the total subordination to Hindus or come into the Hindu fold or should be ejected. Most of the communal riots have centered on the Muslim cleansing policy.

In this paper attempt is made to analyze the Hindutva politics and the massacre of Muslims in Gujarat state in February, 2000, in which about more than 2000 people lost their lives and about 60,000 became refugees in their own city, Ahmadabad.



**Table: 1**  
**Actual Income of Selected Union Councils (District Khanewal)**  
**1990-91 to 1995-96 (in Rs.)**

	1990-91	1991-92	1992-93	1993-94	1994-95
Name of Union Council	Actual income	Actual income	Actual income	Actual income	Actual income
Ch.No.92/15-L	12368	3841	15647	2438	17078
Ch.No.61-A/15-L	14500	6367	11081	4192	3626
Ch. No. 44/15-L	16456	18122	23599	16988	17311
Ch.No.84/15-L	17098	10011	14718	2805	5400
Ch. No. 131/15-L	18451	4905	23503	28973	3409
Ch.No.100/15-L	18583	13810	22119	5600	24890
Ch.No.93/15L	19244	5988	12261	3291	15134
Ch.No.78	21925	13612	27306	6252	7539
Ch.No.126/15-L	22695	6348	27986	30115	37647
Ch.No.115/15-L	29441	3760	22315	8461	18568
Ch. No.137/16-L	32687	9293	23375	6208	9156
Ch.No. 129/15-L	36897	33526	32961	25044	21447
Total	260330	129568	256874	140371	181240

Source: Financial Reports (unpublished Record 1991-92 to 1995-96)

**Table: 2**  
**Total Income, Income from Own Sources, from Grants and Average Income of Union Councils (Rs. 000)**

Year	Total income of all union councils	Average total income of one union council	Total Income from own sources	average of one union council from own sources	Total grant of all union councils	Average grant of one union council
1981-82	75200	30.26	45000	18.11	30200	12.15
1984-85	105200	42.33	78200	31.47	25500	10.26
1990-91	153400	61.73	79300	31.91	74100	29.81

Sources: Government of the Punjab, (1994) Financial Statistics of Local Council in the Punjab 1981-94, Local Government and Rural Development Department, Lahore, pp. 3-10.

**Table: 3**  
**Actual Expenditure of Selected Union Councils in Rs, (1990-91 to 1995-96)**

Union Council	1990-91	1991-92	1992-93	1993-94	1994-95	1995-96
(Chak-NO.)	Actual EXP	Actual EXP	Actual EXP	Actual EXP	Actual EXP	Actual EXP
44/15-L	10939	17607	21133	13522	13699	37450
129/15-L	22589	8960	25793	52012	21039	38052
131/15-L	7350	15425	4960	27812	4337	88267
137/16-L	24118	7350	18092	6084	7847	75992
115/15-L	26550	700	18375	7324	18072	32400
126/15-L	12847	16946	21115	30042	33456	51074
93/15L	14362	5150	10462	2654	13437	24270
92/15-L	19579	9105	13188	6824	18780	37950
100/15-L	19536	7042	28616	6129	25289	40423
61/15-L	3000	14925	13790	7134	3494	24950
84/15-L	7494	9715	12967	2710	5027	11175
78	19621	12634	25410	5734	5955	5375
Total	187975	125560	213901	167981		467378

Source: Financial Reports (unpublished Record 1991-92 to 1995-96)

### District Council

The District Council in local government structure 1979 originates from the local self-government Act of 1885. The district councils were established in each of the administrative district to assume local government functions for the area exclusive of the urban authorities (incidentally, the revenue and police district had the same boundary as that of the administrative district). In the system Punjab had, 34 district councils with a total rural population of 3,42,41,000, which was more than 72 percent of the total population of the province. Each of the district council was comprised by an average area of 6040 square km., an average population of 10,07,088, an average three to four *Tehsils*, seventeen police

stations and an average seven hundred fifty one *Mozas* (the smallest unit in civil administration).

At the beginning of the century in 1901 the Punjab (West Punjab which is now part of Pakistan) comprised of fourteen district councils. The total population of these district councils was 9796978 (rural). An average population was 6,12,311 per district council. During the period from 1901 to 1981 the population rise could be calculated 275 percent. If the population figures 1998 is considered than the rise in population is more than 400.00 percent.<sup>16</sup> Although the number of district councils was increased from 14 to 34 but this change was not compatible with the change in the population.

The situation was that out of thirty four district councils seventeen had population which was more than the total population of countries like Bhutan, Mauritania, Barbados, Republic of Maldives and Kuwait.<sup>17</sup> The largest district council has a population nearly equal to the entire population of Wales. As compared with the local councils units of other countries such as Austria District, New Zealand council and the U.S.A County the Punjab districts councils were too big. As the USA County has an average population nearly 100,000, Belgium district, Denmark council, Germany District and Switzerland Canton have average nearly 300,000, France Department, Turkey Province England and Scotland have average nearly 600,000. Area-wise these were bigger than the England and Wales Counties. The average area is 3477 square km. in England and Wales when district council's average area was 6040 square km. The biggest one Bahawalpur was 24,830 square km.<sup>18</sup>

In the system, the district councils had an average population of 10,08,000, which by any standard was big. The poverty of the Pakistani people and the poor communication system did not allow them to visit the district council headquarters too often and people living away from the head quarters remain unsatisfied. Despite The poor physical and expensive communication system, the paucity of newspapers, low literacy rate, and the absence of political organization in the villages (especially at the local government level)

had definitely made the large size of district councils more remote and unworkable.

### **Urban Councils**

In the Punjab the first municipality act was passed in 1862 and municipal administration was introduced in 35 towns. "The next land mark in the history of municipal administration was the Punjab municipality act of 1867. So far as the size of the municipality was concerned this act gave speaking broadly *carte-blanche* to the Lieutenant Governor to establish whatever form of government he chose where-ever he chose".<sup>19</sup> However; the Lieutenant Governor always followed the principles set by Section 34 of Act 15 of 1842 of the Government of Bengal, defined the municipality as, any town which had a population of 3,000 or an average density of 1,000 persons per square mile<sup>20</sup>. In a country with large population and high density, this led to the establishment of many municipalities.

Most of the municipalities under 1979 act in the urban and semi urban areas came into being in 1883 under the Municipality Act of 1883. The cities and towns big or small were governed separately from their rural surroundings. There were eight metropolitan/municipal corporations, seventy-four municipal committees and one hundred and thirty five town committees.<sup>21</sup> The Urban Local governments the Metropolitan Corporation, Municipal Corporations, Municipal Committees and Town Committees vary widely in size (both in area and population) and income. A few of the municipalities had grown to such a large extent in population that they could hardly manage their service at all. Table 4 shows the increase in population in urban authorities. The biggest rise in population had taken place in Faisalabad Municipal Corporation by 1004 percent; Lahore Metropolitan Corporation 137 percent; Rawalpindi 229 percent; Multan 460 percent; Gujranwala 829 percent; Sialkot 111 percent; Sargodha 107 percent; Jhang 300 percent and Bahawalpur 160 percent, Qasur 283 percent, Gujrat 432 percent, Okara 497 percent, Sahiwal 314 percent, Wah Cant 500 percent, Chiniot 333 percent, Rahimyarkhan 1420 percent, Sheikhpura 803 percent,

Jehlum 123 percent, DG. Khan 422 percent, Khanewal 250 percent, Burewala 893 percent, Hafizabad 333 percent, Bahawalnagar 506 percent, Kamoke 838 percent. One can observe many fold increase in population of all cities. The government realized this issue and established development authorities and other institutions to plan the expansion of cities. The establishment of parallel institutions proved counter productive activity. Due to lack of understanding between the corporations and authorities, cities were expanding without proper planning and people were left without services. New adjustment in the boundaries was the most urgent need of the time due to the increase in the size of population and expansion of cities. By any comparison the majority of the municipalities especially town committees were small in area and population. Most of the towns were over-grown villages comprising adobe, small houses without boundary walls and with narrow and zigzag streets. Most of the town committees (semi-urban areas) were small in size and resources. 51 percent of the urban population concentrated in five cities. The rest of the 49 percent of the urban population was living in 209 municipalities and town committees. These Municipalities and Town Committees were administered separately from the adjoining rural area. In the case of the Punjab, the semi-urban areas differ very little in character and composition from the adjoining areas.

It may be concluded that since the creation of the structure in 1883 the population has increased five folds and the percentage of urban population has increased fifteen folds. The number of people depending on agriculture fell to 74 percent from over 90 percent. Thousands of miles of roads, motorways and railway has been built, telephone, fax, E-mail, Enter net, wireless, radio and television have been brought in to common use. People's attitude towards politics has changed significantly. In 1885 they were demanding some political rights under British umbrella, at the out set of 20th century they were struggling for independence from the British occupation. Now they are not only free but also have a country of their own. At that time they were living in a parochial political culture and system but now the political culture and system is a little bit developed. So, it is observed that all the criteria that influence the structure of the local

government have gone under notable changes. Moreover, the objectives of local government today are different. During the period of the British rule the local government was created with the main aim of maintaining law and order, to find out allies and informers for the government, collecting land revenue and to enhance the revenue for local development. But to day, it is mainly geared to act as an agent for the development of the economy, to ensure political participation of different regional, ethnic, linguistic, racial and religious groups, to achieve the target of fiscal equality and equity in different regions and as an instrument of political development. To meet the multiplicity of problems concomitant change in the local government is required.

### **Theoretical aspect of a new Structure**

In many countries, especially in developed countries, local government has undergone fundamental changes. But such endeavors to remodel the local government structure, in the developing countries are hardly serious. The following findings need consideration before one start finding a new structure for the local government:

1. Due considerations should be given to the financial and administrative capabilities in fixing both the number of tiers, and also units
2. Size of the local government units in terms of population and territory should be such that they will have financial resources to attain a minimum level of autonomy
3. The size should be such that they can employ adequate qualified personnel
4. Government's control in supervision and guidance must continue, if for no other reasons than because of the fact that the countries follow a centralized planning system. They need for liaison, guidance co-operation between government officials, technicians and local government representatives.
5. Local government areas should not be so large as to create a sense of 'remoteness' in the minds of the people.

On the other hand it should not be so small as to come under the personal sway of one or more councilors or officials.

6. Small and medium size urban areas should no longer be separated from their adjoining rural area.
7. While reorganizing the structure, regard is to be shown to the size, shape and traditional boundaries as much as possible.
8. Available traveling facilities and trends intra unit and inter units should be given proper considerations.

There can be no 'right' or 'wrong' local government structure in any absolute sense. The 'preferred' pattern for the Punjab must essentially reflect the way in which these above factors are reduced in importance or the weights assigned to them.

