

Publishing since 1979

Central Asia

ISSN 1721-8902

ISSUE NO. 38

VOLUME 26 C



Journal of Area Study Centre
Faculty of Social Sciences
University of Fribourg
Fribourg - FRANCE

CENTRAL ASIA

Biannual

No. 80

Summer 2017

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Leon Trotsky (1879–1940)

Real name Lev Davidovich Bronstein, born in Ukraine. A Russian revolutionary, politician and theorist, ideologically a Marxist and Leninist. Initially supporting the Mensheviks, joined the Bolsheviks just before the 1917 Great October Revolution. Served as the People's Commissar for Foreign Affairs and the People's Commissar of War and the founder and commander of the Red Army. Following a power struggle with Joseph Stalin in the 1920s, expelled from the Communist Party and deported from the Soviet Union. In 1940 assassinated by Ramon Mercader in Mexico. Trotsky's ideas form the basis of the Communist theory of Trotskyism, which remains a major school of Marxist thought theoretically opposed to Stalinism and Maoism.

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REGIONAL INTEGRATION IN CENTRAL AND SOUTH ASIA: OPEN REGIONALISM

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Abstract

Regionalism (regional integration) has gained much attention particularly amongst the peripheral regions to address the challenges of globalization imposed by the core regions, to tackle the issues of underdevelopment and to arrest the process of further marginalization. Central and South Asia are the least integrated regions in the world. However the regions possess greatest potential for regionalism due to a number of factors including huge energy resources but high differences in resource endowment, trade and economic complementarity, vast but contiguous landmass, gravitational pull of geographical proximity on movement of goods, common culture and history, and having identical political and economic challenges. Basic structure for regional integration has been framed on the principles of open regionalism in the forms of Regional Trade Arrangements/Agreements (RTAs). The framework of Regional Integration Arrangements (RIAs) includes RTAs regarding energy trade i.e. agreements on pipelines and trade in goods i.e. bilateral, trilateral and multilateral trade agreements. The process will gain momentum by prioritizing economic interests over the regional geopolitics shaped by the extra-regional states having political stakes in the region. Regional states need to focus on the 'functional area' i.e. energy, for providing base to regional integration inter and intra-regionally.

Key words: Regional Integration, Central Asia, South Asia, Open regionalism, Regional Trade Arrangements.

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Introduction

This particular paper aims to discuss the regional integration in Central Asia and South Asia and to provide supportive evidence for the process of integration on the principles of open regionalism. Prior to deliberate upon the concepts of regionalism, open regionalism and regional integration in Central Asia and South Asia, it is imperative to discuss why regionalism is important and gaining significance? Main currency of the 21st century is economic connectivity, human interaction and regional cooperation. Regionalism has been viewed to address the challenges, posed by globalization, to the developing countries. The global politico-economic system of contemporary era is shaped by the international establishment i.e. International Monetary Fund (IMF henceforth), World Bank (WB henceforth), World Trade Organization (WTO henceforth) and Multinational Companies (MNCs henceforth) on the basis of capitalism. Capitalism has its genesis in the principles of free market or 'laissez faire' theory of Adam Smith who presented the concept of 'invisible hand'. The father of Political Economy meant that the market forces of demand and supply will operate the market or economic system automatically and there is no need for government intervention or regulation. Capitalism is exploitative in nature as obvious from its characteristics of class difference and making profit as a sole consideration while utilizing or not utilizing the means of production. Therefore later on Karl Marx gave an alternate theory of socialism or communism having contrasting characteristics of class-less society and utilizing means of production for no profit making but for general welfare in order to counter the exploitative nature of capitalism. During the early 20th century John Keynes Myriad, however, took an in-between position and advocated governments intervention and regulations for the maximum output of economic system. As a matter of fact there is no pure capitalistic economy in the world as even in the West, governments have to intervene and regulate the economic affairs while robust economic growth is taking place in countries having public and private sectors (Mixed Economy) with most dynamic and active governments.

Cartels like IMF, WB, WTO and MNCs under the control of West or core region can be termed as the international establishment which has framed and imposed globalization. Globalization has its origin in the post-World War II period which implies free movement of goods and services across borders and to make the whole world a 'single market' dominated by the MNCs or monopoly of the cartels. This process of globalization allows increased penetration into the national economies whether states like it or not. The tools for globalization were created by Bretton Woods's institutions i.e. IMF, WB and WTO. This faltering system of capitalist based globalized world is threatening further marginalization of developing countries by

keeping the developing world in perpetual recession and by transferring the perils of capitalism to the developing states in exchange for the best resources¹. The developing countries or peripheral regions have been trapped in debt through IMF and WB loans by advocating their neo-liberal policies and the public of third world countries are taxed through the utility bills. The Structural Adjustment Programs (SAPs) funded by IMF and World Bank are the main tools for indebtedness of the developing countries. As during 1982 to 1989 \$155 billion moved from South (peripheral region) to the North (core region) instead of flow of capital and aid investments² from North to South. This money flow from South to North has been in form of debt servicing, capital flight, profits of MNCs and by selling public sector enterprises. The world is producing more than enough but the problem lays in its skewed distribution as a consequence of exploitation.

Professor Joseph Stiglitz in his book ‘Globalization and its Discontent’ has also criticized globalization for lacking human face and pointed out that the neo liberal policies of IMF, WB and WTO had no role in the developed economies of Europe, Japan, USA, South Korea and Taiwan but rather these economies developed by adopting a mix of regulation, protection and interventionist policies³. Toshiro Tanaka a political scientist has also criticized globalization for its selectiveness. According to him exclusion or marginalisation is a characteristic feature of the process of globalization and the benefits of the process are evenly balanced by despair, conflict and violence⁴. Kofi Annan makes a perfect assessment, according to him “it has been said that arguing against globalization is like arguing against the law of gravity. But that does not mean we should accept a law that allows only heavy weights to survive. On the contrary; we must make globalization an engine that lifts people out of hardship and misery, not a force that holds them down”.⁵ It should also be noted that regional cooperation and

¹ Idrees Masood, *The Dark Face of Contemporary Economics* (Peshawar: Aays, 2016), 31

² Khalil ur Rehman, “The Impact of Structural Adjustment Programmes (Saps) On Human Development: A Case Study of India” (Mphil. thesis, Department of International Relations, Quid e Azam University, 2000), 19

³ Joseph E. Stiglitz, *Globalization and Its Discontents* (New York: W. W. Norton & Company, 2002), accessed August 01, 2016, [Library Genesis: Joseph E. Stiglitz - Globalization and its discontents](#).