As regards the number of tiers, most writers seem to take the view that there should be at least one tier for the services, which require the support of a large population, e.g., roads police, education etc. And another tier for services, which a smaller population, can support, e.g., cemeteries, libraries etc. However, this is the consensus among the experts that it is more important to look into the economic and administrative capabilities of a particular country for fixing the number of tiers with which a structure can cope.<sup>22</sup> It will be unwise to put multi-tiers in the local government structure, merely for the sake of the provisions of services, in a country, which suffers from shortage of finances and lack of administrative resources even at the national level. So, keeping a country's finances and administrative resources in view, it is advisable to fix the number of tiers first and then assign them various services accordingly. In a single-tier set up, the services which are required neither large nor small area should preferably be made local government's responsibility. The services, which need a large area or population for their planning and administration, it should be isolated and made provincial government responsibilities. The services, which need a smaller area and less population, may be carried out by arranging administrative organization within the single-tier structure. This might give rise to the

argument that a single-tier structure of 'medium size' unit may negate the grass-root democracy. When in view of fact, mere small units do not necessarily mean guarantee for successful gross-root democracy. Unless those small units are capable of meeting the demands and encountering the aspirations of the people, the ostensible purpose of democracy fails.

### **Local Government Structure in Devolution Plan**

The present military government realized that the existing obsolete structure does not fulfill the requirements of 21<sup>st</sup> century and they took some practical measures to replace it with new one. The task is given to the National Reconstruction Bureau, an institution headed by a retired military general named Tanveer Naqvi. The institution collected information, conducted workshops and seminars and evolved a new structure with some revolutionary changes. The major emphases of the policy makers and planners were on the following:

1. devolution of power,
2. reduction of the influence of the bureaucracy (DC),
3. to reform police department and to stop the misuse of power by the police force and functionaries by promoting public private relations at local level
4. to ensure participation of the people in decision making process. Especially to ensure effective women participation
5. To ensure civic provisions (services) to the common man at the door step

National Reconstruction Bureau proposed three tiers system comprised by Union Councils, Tehsil Councils and District Governments. "Union structures are Union Councils, Village Councils, and Citizen Community Boards. Tehsil structures are Tehsil Councils and Tehsil Administration. District structures are the District Assembly, the Chief Mayor (Nazim), the District Administration, the District Police and the District Public Safety and Justice Committee.

The tenure of the elected tiers of the political structures will be three years.<sup>23</sup>

### **District government**

District government will be formed in all district of country. In most cases this will be the existing district. However, some districts may need geographical redefinition either because of scarcity or density of population. In such cases it may be necessary to alter district boundaries to a lesser or greater degree so as to create manageable districts. District level structures are formed by the District Assembly, Chief Mayor (Nazim), District Administration, District Police, District Judiciary and Public Safety and Justice Committee.

### **Chief Mayor (District Nazim)**

The Chief Mayor (District Nazim) is elected from a district wise constituency as a joint candidate along with a Deputy Chief Mayor (Naib Nazim) by elected Nazims, Naib Nazims and councilors, of the respective district. A run of election between the top two candidates (if none poles more than 50 percent the first time) will ensure that the Chief Mayor (District Nazim) enjoys a mandate from the majority.

The office of the chief Mayor consists of the District Nazim and the District Naib Nazim. The district coordination officer coordinates the district administration. He is a Federal or Provincial civil servant (BPS 20) and is selected by the District Nazim from a panel of three officers recommended by the provincial government. The District Assembly is empowered to ratify his appointment by a simple majority of the total membership of the assembly.

### **District Assembly**

The Naib Nazim is the ex-officio speaker of the District Assembly. Besides the directly elected member of the District

Assembly (Nazims of UC) seats are reserved for female members (20 percent) workers/peasants (5 percent) and minority members (5 percent). Assembly has 16 monitoring committees one for each district department. In addition there will be Public Safety Committee and a Justice Committee.

### **District Administration**

The District Government is headed by the Nazim and coordinated by the District Coordination officer. The administration consists of 13 department headed by District officers with deputy District officers heading sub departments in the District Headquarters and Assistant District Officers in charge of specific functions located in Tehsil towns. The departments and sub departments are as follows:

1. **Finance, Planning and Budget:** finance, planning, Budget and Accounts.
2. **Public Works:** Housing and Urban Development, Rural Development, Water Supply and Sanitation, Energy, Roads and other infrastructure.
3. **Health:** Standards and Programme, Public Health, Basic and Rural Health Units, Child Health and Women Health sub Department (Additionally responsible for population planning)
4. **Literacy:** Literacy Campaign, Continuing Education, and Vocational Education.
5. **Social Development:** Institutional development Community Resource Development, Labour and Social Security, Social Welfare and Culture, And Cooperatives.
6. **Information Technology:** Information Technology and District Database.
7. **Revenue:** Land Revenue, Estate, Excise and Taxation
8. **Agriculture:** Food, Agriculture, Livestock, Irrigation, Drainage, Fisheries and Forests.
9. **Education:** Elementary Education, Secondary Education (Boys), Secondary Education (Girls), Technical Education, Colleges and Sports.

10. **Commerce and industry:** Investment, Commerce and Industry.
11. **Law:** Prosecution, Legal Function and Legislation.
12. **Environment:** Environmental Education and Environmental Protection.
13. **Magistracy:** Land Revenue, Estate, Excise and Taxation

The list of sub department is generic in nature and will vary in accordance with the nature of each district.

### Tehsil Council

In system 1979 the rural and urban areas were separate political entities, divided into union and district councils for the rural, and Town, Municipal Committees and Municipal Corporation in urban areas. In structure 2000 a new tier Tehsil Council is created. This brought rural and urban areas under a single structure for municipal functions. Primary function of Tehsil Council is to provide municipal services to the entire Tehsil. Tehsil Nazim is the head of Tehsil administration. Under the Nazim there is a Tehsil Municipal Officer (TMO) and 4 Tehsil Officers (TO) as head of the following departments:

- (i) accounts, Budget and Finance
- (ii) Municipal Standards and Coordination
- (iii) Land Use Control
- (iv) Rural-Urban Planning.

The Tehsil Municipal Officer is the coordination officer of Tehsil Government. The structure of Tehsil Council consists of at least 9 committees for monitoring the performance of Tehsil level offices of the District Government. However, no committee will directly interfere with the functioning of any official. Rather monitoring will entail keeping a vigilant eye on the performance of the line departments and service providers and reporting any shortcoming to the Tehsil Council or the Nazim. The committees are as follows:

1. Health
2. Education
3. Literacy
4. Public Works
5. Municipal and Environment
6. Public Safety (Police)
7. Justice
8. Revenue and Finance
9. Food and Agriculture

The Tehsil Council is empowered to form additional committees as and when deemed necessary.

### Union Council

The Union Council level political entity has been extended to the urban areas. Thus, urban area Union council seats match the population and composition characteristics of the rural councils. These reform measures equalize the level of local representation available to urban and rural areas.

Union Council members are elected by direct vote based on historical population criteria through multimember wards. Seats are reserved for women, peasants/workers and minorities. They are also elected directly through the multimember wards. Total number of the members of a union council is 23.

Members are elected on a first past the post system (This means that candidate who receives the highest number of votes till the designated number for that multi-member village/ward is filled will be selected). Each union council elects *Nazim* (chairman) and *Naib Nazim* (vice chairman) by direct ballot from entire union. The *Nazim* will be the ex-officio member of the District Assembly and *Naib Nazim* will be the ex-officio member of the Tehsil council.

The Union Councils fulfill their functions through union monitoring committees. At an absolute minimum there is union

monitoring committee for finance, public safety, municipal services, environment, health, education, literacy, public works and justice. They will develop participatory mechanism mostly through citizen community boards. Other committees may be created and disbanded in accordance with union needs. Union monitoring committees will establish effective working relations with the Tehsil monitoring committees, as well as with district assembly committee system on major or district wise issues.

This infrastructure and staff will be reinforced with all union councils having an office and advocate staffing. Their function will include tax assessment, tax collection, accounting and record keeping. Union council's official will be selected by chairman and ratified by the union council's members with 50 percent or more votes. Termination will be mandated by two-third vote for removal of any member of the Union Council staff. Later on this is decided that a union council will appoint minimum three secretaries i.e. secretary finance, local secretary and community secretary<sup>24</sup> (Government of Pakistan NRB 2000). Hence union council has not sufficient financial resources, these officials are provided by the Tehsil councils.

### **Observations**

The analytical study of the devolution plan indicates that the architectures of this system completely ignored the financial aspect of the local councils without, which the slogan of devolution of powers, effective and efficient working of local councils as an agent of politico-economic development and effective participation of local people in decision making process to change the fate of their respective areas would be not more than a dream,

In the present structure by amalgamating the urban rural councils in one, they introduced three-tier system, the Union Council, Tehsil council and District government. Real financial and administrative powers are vested in district government. Area and population wise district is too big to be managed effectively and efficiently.

1. The compact and complete units of urban councils have been divided in to various union councils. Especially the town committees have been divided in to two or three union councils, which created many administrative and financial problems. In the previous system the local authority was empower to settle and manage their affairs at local level. But presently these powers have been snatched by the Tehsil council even sweepers are recruited, paid and disciplined by the Tehsil councils. Practically the Nazim do wait for the cheque from the district government even to meet day to day expenditure.
2. In rural areas there is no major change in the physical structure and financial powers of the unit.
3. As for as powers of the deputy Commissioner are concerned, this 18/19-scale civil services officer of the district was used to influence the local councils indirectly as coordinator. But in the present system a 20-scale officer of the civil services (inducted, paid and disciplined by the provincial/central government will) directly manage the district government affairs as coordinator with the help of many senior officers. It would be miracle that a simple matriculate *District Nazim* with only power of writing Annual Confidential Report (ACR) will dominate the senior member of well-organized bureaucracy. A minor incident, which occurred in Multan is enough to judge the state of affair. The Nazim of Multan announced the traditional local holiday on occasion of Urse of Bahawal Haq (a saint in Multan). The DCO cancelled the holiday and his order was considered valid and was obeyed by the district officials rather than District Nazim.
4. Financial aspect needs some considerations of think tanks.

- (I) The government has not announced any comprehensive, permanent and sustainable formula of resource distribution, which is essential for equal distribution of resources among various authorities.
  - (II) The urban councils have been segmented in many union councils for example Multan Municipal Corporation is segmented in 42 union councils under a city district. Hence, 42 office buildings, furniture to furnish these buildings, electricity and other utility bills as a permanent expenditure, secretaries and other necessary workers are required for successful operation of these little governments. For the time being district government provides grant for the purpose. It is yet an enigma that who will bear the expenditure of this luxurious set up in the long run.
  - (III) Presently, most of the grant is spent on these non-developmental activities.
5. The critics of this system are of the opinion that the 33 percent reserved seats for the women will damage the whole social fabric of the society. Moreover, double representation right is quite undemocratic and not compatible with the political culture of Pakistan. In local units representation of Mohallas and different ethno linguistic groups is more important than genders. It is also pertinent to mention here that in past and in present system ladies elected on reserve seats never actively participated in local affairs. Even they do not bother to attend the routine meetings regularly.

The government herself realized these difficulties and some changes are under consideration to meet the operational difficulties. After theoretical analyses and observing the ground realities the researcher proposes the following structure of the local government.

### Proposed structure

The province like Punjab cannot afford more than a two-tier structure because of its financial constraints and other weaknesses discussed earlier. The arguments for two-tier structure are as:

1. Pakistan is a federal government and in federal setup minimum number of tiers is more suitable
2. Be easier to attain uniformity both in administration and control
3. Remove the complexity of decisions and exception of various activities which are common in a multi-tier local government structure
4. Easy for the people to locate the sources of responsibility
5. Remove the duplication and wasteful use of manpower, particularly administrative, professional and technical personnel, which are very much in short supply in developing countries.
6. Remove the multiple burdens cast upon the taxpayers, which is particularly true in the case of Punjab.

A *tehsil* would be a proper tier for the above purpose and successful functioning. The reasons are as follow:

1. *Tehsil* is small administrative unit of the provincial government field administration and a link between provincial and local authorities.
2. This will help in reorganizing the new structure without much disturbing the traditional boundaries
3. Adoption of the *tehsil* as the upper unit in two-tier system will help to replace traditional pattern without making any radical change in the major structure of the local government.

The number of councilors will be according to the population, elected on the bases of past post system. Nazim will be directly elected by the people. Minimum 10 percent ladies representation



would be ensured in the house. This unit will enjoy maximum powers with in its jurisdiction in the management of civic services. Tehsil Nazim and Naib Nazim would be elected directly by the voters of whole Tehsil. All the Nazims would be members of Tehsil councils; Urban councils would be provided more representation according to their population in Tehsil councils. All the members of National and Provincial assembly of the respective area would be non voting member of the respective councils. The Province would directly manage these Tehsils.

The following paragraph discusses the question of a two-tier structure for the Punjab and the adoption of *tehsil* as upper unit for the purpose. The *tehsil* with an average area of 1817 square km. and an average population of 251548 and average 5 police stations and comprising average 226 *Mozas* (the lowest administrative unit of government) is comparatively a superior unit for achieving uniformity in various aspects without greatly jeopardizing the 'local characteristics. At the same utilizing scarce manpower and financial resources properly.

Adoption of the *Tehsil/special local units* under a two-tier structure would help to a great extent in establishing contact between the provincial government and the local authorities. No doubt at present every citizen in the Punjab lives under burden and contributes directly or indirectly to support several 'layers' or 'tiers' of local authorities. In the rural areas, people live under district government, tehsil council and union council. The complexity reaches its maximum in the big cities where residents in addition to living in a union council, town and district government, at the same time live under other semi government authorities such as water supply authority, development authority, WAPDA (for electricity) Oil and Gas Corporation and excise authorities of the provincial government etc. Under this complexity, the residents, whether in the rural or urban areas, are bound to find it difficult to ascertain who is responsible for what. It is suggested that parallel bodies should be merged in Tehsil council.

In system 1979 the district and union councils, by and large had the same sources of revenue. There were more than 2736 local government tax collecting units, which were too many considering the 'available administrative ability'. In system 2000 the architecture of the system added one more tier and increased the number of tax collecting units, which added more complexities in the system. A proposed structure would not only remove this duplication and division of taxes but also help in utilizing more economically the already dispersed tax collecting machinery. It is expected that the *tehsil* council would be financially better off and viable. Though simple assumption, it is nevertheless true that in such a *tehsil* council will have an income, which we may term as 'an economic minimum'.

The population of all the *tehsil* councils is well within 250,000 to one million. However, those *tehsils* whose population is above the suggested population in the proposed model may be altered so as to bring down the population size to 200,000 level. This means that the total number of *tehsils* would be around 113. This size of population has been suggested by a working group of the United Nations as suitable for administration services such as education, health, etc.<sup>25</sup> Incidentally these are some of the services that the Punjab local government needs to render efficiently to develop the infrastructure of the economy. The cities that have population of more than 50,000 may be declared urban area and they should have their own independent government as compact unit. This means that the Punjab local government<sup>26</sup> will consist of (in this model) 37 urban councils and 113 *tehsil* councils.

Table 4

**Population Growth in Metropolitan Corporation,  
in Selected Municipal Corporations and Municipal  
Committees 1951-1998**

Metropolitan Corporation, Municipal Corporations & Municipal Committees	1951	1998	1998 Increase	Increase in %
Lahore	849	2016	1167	137
Faisalabad	179	1977	1798	1004
Rawalpindi	237	780	543	229
Multan	190	1064	874	460
Gujranwala	121	1124	1003	829
Sialkot	168	355	187	111
Sargodha	178	368	190	107
Jhang	73	292	219	300
Bahawalpur	42	109	67	160
Qasur	63	241	178	283
Gujrat	47	250	203	432
Okara	35	209	174	497
Sahiwal	50	207	157	314
Sheikhupura	30	271	241	803
Wah cant	33	198	165	500
Rahim yar khan	15	228	213	1420
Chiniot	39	169	130	333
Jhelum	57	127	70	123
D.G.Khan	36	188	152	422
Khanewal	38	133	95	250
Burewala	15	149	134	893
Hafizabad	30	130	100	333
Bahawalnagar	18	109	91	506
Kamoke	16	150	134	838

Sources; Government of Pakistan, Federal Bureau of Statistical Division (1989) Pakistan; Government of Pakistan (1998) Population and Housing Census of

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**NOTES**

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<sup>2</sup> Iqbal, M. S. (1976) *Development of Local Self Government in the Punjab (1882-1900)*, Research Society of Pakistan, Lahore.

<sup>3</sup> Tehsil, A revenue sub division in administrative set up of the Punjab.

<sup>4</sup> In system 1979 the structure was as; Zilla Council. It is comprised of the area of a revenue district excluding its urban areas cantonment areas and federal areas. Union Council: It extends over a village or a group of villages, Metropolis: An urban area has population exceeding twenty-five lacs will be given the status of Metropolis. Corporation: The city may comprise an urban area having a population of five lacs or more than five lacs, Municipality: It may comprise an urban area having a population of twenty thousand or more save as other wise provided or notified by the provincial government, Town Committee: This is an urban area having a population exceeding five thousand but not exceeding twenty thousand save as other wise provided or notified by the provincial government (Government of the Punjab, local Government ordinance 1979).

<sup>5</sup> Government of Pakistan (1998) Population and Housing Census of Pakistan 1998 (provisional Result Punjab), Population Census Organization, Islamabad.

<sup>6</sup> Ronan, P. & Stephen, B. (1989) *Local Government Finance In International Perspective*, Routledge, London, New York.

<sup>7</sup> Government of the Punjab (1982) Statistical year book, 1982, Bureau of Statistics, Lahore; Government of the Punjab (1994) *Financial Statistics of Local Council in the Punjab 1981-1994*, Local Government and Rural Development Department, Lahore, p.5.

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<sup>12</sup> Muhammad, Ayaz (2001) op-cite. Pp.57-67.

<sup>13</sup> Ibid pp.57-67.

<sup>14</sup> Ibid. pp.57-67

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<sup>19</sup> Amar, N. (1929) *The Development of Local Self-Government in the Punjab, (1849-1900)*, Lahore, p. 67.

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## POLICY PAPERS

## REGIONAL AND INTERNATIONAL IMPLICATIONS OF IRAQI INSTABILITY

SYED FAROOQ HASNAT

While planning a military assault on Iraq, the declared objectives of the United States' President was to take control of the Weapons of Mass Destruction (WMD), which according to President Bush would pose a security threat to his country as well as the Western civilization. Therefore, according to him, preemptive strike becomes necessary. But as the war on Iraq progressed and little evidence was provided regarding WMDs, the focus of the Bush administration changed to reform the Iraqi society and in his words, bring democracy in the country. It was further said that Saddam's regime had to be removed so that the people of Iraq could attain autonomy for themselves and above all the violations of human rights could be eradicated. In other words, the main emphasis was to reconstruct the Iraqi society in a number of ways. The political institutions had to be replaced by the structures of the Baath party revolving around the personality of Saddam Hussein and his close associates. President Bush declared in 1993, that once democratic institutions were established in Iraq, other Middle Eastern and Islamic nations must follow suit. The Iraqi state of affairs under the American control was to become an ideal example for the others to follow.

After nearly a year of the American occupation the situation in Iraq presents a dismal picture. The American administrator of the occupied Iraq, Paul Bremer boosted in March 2004 that "Iraq is now on a path to full democracy in a united state at peace with its neighbours". When on June 30, the authority is handed over to the Governing Council, a huge presence of the 100,000 American troops would still remain in the country. There is still no indication that how the U.S. picked Governing Council and those who disagree with the proposed arrangement would coordinate with each other. The Constitution presented by the Council was perceived with lot of apprehensions, within and outside Iraq. Commenting on the approval of the new Iraqi constitution a Turkish commentator remarked: "The temporary Iraqi administration council has approved the temporary constitution. Thus, the American administration, which could not take a very permanent step in Iraq, has taken one more temporary

step! The agreement on the temporary constitution is temporary too. The main reason why an agreement has been reached is that basic issues have been left unclear."

According to predictions by the analysts, the Iraqi situation is still far from stable. In one year's duration nearly 600 Americans died, because of the attacks by the Iraqi insurgents and the killing went on even after the capture of Saddam Hussein. It is feared that post-June 30 period could be worse than ever. The element of insecurity is compounded with many other features, which when put together would conform to a stable Iraqi society. It is not just a number game of the causality figures. A societal balance along with the establishment of viable economic and societal structures occupies an equally important component of stable Iraq. The task of building "new Iraq" on permanent basis lies not with the occupying force but with the people themselves. The Iraqis are the best judges of their conditions and their solutions.

The Iraqi society has been constructed, influenced by decades of particular political manners, where brutal authority and compliance was the only norm. It would be a gigantic task requiring appropriate planning, patience and time to mold the political habits of the Iraqi population. Only a representative body composing of all segments of the Iraqi mosaic would create an atmosphere of trust and would encourage leanings towards dialogue rather than settling the differences through violent means.

Secondly, the law and order situation needs to be managed in Iraq. The Iraqi army has been disbanded and the police - a part of which was reluctantly recalled has little directions under the dual system of security apparatus, established by the American occupation.

Thirdly, the most difficult job remains in the establishment of a social balance between varying segments of the Iraqi society. Iraq has a highly complex social order, where the power balance between the Kurds in the North, the Sunni Muslims in the Center and the Shias in the South has been further disturbed. Since 1969, the Baath party ruled with an iron hand, thereby subduing the contradictions between these three main segments of the society. An impression of Iraqi national unity was created, which is not there and thereby an

institutional conformity between the people of Iraq could not be formed on permanent basis.

Fourthly, there had to be an infrastructure established on genuine nationalist economic principle where the Iraqi people could feel the benefits of a "new era". For example, the whole army, along with government functionaries was dispersed, while the handful of the American soldiers and officers are performing the role of security maintenance. The main problems like unemployment, and the rehabilitation of those struggling to enter the job market poses a challenging proposition.

Fifthly, accompanied by the above mentioned challenges is to devise a formula that could put the genuine Iraqi leadership in its proper perspective, replacing the structures of the interim government. The people of Iraq have to be convinced that they are sovereign and that the occupying forces are not to be in charge for an extensive period of time, either directly or through their proxies. An assurance is also to be given that the Americans do not have intentions to manage the financial resources of Iraq, especially the export of oil.