⁴ Bennett Collins, “Does Regionalism Challenge Globalization or Builds Upon it,” *E-International Relations* (July 29, 2010), accessed April 4, 2016, <http://www.e-ir.info/2010/07/29/does-regionalism-challenge-globalization-or-build-upon-it/>

⁵ S.M. Rahman, “SAARC and New Paradigm of Security,” *Defence Journal* (September 2001), accessed September 21, 2016, <http://www.defencejournal.com/2001/september/saarc.htm>.

integration is almost always antagonistic to the interests of major powers and therefore it is either discouraged or selectively encouraged. America views China and Russia as competitors and challengers, China seeks to balance India regionally and globally, while India is expanding partnership with America to balance China, all these plans and outlines are anti-thesis of the idea of integration and that is problematic. Ahmad Rasheed Malik has properly stated that the imperial powers; France, British, Spaniards, Portuguese, Russian and Americans exploited their spheres of influence rather than genuinely integrating East Asia, China, South Asia and Central Asia.⁶

That is why various regions and their constituent states now realize the necessity for regional cooperation in order to tackle the challenges of globalization. Regions are though territorial based sub-systems of the global system but unfortunately the peripheral regions like Central Asia, South Asia, Middle East are least integrated and therefore lacking edge to compete successfully in the global economic system. These peripheral regions therefore desperately need regional integration i.e. to develop cooperation and coordination to accelerate the economic growth and achieve inclusive development. This particular paper generally argues that the effective way to address the issues of under development and challenges of globalization is the regional integration through organized cooperation and regionness. According to Professor Bjorn Hettne “the peripheral regions include post-Soviet states (Central Asia), South Asia and Middle East and to overcome economic stagnancy, war proneness and turbulence, these regions need to be regionalized.”⁷

Regionalism

A region can be defined as a geographical unit and a sub-system of the global system. Regionalism refers to the organized economic and political cooperation amongst regional states with geographically adjacent regions. Regional integration i.e. harmonization and coordination of political and economic policies makes core of the process of Regionalisation or regionalism. Harmonization addresses the policy content and may best apply to policies regarding tax, trade (tariff and trade facilitation) and legal and regulatory frame work while coordination solves the time consistency

⁶Ahmad Rashid Malik, “CPEC’s Regional Trade Connectivity,” *Pakistan Today*, March 23, 2016, accessed April 16, 2016, <http://www.pakistantoday.com.pk/2016/03/23/comment/cpecs-regional-trade-connectivity/>.

⁷ Bjorn Hettne, “Globalization, the New Regionalism and East Asia,” in *Globalism and Regionalism*, ed. Oshiro Tanaka and Takashi Inoguchi (Tokyo: United Nations University, 1996), accessed April 11, 2016, <http://archive.unu.edu/unupress/globalism.html>.

issues⁸. Traditionally regionalism evolved around the trade and economic cooperation and adopted protectionist measures against the non-member or non-regional states. This kind of regional cooperation has been known as economic regionalism and has various forms depending upon the level of integration the states are involved in. The various forms are Free Trade Area (FTA henceforth) which reduces or eliminate tariff, custom union with uniform tariff for non-members besides reduction or elimination of tariff, common market add to these with free movement of goods and services and economic union in addition to the features of FTA, custom union and common market adopts common currency in addition. This kind of regionalism has been termed as closed or tight regionalism i.e. ‘inward looking’ as it imposes protectionist measures against the non-members or non-regional states. However since 1980s a new form of regionalism known as Open Regionalism has been developed to effectively address the shortcomings and restrictions of not only globalization but also of closed or tight regionalism.

Open Regionalism

The term open regionalism was coined by Sir John Crawford of Australia during the deliberations of the Pacific Community Seminar held in 1980 in Canberra, Australia⁹. Professor John Crawford emphasized on a pattern of regional cooperation arrangement that is ‘outward oriented’ and complements inter, intra-regional and global trade and economic cooperation. The concept of new or open regionalism is broader than regional economic or trade lock. It is multi-dimensional process and encompasses security and political dimensions also besides harmonization of trade and economic policies. In open regionalism the convergence along these dimensions can be natural at times or may be politically steered. Open regionalism offers an open model of integration for advancing trade and economic cooperation amongst regional states and for facilitating regional trade and economic relations with the rest of the world. In contrast to closed regionalism, open regionalism does not impose protectionist measures to limit non-member or non-regional states’ access to the markets of regional states and vice-versa. Similarly open regionalism contains no elements of

⁸ Lolette Kritzingler –van Niekrek, *Regional Integration: Concepts, Advantages, Disadvantages and Lessons of Experience*, (Mozambique: Southern Africa Regional Poverty Network, 2005), accessed June 09, 2016, http://www.sarpn.org/documents/d0001249/P1416-RI-concepts_May2005.pdf

⁹ Sutton Michael, “Open Regionalism and the Asia Pacific: Implications for the Rise of an East Asian Economic Community,” *International Affairs*, no. 5 (Tokyo: Institute of International Relations and Area Studies, Ritsumeikan University, 2007), accessed July 11, 2016, http://www.ritsumei.ac.jp/acd/re/k-rsc/ras/04_publications/ria_en/5-07.pdf.

exclusion or discrimination instead trade liberalization is its main characteristic feature¹⁰. This kind of regional integration is ‘outward looking’ which means a coordinated integration in global system instead of a collective retreat from the world economy for the regional states. This model of integration may be spontaneous at times but mostly is states led gradual process addressing diversity in geography, political and economic sense¹¹.

Regional Trade Arrangements (RTAs) i.e. harmonization and coordination of finances, price, tariff, transit fee, quantity etc. are to be sorted out once the regional connectivity infrastructure across borders is developed. RTAs can be based on economic, political and security considerations. In open regionalism (economic, political and security integration) RTAs are mostly project/activity specific and can be settled bilaterally, tri-laterally or multilaterally. However, in contrast to closed regionalism, harmonization does not need a supra-national body as the case is with the European Union (EU henceforth) and therefore states agree to use a common legal frame work and harmonize tariff and tax policies but also having national custom and fiscal policies and judicial system. It elaborates that this kind of regionalism is based on sectoral approach to regional integration where different types of projects/sectors would require different kind of multi-country cooperation.

Regional governance of the project then becomes a joint responsibility of the signatory group of countries. However it is worth mentioning here that these regional integration arrangements, to be effective, need to have clauses or mechanism for dispute or conflict resolution pertaining to the project. This regional group pertaining to the specific project remains open to other regional and extra-regional states for joining. This model of regionalism would link states in a web of positive interaction and inter-dependence which in turn develop stakes in each other’s’ stability at regional level. It would contribute to regional security and prosperity. Promotion of regions’ insertion into global markets with flexible relations between regional states is the focal point of open regionalism with the core objective to address the weaknesses of closed regionalism which has failed to improve trade (for example Latin American Association for Free Trade between 1960 and 1980) and could not establish mechanisms for political considerations¹². This model of regional integration undoubtedly supplements and expedites global or multilateral liberalization of trade and economic activity. For

¹⁰ Chung-in Moon, “Economic Regionalism”, Encyclopedia Britannica, retrieved from <http://www.britannica.com/topic/economic-regionalism#ref751099>, accessed 21/04/2016

¹¹ Lolette Kritzingner –van Niekrek, op. cited

¹² Eduardo Gudynas, *Open Regionalism or Alternative Regional Integration?* (The International Relations Centre Online, 2005), accessed July 16, 2016, <http://www.integracionsur.com/americalatina/GudynasCritiqueOpenRegionalism.pdf>.

instance without regional cooperation between Turkmenistan, Uzbekistan and Kazakhstan, Central Asian Gas Pipeline system to China would have been a dream. Likewise the Turkmen gas cannot reach to the markets of Indian sub-continent without regional cooperation and integration.

Regional Integration in Open Regionalism

Regional integration is a multi-dimensional process leading to the harmonization, coordination and converging efforts through improved connectivity, logistics and convergence in regulatory policies¹³. Regional integration particularly becomes relevant when the domestic markets of regional states are small in size in comparison to their economic potential. Regional integration has been defined along three dimensions by Lolette Kritzinger i.e. (a) Geographic scope illustrates the number of countries involved in a Regional Integration Arrangement (RIA henceforth), (b) Width or substantive coverage tells about the sector or activity covered by RIA and (c) Depth of integration measure the degree of sovereignty a country surrenders, i.e. from simple cooperation to deep integration¹⁴. Open regionalism is the main key of successful regional integration as it is outward looking in nature and always market oriented. It is important to mention that a country can become part of different regional arrangements simultaneously and the countries need not to surrender sovereignty and retain full control. The regional states are in regular exchange and consultation and need no supra-national institution for decision making in open regionalism. The countries may also opt-out of the arrangement, plan or project with relative ease in comparison to the tight or close regionalism. Successful regional integration has to be directed or conducted under the compatible regional and national interests that are mutually reinforcing while open regionalism is one of the most important such principle. Similarly the private sector involvement in regional integration is also important since the private production and trade of goods and services and private consumers and operators are the main beneficiaries of the process.

The main question regarding regional integration is that whether it is economic or geopolitical interests that dominate the process when national preferences of regional states are shaped. From the experience of EU, it is obvious that the process of integration, though closed regionalism, was

¹³ Isabelli Ramdoo, *Developing Value Chains: What Role for Regional Integration* (Maastricht: European Centre for Development Policy Management, 2014), accessed July 15, 2016 <http://ecdpm.org/great-insights/extractive-sector-african-perspectives/extractive-sector-regional-integration-regional-value-chains/>,

¹⁴ Lolette Kritzinger-van Neikrek, op. cited

based on economic interest. However in the case of Central and South Asia the integration has been impeded due to geopolitical preferences or interests that dominate the economic preferences or interests. Other bargaining impediments are related to coordination problems and the difficulty in finding a jointly acceptable outcome and therefore the regional leadership needs to create a focal point or ‘functional area’ around which agreement can converge.

As regional integration increases market size so the region becomes attractive for market oriented Foreign Direct Investment (FDI). According to Van Langenhove, regional integration fulfills at least eight important functions which are:

- Supporting private sector development
- Trade creation and diversion i.e. trade integration
- Cross-border infrastructure development to support economic growth
- Enhancing public sector institutions and good governance
- Comprehensive Development for general welfare
- Contribution to peace and security in the region
- Strengthening regional integration with rest of the world
- Developing environment protection programs inter and intra-regionally¹⁵

Regional Integration in Central and South Asia under Open Regionalism

The regions of Central and South Asia constitute an ideal case for inter-regional integration, laying in close geographical proximity on a huge landmass crisscrossed by mighty rivers having a variety of climates with trade and economic complementarity, and sharing common history and religions. However, despite great existence of regionalist potential and unanimity of views amongst the intelligentsia regarding regional integration, the regions of Central and South Asia are least integrated in the world. Trade has been slow and over shadowed by fragmented bilateral agreements, inefficiency in ports operations, regulatory environment and logistics, poor connectivity infrastructure and unresolved political conflicts. Despite decades old agreements, regional energy trade has been impeded due to the lack of cross-border energy transportation infrastructure and regional geopolitical scenario. Lack of transport corridors particularly for the land locked regions is yet another stumbling block in regional integration. Restrictive policies within the region – as the regional countries have

¹⁵ Luk Van Langenhove and Ana-Cristina Costea, *The Relevance of Regional Integration For* (Finland: REGGEN a UNESCO and United Nations University joint venture, n.d), accessed August 01, 2016 <http://www.reggen.org.br/midia/documentos/arelevanciadaintegracaoaregionaldaafrica.pdf>

adopted more protectionist policies than with rest of the world – have neutralized the beneficial effects of common cultural affinity and gravitational pull of geographical proximity on movement of goods and services¹⁶.

The regions of Central Asia and South Asia are confronted with almost identical social, political and economic challenges which need regional cooperation on war footing basis. Underdevelopment and weakness of regional states is born in large part to the lack of regional integration and cooperation. Nothing compromises security like a weak economy because only a strong economy can provide resources to pursue strategic policies and tackle security issues effectively. Each region's growth is a function of many factors unique to it and the resource endowment factor cannot be overlooked in the case of Central Asia and South Asia. The regions possess diverse and multiple advantages regarding hydrocarbon resources, human capital and most wanted agrarian products like cotton and grains. Successful transformation of regional resources into a sustainable and inclusive development is closely related to linkage and integration of regional markets through coordinated efforts. The regions present a significant case for regional integration due to their economic models, resource endowment, economic complementarities and geographical adjacency.

Regional integration on the principles of open regionalism has bright prospects for the regions. As in open regionalism, RTAs are basically project specific or sectoral based, much of the ground work has been finalized for many areas amongst various group of countries. The Quadrilateral Transit Trade Agreement was initially signed between four countries i.e. Pakistan, China, Kyrgyzstan and Kazakhstan while Tajikistan later on became signatory. This agreement facilitates trade in transit amongst the mentioned five countries of the region and became operational in 2004¹⁷. RTAs regarding Central Asia, South Asia Electricity Project (CASA 1000) and Iran-Pakistan-India gas pipeline (IPI) have already been settled trilaterally for energy transmission inter-regionally. Likewise regional arrangements for transit trade between Pakistan and Afghanistan in form of Afghanistan-Pakistan Transit Trade Agreement (APTTA) and between Pakistan and China in shape of China-Pakistan Economic Corridor (CPEC) are bilaterally

¹⁶ Sadiq Ahmad and Ejaz Ghani, *South Asia's Growth and Regional Integration: An Overview* (Washington DC: The World Bank, 2007), accessed June 13, 2016 http://siteresources.worldbank.org/SOUTHASIAEXT/Resources/Publications/448813-1171648504958/SAR_integration_overview.pdf

¹⁷ Shabir Ahmad Khan, "Pakistan-Kazakhstan Relations: Future Prospects" *PUTAJ Humanities and Social Sciences* Vol. 19 (2013), 101

settled. In case of Turkmenistan-Afghanistan-Pakistan-India (TAPI) gas pipeline, the RTAs are multilaterally sorted out for energy trade. All these regional arrangements are based on multi-country collaboration where countries are members/part of more than single RTA simultaneously. Any other regional or extra-regional state can also join these arrangements with mutual consultation on the basis of open regionalism. Harmonization and coordination i.e. finances, transit fee, quantity, price etc. are worked out jointly and there is no need for supra-national institution to govern RTAs. Likewise the countries retain national custom, fiscal and judicial administration in contrast to close regionalism.