There are two sets of the question, when it comes to the situation in Iraq, which is still experiencing a chronic instability and where the Americans are unable to present any meaningful optimism for the Iraqi society. One deals with "real intentions" of the Americans and their long term interests in the country and the region. Secondly, there is no denying in the fact that whatever happens in Iraq has serious repercussions for the wellbeing and security for the regional countries of varying degrees. That in turn would determine the issues of stability in the region and even beyond.

## REGIONAL RESPONSE

As expected, the occupation of Iraq and the implied intentions of the U.S. to exercise a long drawn presence in Iraq have raised concerns in both sets of neighbouring countries. Those, who are considered staunch allies of the United States and are partners in the security concern, like Turkey, Kuwait and Jordan and in the near past, Saudi Arabia. The others are those who were and are still opposed to Washington's policies towards the region, like Iran and Syria. The fallout of the Iraqi situation would affect the neighbours but

conversely, the stability and future of Iraq is equally directly linked with the foreign and domestic stance of the regional nations.

At least six segments of such groups are identified that constitutes neighbouring regions of Iraq. Group A consists of the geographic neighbours of Iraq namely, Iran; Turkey; Saudi Arabia; Syria and Kuwait. As the instability in Iraq grows, the anxiety of the immediate neighbours increases. In particular, Turkey is highly disturbed about the American policies in the North, where the Kurdish population is poised to gain autonomy of the kind that would be unique for the Iraqi nation. On November 4, 2003, the Turkish envoy in Washington, D.C. expressed the concerns of his country by saying that the Kurd population in Iraq is receiving added attention from the U.S. administrators. He said that this would lead to a civil war and a possible Kurdish secession. Turkey regards any autonomous Kurdish State in North Iraq as a threat to their national security. While addressing the defence writers the Turkish Ambassador Osman Faruk Logoglu said, "The Kurdish representation is much in excess of their real standing in the society..." "We think there is too much favouritism ... being given to specifically the Kurdish groups, (on) who runs (Iraq) and how the future of the country is going to be structured."

Saudi Arabia, highly apprehensive about unstable Iraq has developed strain relations with the Bush administration. Reflecting this reality, the Saudi Ambassador to Britain Prince Turkey al-Faisal, said on December 12, 2003 that the war launched by the American president George W. Bush against Iraq did not defeat the terrorist threats, and rather brought in new threats of that sort. In a press conference at the United Royal services Institute in London al-Faisal said "when the US and Britain invaded Iraq, the promise was to bring in peace and security altogether by the American and British forces." He added "regrettably, this promise was not achieved. Fighting and daily explosions, as well as violence, make even those who believed this first promise doubt it. Instead of eliminating terrorist threats, which Bush considered to be in Iraq's Saddam, we find today that Iraq's Saddam has become an area for attracting terrorists." Al-Faisal considered that the international community cannot bear continued absence of peace and security in Iraq.

Like 1990 Iraq-Kuwait crisis, Iran adopted a delicate balancing policy. Like Saudi Arabia the Iranian official position has

been that "any interference in Iraq's affairs could increase instability in the country and eventually worsen the regional security situation." In an editorial in Tehran Times of November 01, 2003 under the caption "Why Should Iran Cooperate with the U.S.?" it was written that the United States is carrying a double policy towards Iran and that the contradictory remarks of the United States administration is in fact a reflection of their failure to control the situation in Iraq. A part of the editorial reads as follows: "The occupation of Iraq has become one of the most serious problems for the U.S. Also, the world has become aware that the U.S.-led coalition forces are not welcome in Iraq and that the Iraqi people are fed up with the lack of security. It is now clear that the U.S. failure to establish security in Iraq has forced it to think about cooperation with Iraq's neighboring countries, including Iran, to achieve its objectives."

Group B is the region of the Gulf, which forms a natural environment of the Iraqi security and includes Qatar; Bahrain; UAE and Oman. These countries exist in a regional security system of which Iraq is an important member. The third group 'C' is composed of those nations that through their military as well as economic strength had serious implications as well as connections with the Iraqi society; e.g., the United States, Great Britain and the European Community. Group 'D' consists of the Arab League which directly or indirectly forms an important part of a feeling of commonality, which in turn creates repercussions for the domestic structures of these countries. The fifth category of nations falls in Group 'E' and are those major powers that expressed their reservations to the American attack on Iraq and disagreed on varying tactics of the U.S. to deal with the matters of WMD, such as Germany, France and Russia. Organisation of Islamic Countries (OIC) is an important regional type for the Iraqi situation and forms a sixth category. As demonstrated by the policy pronouncements of various OIC members, they have expressed their reservations about the intents of the occupiers regarding Iraq and that the use of force is seen with anger by the populations of these countries. The concern of the OIC nations becomes a major concern in the formulation of their foreign policies as well as it is a serious issue within their domestic context, as well.

What ever happens in Iraq would affect the out come within the future planning of these groups of regions and would certainly affect the future world system. It would also constitute or reconstitute the concepts of Global Relations, along with the value system that it

would represent. The question of preemptive strike; political assassinations; the role of the United Nations, would all form an important aspect of the fallout that would emerge from future Iraq.

**Conclusion**

There are a variety of implications that would surface within the societies of the neighbouring States. Iraqi instability would represent an impression that the United States with all its resources and power is unable to resolve the problems of an alien society, therefore the pro-American regimes, in particular would come under tremendous pressure by their respective populations. Secondly, the Kurdish population of North Iraq would be compelled to constitute autonomy of their own or even an independent State. That would create a series of tribulations for the neighbouring Turkey, which has serious reservations about the intents of the Kurd population. Thirdly, in an unstable Iraq, the Shia majority could form a parallel government of their own, thus challenging the interests of the occupiers.

The table presented on the next page summaries policy positions of the neighbouring countries of Iraq.

**Policy Positions of Iraq's Neighbour after the American Occupation**

Country	Apprehensions	Policy Position	U.S. Links
<b>TURKEY</b>	Kurdish Autonomy in North Iraq. U.S. favor towards the Kurds. Placement of Turkmen. Oil Concessions and Free Trade.	Send troops in North Iraq. Kurdish Representation in Excess in Governing Council. (Five Kurds among its original 25 members. Iraq's four million Kurds make up about 16 per cent of the total population.)	<b>Distrust</b>
<b>IRAN</b>	Presence of U.S. Military machine on Iran's borders creates tensions. Undermining the Shia majority in Iraq. Controlling Oil prices by Oil Companies in Iraq.	Opposition to American occupation and holding of free elections in which the Iraqi groups are represented as according to their population share. Close contacts with the Governing Council and cooperation in matters like supplying electricity to Iraq.	<b>Oppose</b>
<b>SAUDI ARABIA</b>	Reforms in Saudi Society at American formula of Democracy. Interference of U.S. intelligence in Saudi Society. Encourage resistance groups in the country.	Support the inclusion of Europeans and the United Nations. Gradual withdrawal of U.S. forces after establishing solid institutions.	<b>Distrust</b>
<b>KUWAIT</b>	Instability in Iraq can overspill. Setback to American in Iraq would damage Kuwaiti national interest as only reliance is on U.S.	Unconditional support of all kinds to the American Occupational forces.	<b>Support</b>
<b>SYRIA</b>	Presence of U.S. troops near Iraqi border. Israeli advantage of the Situation and American pressures to modify its policy on Golan and Lebanon.	Minimise U.S. Pressures on demand to eradicate "terrorist" facilities. To dispel fears that fugitives from Iraq would not be given sanctuary.	<b>Oppose</b>
<b>JORDAN</b>	Would loose the benefits of concession oil and sole sea exit for Iraqi imports/exports	Cooperation with the United States; keeping an impression of favouring the Iraqi power groups.	<b>Suspect</b>

## ARMAMENT AND ITS HAZARDS

AISHA SHAHZAD

World politics is essentially and unchangeably a struggle among states for power and position, with each competing state pursuing its own interests. In the pursuit of national interests, states either peacefully interact with each other or they coercively threaten the other and in this regard the incompatibilities among states becomes a main cause of the clash of interests.

These clashes are perceived as a threat to the national security of the states. As a consequence, the states adopt various strategies or devices, according to the prevailing trends to preserve their interests e.g., conventional weapons, modern nuclear weapons, industrialization science and technology etc. Circumstances gave each super power reasons to fear and to counter the other's potential global leadership (Ideological incompatibilities, misperceptions of each other's motives and the conflicting interests). The result is a classic illustration of the security dilemma, which led each party (the United States and the Soviet Union) to equip itself with conventional or modern nuclear weapons.

During Cold War, big powers tried to manipulate the third world countries through military assistance to achieve their objective. During the Afghan crises, USA considered Pakistan as one of the front line states to counter the Soviet expansion. By 1982, Pakistan had become the fourth largest recipient of US security assistance. President Reagan discarded the Carter arms transfer policy and made the US policy machinery more receptive to US participation in cooperative long-term military modernization in key third world countries. There may be various reasons for weaponisation within states like Civil Wars, ethno nationalism, failed states, economic disparities, terrorism etc. There are certain elements, which become a cause for civil war like ideological, demographic, religious, ethnic, economic, social structural and political conditions.

People's perceptions that are deprived of wealth status or other necessities of life or when people's expectations of what they deserve rise more rapidly than material rewards. This applies to most of the countries in the south, where the distribution of wealth and opportunities is highly unequal. Sometimes seeds of civil strife are



often sown by national independence movements, e.g. this happened recently in East Timor or we can provide examples of Kashmir and Palestine movements, which ultimately forced the people to use armed methods to vent their frustration and grievances. Many governments are fragile and fall apart as they fail to effectively manage and regularize the affairs of the states, that leads many dangerous ethnic conflicts and civil wars and become a cause for bloodsheds. In such situations foreign elements also exploit the people, provide them armaments and thus give vent to the violent activities. Even in the periods of democratization and economic growth, misery among those not sharing in the benefits, breeds revolt. This is made evident by the fact that 57 percent of the armed conflicts between 1990 and 1995 erupted in the poor countries ranking low on the UN human development index.

Terrorism poses other alarming kinds of violence in the contemporary world, though the instruments of terror are varied and the motivations of terrorists diverse but the experts agree that the terrorism is the use or threat of violence. Some terrorist activities such as the 1995 bombing of the US federal government building in Oklahoma City and the rampant terrorist bombing in Russia begin and end in a single country.

Many however cross national borders, though terrorism has always been practiced, but it emerged as a significant international problem in the 1960s and grew to epidemic proportion during 1970s and 1980s. Terrorism is a tactic of the powerless against the powerful. Thus it is not surprising that political or social minorities and ethnic movements sometimes turn to acts of terrorism on behalf of their political causes and armed activities.

In the industrialized world, terrorism often occurs where discrepancies in income are severe and where minority groups feel deprived of the political freedom and privileges enjoyed by the majority. So it is unlikely that the danger of terrorism will decline in the 21<sup>st</sup> century and it could easily become more deadly to curb in the borderless globalize system.