The regions need to complete the remaining agenda of regional arrangements for the already mentioned projects by pursuing them vigorously and by adding dispute resolution mechanisms to the agreements case-by-case. Regional states need to reconcile interests and identify 'functional area' i.e. shared and common interest which can be used as a cementing element in regional integration. The history shows that when Japan and Germany could not adjust themselves to each other, a huge part of humanity suffered as a consequence of world war. But the history also demonstrates that Germany and France were the worst enemies in Europe but once these states prioritized the economic interests over geopolitics and worked out steel and coal as a functional area, they provided base for the formation of EU. Energy can be used as the functional area for Central and South Asia where the interests of regional states naturally converge. A regional market for electricity can be developed through CASA 1000 by including Iran, India and China in the project and a regional gas market can be created through IPI, TAPI and Iran-Pakistan-China (IPC) pipeline by integrating the isolated electricity and gas networks across the regions. These projects would address the energy issue for the region while energy supply would resolve problem for industrial sector region wide. Resource endowment varies from country to country and differences are high therefore integration will definitely benefit all the regional states. Central Asian resource rich states will find market while energy poor South Asia will have supply source. The benefits which this kind of integration can bring are far greater to be sacrificed at the altar of geopolitics. The recent initiative in the form of CPEC, Gwadar Port and even Chabahar will be instrumental in regional integration. These projects can be seen as in harmony with each other with the larger regional objectives of economic prosperity.¹⁸

¹⁸ Suba Chandran, "Pipe Dreams: CASA, CPEC and Chabahar Projects can help integrate these Regions," *Friday Times* (July, 2016), accessed August 7, 2016, <http://www.thefridaytimes.com/tft/pipe-dreams>

Role of CPEC

According to World Bank report poor transport connectivity and poor trade facilitation policies are the main reasons for poor regional integration in South and Central Asia.¹⁹ Inter-regional connectivity is crucial for integration while CPEC will be instrumental in this regard. CPEC may act as an integral pull factor for all the regional states towards regional integration by materializing the gravitational pull of geographical proximity on the movement of goods and services. CPEC provides market connectivity between the resource rich and resource poor regions. Surrounded by huge supply and demand markets, CPEC would be the best supply chain for previously poorly connected areas of Iran, Middle East, China, Central Asia and South Asia. CPEC, once completed would ensure open regional economic cooperation, efficient resource allocation and markets integration in the above mentioned regions. Consequently playing a crucial role in expediting the rise of Asia and can eventually be a back bone for regional economic integration as the CPEC envisages two way trade in all directions with diversification and shifting of foreign trade.

The economies of the Middle East could get a road and rail link with South and South East Asia, thereby creating an economic stimulus of immense magnitude for a vast region. The various new Silk Road Plans initiated by the West through the Asian Development Bank in the form CAREC (Central Asia Regional Economic Cooperation) and China in the form of OBOR (One Belt One Road) and CPEC, running in the east-west and north-south directions through the Eurasian landmass up to the Arabian Sea, would create significant economic activity through cross-border infrastructure development for both Gwadar and Chabahar. Overall, they produce a series of economic zones tied together by significant transit infrastructure that would connect Russia, China, India, Pakistan and Iran as well as the states of Southeast and Central Asia²⁰. Therefore both the projects i.e. Gwadar and Chabahar are complimentary and the inter and intra-regional trade may grow to an extent in future that both these Ports could be unable to cope with.

¹⁹ World Bank, *Regional Integration and Spillover: South Asia* (The World Bank, 2016), accessed April 21, 2016, <https://www.worldbank.org/content/dam/Worldbank/GEP/GEP2016a/Global-Economic-Prospect-2016-January-2016-Spillovers-ECA.pdf>

²⁰ Jeff Palmer, "Booming Baluchistan: Who Benefits from These Lucrative Trade Routes?" *The National Interest* (August 8, 2016), accessed August 10, 2016, <http://nationalinterest.org/feature/booming-baluchistan-who-benefits-these-lucrative-trade-17283>.

Conclusions/Recommendations

Regional integration on the principles of open regionalism needs to be seen as driver of socio-economic development, prosperity and source of political stability for the regions of South Asia and Central Asia as there is no supra-national institution involved and therefore no decision making powers delegation.

Regional integration is mostly states led process even in the areas/sectors where convergence of interests is natural amongst the regional states i.e. functional area. Therefore the regional governments have to prioritize and accelerate the process particularly by integrating energy supply and demand markets of Central and South Asia. Integration in other sectors/areas would gain momentum simultaneously as integration has its own dynamics of converging on and around the functional area.

The regions of Central Asia and South Asia may be termed as peripheral regions which are politically turbulent and economically under-developed. Therefore they must organize and cooperate to arrest the process of under-development and further marginalization. Landlocked regions of Central Asia would be effectively linked to the global markets.

The regional countries need to prioritize the geo-economic interests for smooth and accelerated regional integration which in turn will increase market size for regional states through regional groupings and sector-country comparative advantage. Large trade creation inter-regionally would dominate small inter-regional trade diversion.

Regional integration will definitely attract the FDI to the regions for the common cause of development because the fragmented small domestic markets would be seen as integrated larger regional markets.

The regions are least integrated in the world and thus regional states are now exposed to integration because much of the ground work has been finalized in the shape of RTAs on the principles of open regionalism as pre-conditions for integration.

In this era of competition for markets on the World stage, the regional states need to realize the integration of markets inter-regionally for meaningful integration and competitiveness in the global economic system. This integration of markets would address the issues of economic disparity inter-regionally. The gas pipelines from Turkmenistan to China via Kyrgyzstan and Tajikistan not only provide transit revenue to these resource poor countries but also energy. Same will be the case with TAPI when materializes.

In case of open regionalism in Central and South Asia, integration of energy demand and supply markets along with the growth of foreign trade will diminish or even eliminate the risks associated with the realization of tight regionalist objectives i.e. the loss of markets and investment.

Regional integration is vital for creating cross-border infrastructure which many poor countries cannot develop on their own or unilaterally for instance trade corridors, energy pipelines, transport networks, water resource management and telecommunication services.

Under open regionalism the regional objectives are not restricted to economic growth in the region solely rather it contributes to security as well through a web of positive interactions which reduce risk of conflict and build trust and confidence.

For the purpose of effectiveness and efficiency, the RTAs or regional integration arrangements (RIAs) need to have project-specific clauses or articles related to conflict or dispute resolution pertaining to the project or sector.

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LINKAGE BETWEEN THE GREAT OCTOBER REVOLUTION AND THE SAUR REVOLUTION OF AFGHANISTAN AND ITS EFFECTS ON PAKISTAN

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1. Introduction

It has been 39 years since the then Soviet Union invaded Afghanistan in 1979 in order to protect the communist regime- a communist regime which got inspiration from the Great October Revolution in Russia. To many, the Saur Revolution in Afghanistan was another attempt by the Soviet Union to export communism to other countries. However the famous historian Peter Kenez says that the Soviet standing in world affairs was not based on ideological appeal, but on military strength.¹ At the end of the Brezhnev era, when the Soviet economy ceased to perform well and the political system was troubled, the Soviet Union possessed an influence in the international arena that neither it nor its predecessor, imperial Russia, had ever before achieved. By sending Soviet troops into Afghanistan, the Soviet Union wanted to support the Saur revolution through its military might. However there is no denying the fact that many youth, including Nur Mohammad had been trained in the Communist ideology. So the Great October Revolution in Russia influenced the Saur Revolution- the Communist revolution in Afghanistan.

Though communism vanished along with the Soviet Union as it did from Afghanistan but it left behind war and destruction not only in Afghanistan but also neighboring Pakistan. Both the countries have suffered immensely. The continued policy of confrontation has not yielded the desired results. Would the continuation of a deliberate policy to make war and more war, really result in gaining peace? Why not give consideration to political negotiations and political settlement. This paper

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¹ Kenez, P. *A history of the Soviet Union from Beginning to End*, (Cambridge University Press, 2006): 31-32

looks into the background to the current issue of Afghan crisis, and its implications for Pakistan. How the Afghan crisis affected world politics, and what role Russia has played all along. What has the implications been for Pakistan, and what will be the future policy of Pakistan for its survival, now that another, more brutish super power is sitting in its neighborhood and has no plans to leave soon.

2. The Regional Setting: 1947-78

Ever since its creation, Pakistan's quest for national integrity and security has been the primary and most constant theme in its foreign policy. Right from the time of Pakistan's independence in 1947, the new state of Pakistan felt insecure. It looked around to the east and saw India as hostile power ready to dismember and absorb it. To the west it was Afghanistan, a fellow Muslim state, but unfriendly to the extent of casting the only negative vote in the United Nations when Pakistan requested membership. To the north it was the USSR – a Marxist-Leninist state, whose leaders looked upon Pakistan's independence with disdain because it had been brought about by what the Soviets regarded as feudal elements who colluded with the British authorities for the extension of Western imperialism.² This is not to say that the two countries remained entirely aloof. Ambassadors were exchanged and in 1950, and relations were established, but they were to remain minimal and cool at least for some time. The Soviets invited Prime Minister Liaquat Ali Khan to visit Moscow in 1949. The latter first accepted but then decided against the visit. Pakistan felt miffed because the Soviet Union had moved slowly in extending recognition to Pakistan and Russian leaders had sent no congratulatory messages to Jinnah when Pakistan came into existence.³ When in 1948 Pakistan's dispute with India over Kashmir came to the Security Council, the Soviet Union remained neutral. This irked Pakistan because by remaining neutral, the Soviet Union was in effect favouring the status quo in Kashmir which was quite acceptable to India but not at all to Pakistan. Pakistan's independence movement contained much rhetoric concerning the Islamic ideology. Many Islamic scholars regarded the Marxist-Leninist ideology as antithetical to their own. On their part, the Soviets scorned "Islamic ideology", the concept of an "Islamic State", and its call for the creation of an "Islamic Bloc", comprising the Muslim states. Thus with such opposing ideological stances, the possibility of an extensive cooperative relationship between Pakistan and the Soviet Union was not feasible.

² Choudhury, G. *India, Pakistan, Bangladesh, and the Major Powers*, (The Free Press, 1975). 5.

³ Burke, S. M. *Pakistan's Foreign Policy: An Historical Analysis*, (Oxford University Press, 1973): 53.

By the beginning of the 1950's, Pakistan had already fought one war with India over Kashmir. India's posture towards Pakistan remained one of hostility. The Pakistan Government thus felt an urgent need to acquire a sufficiently large and modern military capability. In this situation the United States, which was looking for allies on behalf of its policy of containment, appeared as a source of military supplies at virtually no cost to Pakistan. The Soviet Union, by contrast, had neither the interest nor the resources, at that time, to arm Pakistan with modern weapons. It is not surprising then that Pakistan joined American alliances, intended to contain the Soviet Union and China, in the hope of becoming better able to contain its own hostile neighbors, namely India and Afghanistan.⁴ The Soviet Union knew that Pakistan Government was more interested in resisting India than in containing the Soviet Union or China. Pakistani alliance with the United States might be irksome but the Soviet officials did not see it as a credible threat to their security. They showed their annoyance by supporting India in its contention with Pakistan over Kashmir,⁵ and by supporting Afghanistan's demand for "*Pukhtoonistan*", the more extreme versions of which meant that Pakistan's western provinces – Baluchistan and then the North Western Frontier Province (now *Khyber Pukhtoon Kwa*)—be separated from Pakistan and joined with Afghanistan. At the same time the Soviet Union expressed an interest in trade relations with Pakistan and signed the first trade agreement in 1956.⁶ In December 1959, the American President Eisenhower visited India after visiting Pakistan, and failed to influence India to agree to a resolution of Kashmir dispute. American aid to India was not affected despite its refusal to heed Eisenhower's advice for a Kashmir settlement. Pakistan realized that India continued to be America's favorite. Soon thereafter, Pakistan signed an Oil Exploration Agreement of 1961 with the Soviet Union, which was later Bhutto recalled was the first "tangible step toward the establishment of good cooperation" between the two countries.⁷ Whether the Soviets offered positive incentives – technical

⁴ Hassan, K. S. *The Strategic Interests of Pakistan* (Vol 1). (Pakistan Institute of International Affairs. 1954) 10. Khan, H. U. R. "Pakistan's Relations with the USSR." *Pakistan Horizon*, 14(1), (1961). 33-55. Qureshi, K. "The Soviet Union, Pakistan and India". *Pakistan Horizon*, 16(4), (1963): 344-355.

⁵ When in February 1957, the Kashmir issue was taken back to the Security Council, the Soviet Union vetoed the resolution, see, Hassan, K. S. "Kashmir before the Security Council" *Pakistan Horizon*, 10 (1). (1957). 26-33.

⁶ Syed, A.H. *China & Pakistan: diplomacy of an entente cordiale*. (Univ of Massachusetts Press.1974). 32

⁷ "Pakistan's Bhutto Asks for Understanding", *The Digest of the Soviet Press*, vol. XXIV, no. 11, 12/4/ 1972.

assistance, economic aid—or whether they used negative incentives – vilifying propaganda, threats—Pakistan has always thought that had the Soviet Union not lent support to Afghanistan and India, they might not have been so intransigent over Pukhtoonistan and Kashmir disputes.