The ratio of defence spending to gross domestic product (GDP) is one way to measure the sacrifices that military spending requires. In developing countries, when military spending increases, the rate of economic growth declines. Capital consumed in militarism

can provide training, jobs social infrastructure in the form of investments in highways, airport, education, health, communications and the like.

India and Pakistan due to their traditional hostilities (Territorial, religious conflict ideological confrontation etc), have always been trying to counter each other through modernizing the technology, armaments etc. Both the countries have fought three conventional wars (1984, 1965, 1971) due to their increased conflict. Pakistan even joined SEATO and CENTO to get arms from the western countries to make her defense strong against India. The Balance of Military Personnel between India and Pakistan is a follows.

	<b>India</b>	<b>Pakistan</b>
Army	11000,000	450,000
Air Force	113,000	17,600
Navy	47,000	13,000

(Source: International Institute for Strategic Studies 1987)

India has certain other policy objectives like to become a regional hegemony and to get a seat of permanent member in Security Council. Therefore it is a matter in Security Council. Therefore it is a matter of prestige for India to acquire modern technology to not only deter Pakistan but also to maintain its regional hegemony. India has increased her desire to equip itself with modern nuclear weapons for a strong defence. Nuclear explosions, missile technology, AGNI, PRITHVI, SL-3 etc. are a part of Indian nuclear ambitions. On the other hand, Pakistan also needed to improve its defence capabilities to maintain status quo in the South Asian region. Both Countries conducted nuclear explosions in 1998 and declared themselves as atomic powers.

India and Pakistan are developing countries with the problems of poverty and economic disparities. Heavy military expenditures are a great burden on their economies. Most of their budget is consumed by defence needs and national welfare or developmental programmers are badly affected, It has also increased the poverty ratio in these countries. Along with economic problems the arms race between these countries has destabilized the peace in the South Asian region. Both are atomic powers and have a long

history of coercive relations which can result into nuclear war. As in the present scenario, both states were at the verge of war but the international community forced them to promote regional stability.

In short we can say that maintaining balance between military preparedness and economic revitalization presents a serious challenge not only to the developing countries but also to the superpowers like USA. But the trends are changing and it is evident by a new US national security policy that along with international US hegemony it is necessary to pay attention:

1. Deter the use of nuclear, biological, or chemical weapons against the USA, its forces and its allies.
2. Halt or at least slow the proliferation of such weapons.
3. Pursue the search for technological solutions to military problems.
4. Foster democratic values in other countries.

Governments in the contemporary world believe that weapons are necessary for national security. The willingness to purchase military protection has kept world military spending high. In 1999, the total stood at 745 billion, an amount exceeding more than 1.2 million each minute. Military spending has increased fifteen fold since the mid-1930s. If on the one hand armament is necessary for strong defence, on the other hand, efforts have also been made for the reduction of arms to maintain and promote global peace.

All the treaties, arms reduction talks and agreements since the Treaty of Versailles (to disarm German) have a single purpose, to limit arms production which includes:

1. Limits on testing nuclear weapons,
2. Limits on conventional weapons,
3. To limit the number of capacity of weapons,
4. Budgetary limits to control military expense etc.

A promising trend appears to be the fact that fewer states are acquiring nuclear capability. Though various states like India, Pakistan, Israel, Iran, Iraq, Libya, and North Korea are engaged in nuclear activities but as compared to 1980s, many are forced not to. After the disintegration of Russia there was a fear that the states (Ukraine, Belarus and Kazakhstan) would control nuclear assets to

become de-facto nuclear powers. It could destabilize the regional security. But these states signed NPT to make nuclear non-proliferation efforts more successful. Some states have significantly tried to roll back atomic weaponisation capability South Africa set an example to eliminate her six nuclear weapons. Various states like Brazil, Ukraine, South Africa, and Argentina etc. have joined Nuclear Suppliers Group, an organization to control nuclear exports. Recently China has also joined NPT's committee, which works parallel to NSG. These are very promising trends.

Adherence to NPT is universal and all five nuclear power states including 180 non-nuclear states have accepted nuclear weapon renunciation and also to have an on site inspection of their nuclear installations, by International Atomic Energy Agency. However five nuclear power states and Israel, Pakistan and India are not subject to this on site inspection of nuclear weapons. However the efforts of IAEA are very important in this regard. The nuclear weapon free zones pacts in Latin America and the Caribbean with the treaty of Tlatelolco and nuclear free zone accords in Southeast Asia are also hopeful signs for nuclear non-proliferation. But there are a lot of the opponent parties become a matter of obstacles to arms control:

1. Arms race between the opponent parties becomes a matter of national pride as USA vs. USSR, India vs. Pakistan etc. Though Pakistan is facing poverty and other economic problems but her atomic power gives nationalistic and Pan-Islamic pride.
2. It's a matter of ego, of first taking initiative. As in the case of India and Pakistan, no one is ready to first sign the CTBT, once a country acquires the nuclear capability, she tries to develop more through research and new experiments.
3. There are always suspicions among the opponents and even the offer to initiate peace is misperceived.
4. There are also certain domestic factors like arms industries in various countries, which compel the government to produce and sell more weapons to earn money and to run their business.

5. The Middle Eastern states are the main purchaser in the global arms market due to chronic national security problems. In the wake of the Persian Gulf War and 1993 Israel-Palestine peace accord, rivalries endured between Egypt and Libya, Iran and Iraq, and Kuwait, Iraq-Syria, Iraq and Turkey. These countries accounted for 11 percent of world arms import from the major suppliers like China, USA, Russia and other major western states. Regarding the future of arms control there are glimpses of hope. On the more fruitful areas of arms control have been the efforts to limit the spread of weapons. Non-proliferation has had a fair amount of success and is supplemented by geographic nuclear free zones (e.g. Latin America). Space is a new frontier and treaties may be possible to expand current agreements in this area.

Mass anti-nuclear movement in Europe has been particularly spurred by the deployment of US cruise missiles in NATO countries. There has been a strong movement in USA to focus on nuclear free zone issues. Then overall budgetary cost of military systems is generating negative reactions in various countries. International efforts, UN contribution are also a ray of hope in this connection. But sincere efforts must be made for the arms reduction while the superpowers are playing a dual role as the United States, France and Britain sent 22 billion dollars of aid to the poor world in 1992. The same three, plus China and Russia also supplied 86 percent of all weaponry sold to poor countries in 1988-92. Sincere efforts are needed to promote norms and values to discourage arms production for global peace and harmony.

## BOOK REVIEW

## BOOK REVIEW

Tahmina Rashid

*Women, War and Peace in South Asia: Beyond Victimhood to Agency.* Rita Manchanda.(Ed.) London: Sage Publications, 2001.

We watch women at the forefront of peace rallies around the globe but in the written accounts of wars and armed conflicts they are presented as victims which at times are invisible as part of the "collateral damage" of warfare. These historical accounts exclude women's war experiences subsuming them in the collective experiences from men's perspective.

They are mothers grieving for sons dead and missing. They are widows or half widows struggling to survive in female-headed households bringing up orphaned children and the aged. They are the refugees displaced from homes. They are the raped and the murdered in wars.

These accounts do not chronicle women's resistance and peace making efforts. Women's visibility is further obscured by the fact that their language of support and resistance flow from their cultural experience, especially of being disempowered. Since women's experiences at the grassroots level are grounded in the informal space of politics, it gets undervalued and as post conflict politics moves into formal space, it gets marginalized. Recently feminist historians have taken up these gender biases into account and have documented the women's gender differentiated experience of conflict visible, demonstrating that women's experience are a valuable resource in managing community survival, conflict mitigation and building peace.

Rita Manchanda is a journalist, writer, researcher, and human rights activist, dedicating much of her work to bridge the deep political and ethnic divides between Pakistan and India. She advocates for the integration of women peace builders into the policy arena, firmly believing in the vision of alternate, people-focused security and the power of participatory democracy. Her collection of essays under review, challenges the centrality of men's experiences and theorists of conflict that largely ignore women's alternative and non-violent ways of negotiating the construction of conflictual identities.

This edited volume revolves around six chronicles of women negotiating violent politics in daily life and the capacity of women's agency to bring peace in South Asian societies, a region facing a range of low and high intensity armed conflicts. This volume includes local narratives, illustrating shared human experiences and confronts the existing accounts of the histories of various conflicts. The contributors have portrayed the life in curfews and high-risk security regimes, forcing women to learn and design survival strategies for the family and community.

The essays highlight the significance of including women's voices to deal with issues during and after the occurrences of conflicts. The authors reflect on the unfortunate reality that the women who invent strategies for survival, construct dialogue and promote co-existence at the grassroots level are excluded from the process in which the formal politics take charge of the negotiation process. Though women are part of the establishment as legislatures and politicians yet they are under represented in almost all State structures in the region, especially military and bureaucracy. Secondly, as the war is considered a "man's job", therefore by default the negotiation process is left to be dealt by men. The authors emphasize that the inclusion of women in the negotiation process on the grounds that shared women's experiences would enable the parties involved taking into account the human element of the conflict, rather than examining a situation from "gain" and "loss" perspective. Though it is unclear that how women militants would examine the conflict from shared perspective of human loss and how the autonomy of women would transform the political culture of armed conflict.

The collection is useful for Pakistani readers in particular, as it analyses Kashmir issue and activities of Mutahhida Qaumi Movement (MQM) in Karachi. The article on MQM "They use us and Others Abuse us": Women in MQM Conflict" elaborates the role played by different actors such as the State, Government Political Parties, pressure groups and individual with their own agendas. The essay examines that women are primary sufferers of the violent situations and are exploited by various groups in a variety of manners. The author appreciates the initiative taken by Women Action Forum (WAF) to break the isolation of women trapped in violence and has helped them to learn strategies for peaceful co-existence.

The Kashmir and MQM highlight the use of slogans that celebrate manhood and male power as Mujahids, idolized by young women. These men are protected by women from law enforcing agencies and many a times women had to suffer for providing such protection. The women who become victims of armed violence are used as symbols of oppression and resistance, paraded before the media to repeat the narration for the police and human rights activists alike. The situation deteriorates when outsiders join a conflict as sympathizers and saviors and took over the struggle. They became the perpetrators without any notion of accountability.

This work highlights the manner in which the patriarchic identity uses woman as an instrument, to supply fodder for guns and bear the flags of social and religious virtuosity. Though in these conflicts she is pushed to use her sexuality to seduce the oppressor for the benefit of the movement or misguide and save her own comrades yet she is the one who is psychological and physically tormented. It redefines the concept of rape and the need to de-link this crime from the honour of the man. Its characterization has to be essentially with the body of the woman. These works also support the outcome of various researches, concluding that the dejected /defeated/depressed male Mujahid/freedom fighter turns his violence against the wife, sister or mother and writes the national identity on the body of a woman.

The work challenges social scientists to be more capacious in their treatment of conflict situations and listen to women's experiences. It is also imperative for the policy makers and those involved in the negotiation process, to be more conscious of the militarization that is giving new shape to various societies in the region, leading to human tragedy.