3. Afghanistan under the Soviet influence

Russia has been interested in Afghanistan since the time of the Czars, partly because it served as a gateway to the British Empire in India, and partly because of its proximity to Central Asia. It also gained importance because its southwest portions lie a few hundred miles away from the Persian Gulf. Sardar Daoud became prime minister of Afghanistan in 1953, and pursued policies which had the unintended result of putting Afghanistan under Russian influence. Daoud, pursued the following major interrelated goals: rapid economic modernization; aggressive agitation of the Pukhtoonistan issue; and creation of a strong Afghan military force. To further these policies, Daoud reversed centuries of isolationism and fostered both American and Russian competition inside Afghanistan in order to rebalance Afghanistan's non-alignment. Rewards soon followed. In a pragmatic way American economic aid greatly increased.⁸ In December 1955, Bulganin and Khrushchev arrived in Kabul and three agreements were signed, which included a loan of \$100 million, the largest ever made outside the Socialist bloc. In 1956 Soviet arms began to arrive in Afghanistan. The Soviets also helped to construct and expand military airfields in Mazar-i-Sharif, Shindad, and Begram. Later Soviet military aid was expanded to create a modernized Afghan army, dependent almost exclusively on the Soviet bloc countries for new weapons, spare parts, and military instructors and advisors. And this is where the importance of the agreement lies. The Soviets started training the Afghan officers, technicians, and specialists, who were sent to USSR at the rate of 200-300 per year. By 1979, when the Soviet Union marched its troops into Afghanistan, it had trained some 10,000 men or about 10% of Afghanistan's servicemen, including almost the entire officer's corps. Some of these became revolutionaries later, and held key staff positions when the time came for Afghan Marxists to strike in 1978. By 1977, the Soviet Union had supplied more than 700 tanks, and 184 combat aircraft. It was with the help of the Afghan army that Daoud overthrew King Zahir Shah and seized power in 1973, and again it was the backing of the armed forces that enabled the Marxists to oust Daoud and take power. In the words of the British Prime Minister on January 28, 1980,

⁸ For chronology, see, Adamec & F. Irwin ed. *Afghanistan: Some new approaches*, (Ann Arbor: The University of Michigan press, 1969), 281-338. See also, Manzur Zaidi, "Afghanistan: Case Study in Competitive Co-Existence", *Pakistan Horizon*. 15 (2). (1962): 93-101.

“Soviet tanks crossed Afghanistan on roads built with Soviet army, and their aircraft landed on airfields similarly financed”.⁹

4. Communism in Afghanistan

Afghan Marxism had a short history. Its roots go only as far back as 1947, when an organization called *Wikh-i-Zalmayan* (Awakened Youth) was formed in protest against the abuses of power by the royal family. A key figure in this opposition was Dr. Abdur Rahman Mahmudi, who founded a newspaper, *Nida-i-Khalq* (voice of the masses), which was banned after 29 issues. This paper was a forerunner of a more outspokenly communist paper, *Khalq*. Significant Marxist organization began only in 1965 when the People’s Democratic Party of Afghanistan (PDPA) was formed. The key figure in this development was Nur Mohammad Taraki. Besides Taraki, the other two persons that were to play an important role in the Marxist movement of Afghanistan were Hafizullah Amin and Babrak Karmal. Once the PDPA was formed as an organization, it contested elections to the Lower House of Parliament (*Wolesi Jirgah*), which resulted in victories for a few PDPA Central Committee members, including Babrak Karmal. In 1966, PDPA’s Secretary General Taraki started publishing newspaper “*Khalq*” (the masses), which vilified the royal family, and called for sweeping social changes, and closer ties with the Soviet Union. It was closed down by the Government after five issues. After *Khalq*’s demise, there was no communist journal until Sulaiman Laeq began publishing “*Parcham*” (the banner) in March 1968. Laeq’s co-editor on *Parcham* was Mir Akbar Khyber – Karmal’s ideological mentor and *Parcham*’s theoretician – whose assassination ten years later was to trigger the 1978 communist coup.

In June 1967, the PDPA split into two hostile factions: the *Khalqis* under Taraki and Amin, and the *Parchamis* under Babrak Karmal. But both remained firmly loyal to the Soviet-style Marxism-Leninism, and differed only as to the tactics. The *Khalqis* put emphasis on class-conflict, while the *Parchamis* called for a united democratic front to work within the framework of the existing order. The main reason for their break was the personal antagonism and rivalry for control of the party between the two leaders – Karmal and Taraki. Each commanded loyalty of about half of the PDPA movement, and each was to maintain an unbroken hostility toward the other for ten years, until 1977.

⁹ David Rees, “Afghanistan’s Role in the Soviet Strategy”, *Conflict Studies*. 118. (London: The Institute for the Study of Conflict, 1980). 1.

On July 17, 1973, the *Parcham* succeeded in carrying out a coup that brought it and Daoud to power. The coup demonstrated that the Marxists had extended their operations from campuses and streets of Kabul into the bases of the armed forces. While Daoud had maintained close relations with senior commanders of the armed forces, the *Parcham* had penetrated and recruited strategically placed junior officers who played a major part in the success of the coup. Initially, the new Daoud regime projected a leftist image through revolutionary rhetoric of social and political reforms, and it installed *Parcham* leaders in some ministries and the cabinet. But by 1975, Daoud began to purge the *Parcham* leaders from his government. Simultaneously, he moved to disengage his government from the Soviet embrace. His moves alienated the Marxists, and certainly gave the Soviet Union a cause to reconsider its support.

5. The Saur (April) Revolution, 1978

In a violent coup on April 27, 1978, the Communists took power in Afghanistan, organized a Central Revolutionary Committee, which named Nur Mohammad Taraki President of the Democratic Republic of Afghanistan, and Prime Minister of its Cabinet. Hafizullah Amin, and Babrak Karmal were appointed Deputy Prime Ministers. The regime avoided the use of communist or socialist terms to describe itself.¹⁰ In his first press conference, on May 7, 1978, Taraki described the regime as reformist, constructive, and tolerant of Islam. In spite of emphasizing continuation of Afghanistan's non-alignment in international politics, the new regime initiated radical changes in both its external and internal policies. Externally, it moved closer to the Soviet Union.¹¹ And internally it adopted policies which provoked large-scale opposition that soon turned into a major insurgency.

On October 19, 1978, the government declared that the national flag would be modeled after those of the Soviet republics¹². Then sweeping reforms were announced: the most important were 1. Land reforms to transfer agricultural land from large holders to small holders or landless; 2. elimination of all usurious credit arrangements between money-lenders and the rural poor; 3. Marriage regulation that placed a ceiling on the customary bride price at 300 Afghani (at that time \$6); licensing of all marriage, and designation of the minimum age for marriage at 18 years; 4. introduction of mandatory education based on Soviet model curriculum for both sexes. Introduction of Russian as a required foreign language in place of English for secondary education was announced earlier.¹³ For a people

¹⁰ "Afghanistan". *New York Times*. 7/5/1978.

¹¹ "Policies of the New Government in Afghanistan". *New York Times*. 16/6/ 1978.

¹² "Glorious Red Flag Hoisted", *Kabul Time*. 21/10/ 1978.

¹³ "Panjsheri Opens Russian Language Course". *Kabul Times*, 15/10/ 1978.

who had not known much government interference in their private lives, this was a rude awakening. To the Afghans, the red flag and the reforms demonstrated the regime's Marxist character. The Afghan dissidents felt that their way of life would not survive unless they were able to remove the *Khalq* regime.

6. The Resistance to Saur Revolution

The first major revolt against the government took place in the Nuristan province on October 1978, and then in the province of Kunar. After that fighting spread to other parts of central Afghanistan and the Perwan province. With the formation of the Islamic Republic in Iran, the Afghans living close to the Iranian border got inspired and a major uprising took place in Herat in March 1979. This uprising was significant in many ways: twenty Soviet Personnel were killed which led to a greater Soviet military presence and transfer of arms. After the Herat uprising, the general security situation in the country worsened quickly. By end of May 1979, many parts of Kunar, Paktia, Nuristan, Nangarhar, Gher, Bamian, and Uruzgan provinces were under the insurgents' control. On September 16, 1979, Taraki was overthrown and killed, and Hafeezullah Amin took over power. Amin's success came at the cost of a rift with the Soviets which ultimately could not be healed. Their penetration of the armed forces through their network of advisers seriously limited Amin's freedom of action. Amin proceeded to purge the party, the government and the armed forces of not only Taraki's followers but also of Karmal's followers. Soviet objections prompted Amin to accuse the USSR of interfering in the internal affairs of Afghanistan. Amin publicly demanded the recall of the Soviet ambassador to Afghanistan, a request that they had to honour.