**SPEECH BY THE PRIME MINISTER OF MALAYSIA  
THE HON. DATO SERI DR MAHATHIR MOHAMAD**

**AT THE OPENING OF THE TENTH SESSION OF THE  
ISLAMIC SUMMIT CONFERENCE MALAYSIA  
(16 OCTOBER 2003)**

Alhamdulillah, All Praise be to Allah, by whose Grace and Blessings we, the leaders of the Organisation of Islamic Conference countries are gathered here today to confer and hopefully to plot a course for the future of Islam and the Muslim ummah worldwide.

2. On behalf of the Government and the people of many races and religions of Malaysia, may I extend a warm welcome to all and everyone to this Tenth Session of the Islamic Summit Conference in Putrajaya, Malaysia's administrative capital.
3. It is indeed a great honour for Malaysia to host this Session and to assume the Chairmanship of the Organisation of the Islamic Conference (OIC). I thank the members for their confidence in Malaysia's Chairmanship.
4. May I also take this opportunity to pay a special tribute to the State of Qatar, in particular His Highness Shaikh Hamad Bin Khalifa Al-Thani, the Emir of the State of Qatar, for his outstanding stewardship of our Organisation over the past three years.
5. As host, Malaysia is gratified at the high level of participation from member countries. This clearly demonstrates our continued and abiding faith in, and commitment to our Organisation and our collective wish and determination to strengthen our role for the dignity and benefit of the ummah.
6. I would also like to welcome the leaders and representatives of the many countries who wish to become observers at this meeting because of their substantial Muslim population. Whether they are Muslims or not, their presence at this meeting will help towards greater understanding of Islam and the Muslims, thus helping to disprove the perception of Islam as a religion of backwardness and terror.

## DOCUMENTS

7. The whole world is looking at us. Certainly 1.3 billion Muslims, one-sixth of the world's population are placing their hopes in us, in this meeting, even though they may be cynical about our will and capacity to even decide to restore the honour of Islam and the Muslims, much less to free their brothers and sisters from the oppression and humiliation from which they suffer today.

8. I will not enumerate the instances of our humiliation and oppression, nor will I once again condemn our detractors and oppressors. It would be an exercise in futility because they are not going to change their attitudes just because we condemn them. If we are to recover our dignity and that of Islam, our religion, it is we who must decide, it is we who must act.

9. To begin with, the Governments of all the Muslim countries can close ranks and have a common stand if not on all issues, at least on some major ones, such as on Palestine. We are all Muslims. We are all oppressed. We are all being humiliated. But we who have been raised by Allah above our fellow Muslims to rule our countries have never really tried to act in concert in order to exhibit at our level the brotherhood and unity that Islam enjoins upon us.

10. But not only are our Governments divided, the Muslim ummah is also divided, and divided again and again. Over the last 1400 years the interpreters of Islam, the learned ones, the ulamas have interpreted and reinterpreted the single Islamic religion brought by Prophet Muhammad S.A.W, so differently that now we have a thousand religions which are often so much at odds with one another that we often fight and kill each other.

11. From being a single ummah we have allowed ourselves to be divided into numerous sects, mazhabs and tarikats, each more concerned with claiming to be the true Islam than our oneness as the Islamic ummah. We fail to notice that our detractors and enemies do not care whether we are true Muslims or not. To them we are all Muslims, followers of a religion and a Prophet whom they declare promotes terrorism, and we are all their sworn enemies. They will attack and kill us, invade our lands, bring down our Governments whether we are Sunnis or Syiahs, Alawait or Druze or whatever. And we aid and abet them by attacking and weakening each other, and sometimes by doing their bidding, acting as their proxies to attack

fellow Muslims. We try to bring down our Governments through violence, succeeding to weaken and impoverish our countries.

12. We ignore entirely and we continue to ignore the Islamic injunction to unite and to be brothers to each other, we the Governments of the Islamic countries and the ummah.

13. But this is not all that we ignore about the teachings of Islam. We are enjoined to Read, Iqra' i.e. to acquire knowledge. The early Muslims took this to mean translating and studying the works of the Greeks and other scholars before Islam. And these Muslim scholars added to the body of knowledge through their own studies.

14. The early Muslims produced great mathematicians and scientists, scholars, physicians and astronomers etc. and they excelled in all the fields of knowledge of their times, besides studying and practising their own religion of Islam. As a result the Muslims were able to develop and extract wealth from their lands and through their world trade, able to strengthen their defences, protect their people and give them the Islamic way of life, Addin, as prescribed by Islam. At the time the Europeans of the Middle Ages were still superstitious and backward, the enlightened Muslims had already built a great Muslim civilisation, respected and powerful, more than able to compete with the rest of the world and able to protect the ummah from foreign aggression. The Europeans had to kneel at the feet of Muslim scholars in order to access their own scholastic heritage.

15. The Muslims were lead by great leaders like Abdul Rahman III, Al-Mansur, Salah El Din Al Ayubi and others who took to the battlefields at the head of their forces to protect Muslim land and the ummah.

16. But halfway through the building of the great Islamic civilisation came new interpreters of Islam who taught that acquisition of knowledge by Muslims meant only the study of Islamic theology. The study of science, medicine etc. was discouraged.

17. Intellectually the Muslims began to regress. With intellectual regression the great Muslim civilisation began to falter and wither. But for the emergence of the Ottoman warriors, Muslim civilisation would have disappeared with the fall of Granada in 1492.



18. The early successes of the Ottomans were not accompanied by an intellectual renaissance. Instead they became more and more preoccupied with minor issues such as whether tight trousers and peak caps were Islamic, whether printing machines should be allowed or electricity used to light mosques. The Industrial Revolution was totally missed by the Muslims. And the regression continued until the British and French instigated rebellion against Turkish rule brought about the downfall of the Ottomans, the last Muslim world power and replaced it with European colonies and not independent states as promised. It was only after World War II that these colonies became independent.

19. Apart from the new nation-states we also accepted the western democratic system. This also divided us because of the political parties and groups that we form, some of which claim Islam for themselves, reject the Islam of other parties and refuse to accept the results of the practice of democracy if they fail to gain power for themselves. They resort to violence, thus destabilising and weakening Muslim countries.

20. With all these developments over the centuries the ummah and the Muslim civilisation became so weak that at one time there was not a single Muslim country which was not colonised or hegemonised by the Europeans. But regaining independence did not help to strengthen the Muslims. Their states were weak and badly administered, constantly in a state of turmoil. The Europeans could do what they liked with Muslim territories. It is not surprising that they should excise Muslim land to create the state of Israel to solve their Jewish problem. Divided, the Muslims could do nothing effective to stop the Balfour and Zionist transgression.

21. Some would have us believe that, despite all these, our life is better than that of our detractors. Some believe that poverty is Islamic, sufferings and being oppressed are Islamic. This world is not for us. Ours are the joys of heaven in the afterlife. All that we have to do is to perform certain rituals, wear certain garments and put up a certain appearance. Our weakness, our backwardness and our inability to help our brothers and sisters who are being oppressed are part of the Will of Allah, the sufferings that we must endure before enjoying heaven in the hereafter. We must accept this fate that befalls us. We need not do anything. We can do nothing against the Will of Allah.

22. But is it true that it is the Will of Allah and that we can and should do nothing? Allah has said in Surah Ar- Ra'd verse 11 that He will not change the fate of a community until the community has tried to change its fate itself.

23. The early Muslims were as oppressed as we are presently. But after their sincere and determined efforts to help themselves in accordance with the teachings of Islam, Allah had helped them to defeat their enemies and to create a great and powerful Muslim civilisation. But what effort have we made especially with the resources that He has endowed us with.

24. We are now 1.3 billion strong. We have the biggest oil reserve in the world. We have great wealth. We are not as ignorant as the Jahilliah who embraced Islam. We are familiar with the workings of the world's economy and finances. We control 57 out of the 180 countries in the world. Our votes can make or break international organisations. Yet we seem more helpless than the small number of Jahilliah converts who accepted the Prophet as their leader. Why? Is it because of Allah's will or is it because we have interpreted our religion wrongly, or failed to abide by the correct teachings of our religion, or done the wrong things?

25. We are enjoined by our religion to prepare for the defence of the ummah. Unfortunately we stress not defence but the weapons of the time of the Prophet. Those weapons and horses cannot help to defend us any more. We need guns and rockets, bombs and warplanes, tanks and warships for our defence. But because we discouraged the learning of science and mathematics etc. as giving no merit for the akhirat, today we have no capacity to produce our own weapons for our defence. We have to buy our weapons from our detractors and enemies. This is what comes from the superficial interpretation of the Quran, stressing not the substance of the Prophet's sunnah and the Quran's injunctions but rather the form, the manner and the means used in the 1st Century of the Hijrah. And it is the same with the other teachings of Islam. We are more concerned with the forms rather than the substance of the words of Allah and adhering only to the literal interpretation of the traditions of the Prophet.

26. We may want to recreate the first century of the Hijrah, the way of life in those times, in order to practise what we think to be the true Islamic way of life. But we will not be allowed to do so. Our detractors and enemies will take advantage of the resulting backwardness and weakness in order to dominate us. Islam is not just for the 7th Century A.D. Islam is for all times. And times have changed. Whether we like it or not we have to change, not by changing our religion but by applying its teachings in the context of a world that is radically different from that of the first century of the Hijrah. Islam is not wrong but the interpretations by our scholars, who are not prophets even though they may be very learned can be wrong. We have a need to go back to the fundamental teachings of Islam to find out whether we are indeed believing in and practising the Islam that the Prophet preached. It cannot be that we are all practising the correct and true Islam when our beliefs are so different from one another.

27. Today we, the whole Muslim ummah are treated with contempt and dishonour. Our religion is denigrated. Our holy places desecrated. Our countries are occupied. Our people starved and killed.

28. None of our countries are truly independent. We are under pressure to conform to our oppressors' wishes about how we should behave, how we should govern our lands, how we should think even.

29. Today if they want to raid our country, kill our people, destroy our villages and towns, there is nothing substantial that we can do. Is it Islam which has caused all these? Or is it that we have failed to do our duty according to our religion?

30. Our only reaction is to become more and more angry. Angry people cannot think properly. And so we find some of our people reacting irrationally. They launch their own attacks, killing just about anybody including fellow Muslims to vent their anger and frustration. Their Governments can do nothing to stop them. The enemy retaliates and puts more pressure on the Governments. And the Governments have no choice but to give in, to accept the directions of the enemy, literally to give up their independence of action.

31. With this their people and the ummah become angrier and turn against their own Governments. Every attempt at a peaceful solution

is sabotaged by more indiscriminate attacks calculated to anger the enemy and prevent any peaceful settlement. But the attacks solve nothing. The Muslims simply get more oppressed.

32. There is a feeling of hopelessness among the Muslim countries and their people. They feel that they can do nothing right. They believe that things can only get worse. The Muslims will forever be oppressed and dominated by the Europeans and the Jews. They will forever be poor, backward and weak. Some believe; as I have said, this is the Will of Allah, that the proper state of the Muslims is to be poor and oppressed in this world.

33. But is it true that we should do and can do nothing for ourselves? Is it true that 1.3 billion people can exert no power to save themselves from the humiliation and oppression inflicted upon them by a much smaller enemy? Can they only lash back blindly in anger? Is there no other way than to ask our young people to blow themselves up and kill people and invite the massacre of more of our own people?

34. It cannot be that there is no other way. 1.3 billion Muslims cannot be defeated by a few million Jews. There must be a way. And we can only find a way if we stop to think, to assess our weaknesses and our strength, to plan, to strategise and then to counter attack. As Muslims we must seek guidance from the Al-Quran and the Sunnah of the Prophet. Surely the 23 years' struggle of the Prophet can provide us with some guidance as to what we can and should do.

35. We know he and his early followers were oppressed by the Qhuraish. Did he launch retaliatory strikes? No. He was prepared to make strategic retreats. He sent his early followers to a Christian country and he himself later migrated to Madinah. There he gathered followers, built up his defence capability and ensured the security of his people. At Hudaibiyah he was prepared to accept an unfair treaty, against the wishes of his companions and followers. During the peace that followed he consolidated his strength and eventually he was able to enter Mecca and claim it for Islam. Even then he did not seek revenge. And the peoples of Mecca accepted Islam and many became his most powerful supporters, defending the Muslims against all their enemies.

36. That briefly is the story of the struggle of the Prophet. We talk so much about following the sunnah of the Prophet. We quote the instances and the traditions profusely. But we actually ignore all of them.

37. If we use the faculty to think that Allah has given us then we should know that we are acting irrationally. We fight without any objective, without any goal other than to hurt the enemy because they hurt us. Naively we expect them to surrender. We sacrifice lives unnecessarily, achieving nothing other than to attract more massive retaliation and humiliation.

38. It is surely time that we pause to think. But will this be wasting time? For well over half a century we have fought over Palestine. What have we achieved? Nothing. We are worse off than before. If we had paused to think then we could have devised a plan, a strategy that can win us final victory. Pausing and thinking calmly is not a waste of time. We have a need to make a strategic retreat and to calmly assess our situation.

39. We are actually very strong. 1.3 billion people cannot be simply wiped out. The Europeans killed 6 million Jews out of 12 million. But today the Jews rule this world by proxy. They get others to fight and die for them.

40. We may not be able to do that. We may not be able to unite all the 1.3 billion Muslims. We may not be able to get all the Muslim Governments to act in concert. But even if we can get a third of the ummah and a third of the Muslim states to act together, we can already do something. Remember that the Prophet did not have many followers when he went to Madinah. But he united the Ansars and the Muhajirins and eventually he became strong enough to defend Islam.

41. Apart from the partial unity that we need, we must take stock of our assets. I have already mentioned our numbers and our oil wealth. In today's world we wield a lot of political, economic and financial clout, enough to make up for our weakness in military terms.

42. We also know that not all non-Muslims are against us. Some are well disposed towards us. Some even see our enemies as their

enemies. Even among the Jews there are many who do not approve of what the Israelis are doing.

43. We must not antagonise everyone. We must win their hearts and minds. We must win them to our side not by begging for help from them but by the honourable way that we struggle to help ourselves. We must not strengthen the enemy by pushing everyone into their camps through irresponsible and unIslamic acts. Remember Salah El Din and the way he fought against the so called Crusaders, King Richard of England in particular. Remember the considerateness of the Prophet to the enemies of Islam. We must do the same. It is winning the struggle that is important, not angry retaliation, not revenge.

44. We must build up our strength in every field, not just in armed might. Our countries must be stable and well administered, must be economically and financially strong, industrially competent and technologically advanced. This will take time, but it can be done and it will be time well spent. We are enjoined by our religion to be patient. In Allahamaasabirin. Obviously there is virtue in being patient.

45. But the defence of the ummah, the counter attack need not start only after we have put our houses in order. Even today we have sufficient assets to deploy against our detractors. It remains for us to identify them and to work out how to make use of them to stop the carnage caused by the enemy. This is entirely possible if we stop to think, to plan, to strategise and to take the first few critical steps. Even these few steps can yield positive results.

46. We know that the Jahilliah Arabs were given to feuding, to killing each other simply because they were from different tribes. The Prophet preached the brotherhood of Islam to them and they were able to overcome their hatred for each other, become united and helped towards the establishment of the great Muslim civilisation. Can we say that what the Jahilliah (the ignorant) could do we, the modern Muslims cannot do? If not all at least some of us can do. If not the renaissance of our great civilisation, at least ensuring the security of the ummah.

47. To do the things that are suggested will not even require all of us to give up our differences with each other. We need only to call a

truce so we can act together in tackling only certain problems of common interests, the Palestine problem for example.

48. In any struggle, in any war, nothing is more important than concerted and coordinated action. A degree of discipline is all that is needed. The Prophet lost in Jabal Uhud because his forces broke rank. We know that, yet we are unwilling to discipline ourselves and to give up our irregular and uncoordinated actions. We need to be brave but not foolhardy. We need to think not just of our reward in the afterlife but also of the worldly results of our mission.

49. The Quran tells us that when the enemy sues for peace we must react positively. True the treaty offered is not favourable to us. But we can negotiate. The Prophet did, at Hudaibiyah. And in the end he triumphed.

50. I am aware that all these ideas will not be popular. Those who are angry would want to reject it out of hand. They would even want to silence anyone who makes or supports this line of action. They would want to send more young men and women to make the supreme sacrifice. But where will all these lead to? Certainly not victory. Over the past 50 years of fighting in Palestine we have not achieved any result. We have in fact worsened our situation.

51. The enemy will probably welcome these proposals and we will conclude that the promoters are working for the enemy. But think. We are up against a people who think. They survived 2000 years of pogroms not by hitting back, but by thinking. They invented and successfully promoted Socialism, Communism, human rights and democracy so that persecuting them would appear to be wrong, so they may enjoy equal rights with others. With these they have now gained control of the most powerful countries and they, this tiny community, have become a world power. We cannot fight them through brawn alone. We must use our brains also.

52. Of late because of their power and their apparent success they have become arrogant. And arrogant people, like angry people will make mistakes, will forget to think.

53. They are already beginning to make mistakes. And they will make more mistakes. There may be windows of opportunity for us now and in the future. We must seize these opportunities.

54. But to do so we must get our acts right. Rhetoric is good. It helps us to expose the wrongs perpetrated against us, perhaps win us some sympathy and support. It may strengthen our spirit, our will and resolve, to face the enemy.

55. We can and we should pray to Allah S.W.T. for in the end it is He who will determine whether we succeed or fail. We need His blessings and His help in our endeavours.

56. But it is how we act and what we do which will determine whether He would help us and give us victory or not. He has already said so in the Quran. Again Surah Ar-Ra'd verse 11.

57. As I said at the beginning, the whole world is looking at us, the whole Muslim ummah is placing their hopes in this conference of the leaders of Islamic nations. They expect us not just to vent our frustrations and anger, through words and gestures; not just to pray for Allah's blessings. They expect us to do something, to act. We cannot say we cannot do anything, we the leaders of the Muslim nations. We cannot say we cannot unite even when faced with the destruction of our religion and the ummah.

58. We know we can. There are many things that we can do. There are many resources that we have at our disposal. What is needed is merely the will to do it. As Muslims, we must be grateful for the guidance of our religion, we must do what needs to be done, willingly and with determination. Allah has not raised us, the leaders, above the others so we may enjoy power for ourselves only. The power we wield is for our people, for the ummah, for Islam. We must have the will to make use of this power judiciously, prudently, concertedly. Inshaallah we will triumph in the end.

59. I pray to Allah that this 10th Conference of the OIC in Putrajaya, Malaysia will give a new and positive direction to us, will be blessed with success by Him, Almighty Allah, Arahman, Arahim.

## **DECLARATION ON JAMMU AND KASHMIR**

The Meeting of the OIC Contact Group on Jammu and Kashmir held on the margins of the OIC Summit Conference at Kuala Lumpur on 16 October 2003

Recalling the UN Security Council and OIC Resolutions providing for a plebiscite in the Indian Occupied State of Jammu and Kashmir to enable the Kashmir people to exercise their right to self-determination;

Also-recalling the principle embodied in the relevant UN Security Council and United Nations Commission for India and Pakistan (UNCIP) resolutions, that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations;

Expressing serious concern over the intensification of repression and the continued violation of the human rights of the Kashmiri people, including the denial of their inalienable right to self-determination;

Gravely concerned that in disregard of its obligations under the Universal Declaration on Human Rights and the relevant Conventions, including Geneva Convention, India has continued to violate, with impunity, fundamental human rights of the Kashmiri people;

Alarmed over the continued tension in South Asia caused by India's refusal to reduce deployment of its forces along the Line of Control and the Working Boundary in Jammu and Kashmir;

Regretting that India has rejected Pakistan's proposal for a reciprocal ceasefire along the Line of Control and within the Indian occupied Kashmir and also the repeated offer of enhanced monitoring of the LoC on both sides in Kashmir;

Deeply disappointed that India has sought to evade resumption of dialogue for resolution of differences and finding a peaceful solution on the pretext of cross border infiltration and in this context notes with regret that India has refused and rejected proposals for verifiable Monitoring of the Line of Control.

Deeply disturbed that the introduction of nuclear weapons in South Asia has made such tension infinitely more dangerous, and cognizant of the terrible consequences of a war between Pakistan and India;

Aware that the sham elections held in the Indian occupied State of Jammu and Kashmir are not a substitute to the plebiscite under UN auspices in accordance with the UN Security Council and UNCIP Resolutions;

Reaffirming the principle laid down in UN Security Council Resolutions 47 (1948), 91 (1951) and 122 (1957), according to which the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations, and that any action taken otherwise to determine the future shape and affiliation of Jammu and Kashmir would not constitute a disposition of the State in accordance with the above principle;

Noting the Memorandum submitted by the True Representatives of the Kashmiri people; -

Further noting the report of the OIC Contact Group on Jammu and Kashmir;

1. Reaffirms all OIC Summit and Ministerial resolutions on the Jammu and Kashmir dispute.
2. Calls for a peaceful settlement of the Jammu and Kashmir dispute in accordance with relevant UN Resolutions and as agreed upon in the Simla Agreement.
3. Welcomes the President of Pakistan's proposal for a ceasefire along the LoC and in the valley which was a step in the right direction and regrets that India has not responded positively to the appeal;
4. Condemns the massive human rights violations being committed by the Indian forces in the Indian held Jammu and Kashmir, and to put an end immediately to these violations.

5. Calls upon India to put an end to its repressive policies and massive human rights violations in the Indian Occupied Jammu and Kashmir;

6. Urges the international community to take effective steps for safeguarding the human rights of the Kashmir people including their right to self-determination and stresses the importance of sustained international engagement to facilitate a just and peaceful solution of the Kashmir dispute.