Sounds of explosions were heard daily in Kabul, the Afghan army was disintegrating, the tribal insurgents were gaining and their power was growing in the immediate vicinity of Kabul itself. Amin's challenge and the growing turmoil in the country confronted Moscow with the most unpleasant choice.¹⁴ Thus on December 25, 1979, the Soviet military contingent in Kabul, augmented by newly arrived reinforcements, moved against the presidential palace. Amin was arrested, and shortly afterwards, executed.

¹⁴ Harrison, S. S. "Dateline Afghanistan: Exit through Finland?" *Foreign Policy*. (41). (1980). 163-187.

Babrak Karmal returned from Moscow to become Afghanistan's new President and Secretary General of what remained of the PDPA.

7. Reaction to the Soviet Intervention in Afghanistan

The Soviet invasion of Afghanistan was widely condemned all over the world. For the Pakistanis the Soviet invasion posed a direct threat to its own territorial integrity, and it saw itself as a front-line state. For the Americans, the Soviet military presence in Afghanistan posed a threat to the Persian Gulf region with its enormous oil resources. West European governments shared American concerns. The Muslim countries were the most angry and upset about the invasion. But because of their disunity, they were not able to take any joint steps to make the Russians withdraw from Afghanistan. The Chinese government naturally came out with the strongest condemnation of what it termed as "naked aggression". It called the Soviet invasion of Afghanistan a "grave threat to the peace and security in Asia and the whole world".¹⁵ India too was profoundly disturbed; it was caught between the desire to maintain close relations with the Soviet Union and its conviction that Soviet forces must eventually withdraw from Afghanistan.

The personal beliefs of President Zia ul Haq of Pakistan and his domestic ideological stance of Islamization facilitated and supported the US objectives in Afghanistan. In February 1980, President Carter sent Brzezinski to Pakistan to confer with President Zia ul Haq on the Afghanistan situation. Soon thereafter the American offered aid worth \$400 million. Pakistan rejected the American offer of aid as peanuts, and calculated that sooner or later Washington, in its own interests, would have to be more amenable to Pakistani request for military assistance. In April 1981, the Reagan Administration offered Pakistan a \$3.2 billion military and economic assistance.¹⁶ The American attitude changed towards Pakistan because they realized its strategic value. American aid to the insurgents, as approved by Congress, amounted to \$280 million for 1984.¹⁷

In the meantime the Afghan refugees started pouring into Pakistan, and Pakistan provided relief to more than three million Afghan refugees. Pakistan also provided support to several Afghan resistance groups. While the Soviets warned Pakistan on several occasions of dire consequences if it did not stop its support to the Afghan resistance groups, Soviet policy towards Pakistan remained cautious and prudent. It did not put any overt military pressure on Pakistan. The Soviets had already eight divisions of

¹⁵ "People's Daily", Commentary in *Dawn*. 2/1/ 1980.

¹⁶ "Pakistan Reports US has offered 5-year Aid Deal", *The New York Times*. 22/4/1981.

¹⁷ "US Aides Predict more Help for Afghan Rebels", *New York Times*, 2/10/1983.

their army in Afghanistan, for attacking Pakistan it would have needed another twelve or more divisions. The Soviets had justified the presence of their troops in Afghanistan on the basis that they had been invited by Kabul. The Soviets were seen as responsible for the turmoil in Afghanistan, and for breaking the equilibrium of the region, and Soviet withdrawal was therefore laid down as a prerequisite for any peace settlement of the Afghan crisis.

However, as time dragged on and as the costs multiplied, especially within the overall faltering economic situation of the Soviet Union, the Soviet intervention in Afghanistan could not be sustained. The Soviet Union, then under reformist leader Mikhail Gorbachev, ended the Soviet occupation of Afghanistan in February 1989, thus completing a ten-year long stay. After the withdrawal of Soviet troops in 1989, Najibullah Government remained in power until 1992. He pursued a policy of national reconciliation to end the conflict. However, Pakistan continued its interference in support of the Mujahideen forces challenging Kabul. Eventually it was Pakistan's policy which caused the overthrow of the Najibullah Government. In December 1991, the whole of Soviet Union, once a super power came crushing down to non-existence. That also ended the Soviet support to Najib Government. This, coupled with the internal collapse of his government, led to his resignation in April 1992. That was the end of the Communist regime in Afghanistan as well as in the Soviet Union.

The Taliban took over Afghanistan in 1996 and ruled until 2001, when the 9/11 terrorist attack of Al Qaida took place on the American soil. As a result of the 9/11 attack on America, American President George W. Bush launched invasion of Afghanistan. Thus he brought about a regime change in Afghanistan by ousting the Talibans. As a result Afghanistan has to this day not witnessed peace or tranquility.

8. Present US Strategy in Afghanistan

Recently the US President Donald Trump announced his strategy for Afghanistan by committing more American troops and committing to fight as long as it takes until the war is won. Currently the US engagement in Afghanistan is costing them approximately \$23 billion per year. Ever since Donald Trump took office, the number of air strikes has more than doubled that of 2016. This also means a spike in civilian casualties. When President Obama took office in 2009, he raised the US troops to 100,000 in the NATO force of about 150,000, and planned to reinforce the US troops with better equipment and technology and then to hand it over to the Afghan

army and police, which he did in 2014. The 2009 surge in troops by President Obama proved that even the most modern armies, with latest weapons, and backed by sophisticated air power, cannot totally defeat the unconventional guerrilla warfare that the Taliban carry out. Increasing the number of American troops in Afghanistan, will make no difference on the battlefield, because the bulk of fighting is undertaken by the Afghan security forces, who are currently dying at the rate of 30 per month.