7. Reaffirms that the sham elections held in the Indian Occupied Jammu and Kashmir cannot be a substitute for the free and impartial exercise of the right to self-determination by the people of Jammu and Kashmir under UN auspices as determined by the UN Security Council Resolutions 47 (1948), 91 (1951) and 122 (1957) of the UN Security Council which had unambiguously affirmed that "any action that the Indian Government may have taken, or might attempt to take to determine the future shape and affiliation of Jammu and Kashmir would not constitute a disposition of the State";

8. Welcomes the visit of the OIC Fact Finding Mission to Azad Kashmir from 20-23 April 2003 that helped in generating fresh hopes and confidence amongst the Kashmiris, and urges the government of India to allow the OIC fact-finding mission to visit the Indian occupied Kashmir;

9. Calls upon India to cooperate with Pakistan, the UN and the international community to accept the strengthening of the UNMOGIP and provide it full support.

10. Supports the ongoing efforts of the Government of Pakistan for a peaceful resolution of the Kashmir dispute and urges India to enter into a meaningful and sustained dialogue process with Pakistan to resolve all outstanding issues including the core issue of Jammu and Kashmir.

11. Deplores the restrictions imposed by India on the freedom of travel of the leaders of the All Parties Hurriyat Conference (APHC), the true representatives of the Kashmiri people.

12. Affirms once again the commitment of the OIC to promote a just and peaceful solution to the Jammu and Kashmir dispute in accordance with United Nations resolutions and expressed the resolve to seek the realization of the right of self-determination of the Kashmiri people.

13. Decides that the OIC Contact Group on Jammu and Kashmir should continue to meet during sessions of the UN General Assembly and the UN Commission on Human Rights as well as at the OIC Ministerial meetings.

## **Text of the Constitution (Seventeenth Amendment) Bill**

December 26, 2003

**A Bill** further to amend the Constitution of the Islamic Republic of Pakistan:

Whereas it is expedient further to amend the Constitution of the Islamic Republic of Pakistan for the purposes hereinafter appearing:

It is hereby enacted as follows:

### **1. Short title and commencement:**

(1) This Act may be called the Constitution (Seventeenth Amendment) Act, 2003.

(2) It shall come into force at once.

### **2. Amendment of Article 41 of the Constitution:-**

In the Constitution of the Islamic Republic of Pakistan, hereinafter referred to as the Constitution, in Article 41.

(1) in clause (7), in paragraph (b), for the full stop at the end, a colon shall be substituted and thereafter the following proviso shall be added, namely:-

"Provided that paragraph (d) of clause (1) of Article 63 shall become operative on and from the 31st day of December, 2004."; and (2) after clause (7) amended as aforesaid, the following new clauses shall be added, namely:-

"(8) Without prejudice to the provisions of clause (7), any member or members of a House of Majlis-e-Shoora (Parliament) or of a Provincial Assembly, individually or jointly, may, not later than thirty days from the commencement of the Constitution (Seventeenth Amendment) Act, 2003, move a resolution for vote of confidence for further affirmation of the President in office by majority of the members present and voting, by division or any other method as prescribed in the rules made by the Federal Government under

clause (9), of the electoral college consisting of members of both Houses of Majlis-e-Shoora, (Parliament) and the Provincial Assemblies, in a special session of each House of Majlis-e-Shoora (Parliament) and of each Provincial Assembly summoned for the purpose, and the vote of confidence having been passed, the President, notwithstanding anything contained in the Constitution or judgement of any court, shall be deemed to be elected to hold office for a term of five years under the Constitution, and the same shall not be called in question in any court or forum on any ground whatsoever.

(9) Notwithstanding anything contained in the Constitution or any other law for the time being in force, the proceedings for the vote of confidence referred to in clause (8) shall be regulated and conducted by the Chief Election Commissioner in accordance with such procedure and the votes shall be counted in such manner as may be prescribed by the rules framed by the Federal Government.

Provided that clauses (8) and (9) shall be valid only for the forthcoming vote of confidence for the current term of the President in office."

### **3. Amendment of Article 58 of the Constitution:-**

In the Constitution, in Article 58, after clause (2), the following new clause shall be added, namely:-

"(3) The President in case of dissolution of the National Assembly under paragraph (b) of clause (2) shall, within fifteen days of the dissolution, refer the matter to the Supreme Court and the Supreme Court shall decide the reference within thirty days whose decision shall be final."

**4. Amendment of Article 112 of the Constitution:-** In the Constitution, in Article 112, after clause (2), the following new clause shall be added, namely:

"(3) The Governor in case of dissolution of the Provincial Assembly under paragraph (b) of clause (2) shall within fifteen days of the dissolution refer the matter to the Supreme Court with the previous approval of the President and the Supreme Court shall decide the reference within thirty days whose decision shall be final."

### **5. Substitution of Article 152A of the Constitution:-**

In the Constitution, for Article 152A, the following shall be substituted, namely:- "152A. The National Security Council to serve as a forum for consultation on matters pertaining to the sovereignty, integrity, defence and security of the State be constituted under an Act of the Majlis-e-Shoora (Parliament)".

### **6. Amendment of Article 179 of the Constitution:-**

In the Constitution, in Article 179, in clause (1), for the words "sixty-eight years" the words "sixty-five years" shall be substituted.

### **7. Amendment of Article 195 of the Constitution:-**

In the Constitution, in Article 195, in clause (1), for the words "sixty-five years" the words "sixty-two years" shall be substituted.

### **8. Amendment of Article 243 of the Constitution:-**

In the Constitution, in Article 243, in clause (3), for the words "in his discretion" the words "in consultation with the Prime Minister" shall be substituted.

### **9. Amendment of Article 268 of the Constitution:-**

In the Constitution, in Article 268, in clause (2), for the full stop at the end, a colon shall be substituted and thereafter the following proviso shall be added, namely:-

"Provided that the laws mentioned at entries 27 to 30 and entry 35 in the Sixth Schedule shall stand omitted after six years."

### **10. Substitution of Article 270-AA of the Constitution:-**

In the Constitution, for Article 270AA, the following shall be substituted, namely:- "270-AA. Validation and affirmation of laws etc:

(1) The Proclamation of Emergency of the fourteenth day of October, 1999, all President's Orders, Ordinances, Chief Executive's Orders,



including the Provisional Constitution Order No.1 of 1999, the Oath of Office (Judges) Order, 2000 (No.1 of 2000), Chief Executive's Order No. 12 of 2002, the amendments made in the Constitution through the Legal Framework Order, 2002 (Chief Executive's Order No. 24 of 2002), the Legal Framework (Amendment) Order, 2002 (Chief Executive's Order No. 29 of 2002), the Legal Framework (Second Amendment) Order, 2002 (Chief Executive's Order No. 32 of 2002) and all other laws made between the twelfth day of October, one thousand nine hundred and ninety-nine and the date on which this Article comes into force (both days inclusive), having been validly made by the competent authority, are hereby further affirmed, adopted and declared to have been validly made and notwithstanding anything contained in the Constitution shall not be called in question in any court or forum on any ground whatsoever.

(2) All orders made, proceedings taken, appointments made, including secondments and deputations, and acts done by any authority, or by any person, which were made, taken or done, or purported to have been made, taken or done, between the twelfth day of October, one thousand nine hundred and ninety-nine and the date on which this Article comes into force (both days inclusive), in exercise of the powers derived from any Proclamation, President's Orders, Ordinances, Chief Executive's Orders, enactments, including amendments in the Constitution, notifications, rules, orders, bye-laws, or in execution of or in compliance with any orders made or sentences passed by any authority in the exercise or purported exercise of powers as aforesaid, shall notwithstanding any judgment of any court, be deemed to be and always to have been validly made, taken or done and shall not be called in question in any court or forum on any ground whatsoever.

(3) All Proclamations, President's Orders, Ordinances, Chief Executive's Orders, laws, regulations, enactments, including amendments in the Constitution, notifications, rules, orders or bye-laws in force immediately before the date on which this Article comes into force shall continue in force until altered, repealed or amended by the competent authority.

**Explanation:-**

In this clause, "competent authority" means,

(a) in respect of President's Orders, Ordinances, Chief Executive's Orders and enactments, including amendments in the Constitution, the appropriate Legislature; and

(b) in respect of notifications, rules, orders and bye-laws, the authority in which the power to make, alter, repeal or amend the same vests under the law.

(4) No suit, prosecution or other legal proceedings, including writ petitions, shall lie in any court or forum against any authority or any person, for or on account of or in respect of any order made, proceedings taken or act done whether in the exercise or purported exercise of the powers referred to in clause (2) or in execution of or in compliance with orders made or sentences passed in exercise or purported exercise of such powers.

(5) For the purposes of clauses (1), (2) and (4), all orders made, proceedings taken, appointments made, including secondments and deputations, acts done or purporting to be made, taken or done by any authority or person shall be deemed to have been made, taken or done in good faith and for the purpose intended to be served thereby."

**STATEMENT OF OBJECTS AND REASONS**

This Bill seeks to amend Articles 41, 58, 112, 152A, 179, 195, 243, 268 and 270AA of the Constitution as under:

(a) Article 41, is sought to be amended to add a proviso to paragraph (b) of clause (7) and after clause (7) amended as aforesaid, new clauses (8) and (9) have been added. Clause (8) provides for vote of confidence in the President and clause (9) empowers the Federal Government to make rules for conducting vote of confidence.

(b) Article 58 is sought to be amended to the effect that on dissolution of the National Assembly in terms of paragraph (b) of clause (2) of Article 58, the President shall refer the matter to the Supreme Court.

(c) Article 112 is also being amended on the lines of amendment proposed in Article 58.

(d) Article 152A is proposed to be substituted to provide that the National Security Council shall be set up under an Act of the Parliament.

(e) Article 179 is proposed to be amended to change the retirement age of Supreme Court Judges.

(f) Article 195 is proposed to be amended to change the retirement age of High Court Judges.

(g) The amendment in Article 243 substitutes the expression "in his discretion" with the expression "in consultation with the Prime Minister".

(h) The amendment in clause (2) of Article 268 seeks to omit entries 27 to 30 and entry 35 in the Sixth Schedule after six years from the commencement of the Constitution (Seventeenth Amendment) Act, 2003.

(i) Article 270AA is to be substituted for providing affirmation and continuation of all laws made and actions taken between the twelfth day of October, 1999, and the day on which this Article comes into force.

2. The Bill seeks to achieve the aforesaid objects.

*(Seventeenth Amendment is the result of an agreement between Musharraf regime and MMA)*

## Information for the Contributors

Articles, Book Reviews, Review Articles and Policy Papers on themes of contemporary domestic, regional and international issues with particular reference to Pakistan's Politics, Society and culture are invited for *Al-Siyasa*.

The Contributors are advised to submit two hard copies of the manuscripts along with a soft copy on floppy diskette or CD, or sent via email as an attachment. It is desirable that referencing be as endnotes in APA or Cambridge style at the end of the documents.

Bibliography can also be included at the end of the document. Endnotes should be numbered consecutively and bibliography be organized alphabetically.

The documents should be typed in double space with wide margins. All tables and Statistical data should be organized with consistent style so that it may easily be composed for the Journal.

**Note:** The advisory Board reserves the right to make necessary editorial revisions.

### Abstracts

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