9. Russian Interest and Role in the Region

Recently Mr. Sergey Lavron, the Foreign Minister of the Russian Federation remarked that: “Russia consistently advocates for the settlement of the internal Afghan conflict within the framework of a national reconciliation process led by Afghans themselves”. He advocated for a direct dialogue between the Afghan government and the Taliban, while respecting the criteria set by the UN Security Council.¹⁸

The relations between Pakistan and Russia have had a complicated history. Both the countries were fighting a proxy war in Afghanistan in the 1980s, which resulted in the downfall of the Soviet Union and the victory of the Taliban. Since then the relations between Pakistan and Russia were almost non-existent, until when the Russian Defence Minister Sergey Shoigu visited Pakistan in November 2014 and signed a defence cooperation contract with Pakistan. Then both the countries’ naval forces participated in exercises in 2014, 2015; and in “*Druzhbha-2016*”, a Russian word *Druzhbha* meaning “friendship”. Pakistan also confirmed purchase of Mi-35 ground attack helicopters from Russia in 2015. In April 2017, the Russian Deputy Chief of General Staff Colonel General Israkow Sergi Yuryevich was hosted by Peshawar Corps Commander Lt-General Nazir Ahmed Butt on a visit to North and South Waziristan.¹⁹ After Trump announced his policy for the region, the Russian President’s envoy to Afghanistan Zamir Kabulov said that Pakistan was “a key regional player to negotiate with” and warned that undue pressure on it could “seriously destabilize the region’s security situation”.²⁰

¹⁸ “Foreign Policy News”. Ministry of Foreign Affairs of the Russian Federation. 25/9 2017. http://www.mid.ru/en/foreign_policy/news//asset_publisher/cKNonkJE02Bw/content/id/2874634?utm_source=World+Affairs+Newsletter&utm_campaign=cd142e8f36EMAIL_CAMPAIGN_2017_09_25&utm_medium=email&utm_term=0_f83b38c5c7-cd142e8f36-294712977

¹⁹ “Are Pakistan and Russia forming an alliance? Not without China, says expert”. *Dawn*, 1/4/2017. <https://www.dawn.com/news/1324187>

²⁰ “Khwaja Asif to embark on three-nation tour to discuss US policy”. *Dawn*. 26/8/2017. <https://www.dawn.com/news/1354043>

Russia wants to bring Afghanistan under its influence as much as the US does. As Pakistan has a history with Afghanistan and the Taliban, and Pakistan is also friend of China, therefore Russia cannot ignore all these factors, and therefore are interested in solidifying relations with Pakistan. But on the Kashmir issue they are still silently avoiding the issue of atrocities committed on Kashmiri Muslims by the Indian Government. It seems that Russia is keeping consistent with the old Soviet policy of supporting Indian stand on the Kashmir problem. While they want the Afghans to find an Afghan solution to the Afghan problem, they also know that this may not be possible because peace in Afghanistan cannot be restored without Pakistan.

10. China's Role in the Region

China of late has set aside its traditional role of supporting Pakistan policy in Afghanistan, and has been playing a more independent role. China has also been cooperating with Russia in an effort to find regional solutions to regional problems. The Shanghai Cooperation Organization (SCO), formed in 2001 originally comprised of China, Russia, Uzbekistan, Kazakhstan, Kyrgyzstan and Tajikistan. In 2012, Afghanistan became a formal observer of the SCO, and in 2015 it decided to give membership to India and Pakistan as well, because it realized that without these two countries it was not possible to bring peace to Afghanistan and eliminate drug trafficking from there. Since 2005, the Chinese have tried to arrange a truce between the Afghan government and the Taliban. After meeting with the Afghan President Ashraf Ghani at the SCO summit, Xi Jinping the Chinese President announced closer cooperation, including more equipment and training.²¹ There is a convergence in the policies of both Russia and China on the Afghan issue, as both want direct negotiations between the Afghan Government and the Taliban. The Chinese Foreign Minister Wang Yi praised Pakistan's "great sacrifices" in the fight against terrorism and urged their acknowledgment by the world. China knows that without peace in Afghanistan, there can be no peace in Pakistan, so their priority is to have peace in both the countries. Towards this end, they are even flexible in their approach to the Indian involvement in the finding peaceful solutions.

²¹ Richard Weitz. "Afghanistan, Not New Members, Will Determine SCO's Relevance". *World Politics Review*. 14/7/ 2015. <https://www.worldpoliticsreview.com/articles/16223/afghanistan-not-new-members-will-determine-sco-s-relevance>.

11. What do the Afghans Want

Ever since the Soviet Union invaded Afghanistan in 1979, Afghanistan is suffering from violence and war. In October, 2017, the Afghan Defense Ministry reported that fighting is taking place in 20 of the country's 34 provinces, with intense violence in eight of them.²² The Afghan President, Mr. Ashraf Ghani announced his plan for peace in Afghanistan. He said: The Afghan government is working on a four-year 'multi-dimensional' security reform programme, the fundamental aim of which is to provide grounds for a political settlement to the Afghan conflict. He welcomed the recent US strategy for Afghanistan and South Asia, and said that the US troops have a role to play in Afghan security. The other two major components of the Ashraf Ghani programme are: Pak-Afghan peace, and political dialogue with the Taliban. Besides, reducing poverty, judicial reform and infrastructural development are other factors that he thinks can set the stage for sustainable peace in Afghanistan.²³ It seems that there is contradiction in the Afghan Government plan for peace in Afghanistan. If Ashraf Ghani is preparing ground for a political settlement, then why support the US in bringing more troops to Afghanistan, because more troops mean more wars. Is he willing to share power with the Taliban, and accept the legitimacy of their control of almost half the country? While he says that Afghanistan need a comprehensive national dialogue, he also knows that the Taliban are not ready yet for negotiations, therefore he is proposing to "have to force the consensus", meaning that the Taliban are made so weak that they have no choice but to come to the negotiating table.

Immediately after President Trump announced reinforcement of American troops in Afghanistan, reactions from within Afghan elite also started resurfacing. Gul Rahman the head of a political party called The Peace and Salvation Council said that if military option could bring the solution, then the Americans and their allies would have brought peace to Afghanistan in the past fifteen years. But that did not happen, as neither side was strong enough to eliminate the other. He reiterated that only diplomacy could solve the Afghan problem, and for this he proposed the convening the traditional *Loya Jirga* with representation from all parts of Afghanistan,

²² "Afghan Forces Killed in Friendly-Fire Airstrike, Capping Deadly Week", *The New York Times*. 1/10/ 2017. <https://www.nytimes.com/2017/10/01/world/asia/afghan-airstrike-helmand-province.html?action=click&contentCollection=Asia%20Pacific&module=RelatedCoverage®ion=Marginalia&pgtype=article>

²³"What is Ashraf Ghani's Plan to end Afghanistan 40-years conflict" Sep 25, 2017. <https://www.dawn.com/news/1359337/what-is-ashraf-ghanis-plan-to-end-afghanistans-40-year-conflict>

as he believed that only such a mechanism could find solutions to the Afghan problem.²⁴

A recent survey to assess what the Afghans think of the situation in Afghanistan showed that only 29% of Afghans believe the country is headed in the right direction; nearly 90% denounced government corruption as a problem in everyday life; and over 40% of Afghans fear bumping into their army or police.²⁵ This speaks volumes about the common Afghans perception of the precarious situation inside Afghanistan: not only the violence related to war that is taking place, but the corruption in the Government, and the fact the security personnel are everywhere. This is not a life that the Afghans lived under King Zahir Shah's peaceful Afghanistan; this is not a life that any peaceful human being would want to live.

12. What does Pakistan Want?

In 2004, during the Bush Administration, Pakistan was granted the Major Non-NATO Ally (MNNA) status to encourage Pakistan to support the fight against the Taliban and al Qaeda. As an MNNA country, Pakistan became eligible for priority delivery of defense material, arms sale, military hardware, and more sophisticated weaponry. As such the Bush administration gave Pakistan \$12.4 billion in aid, and the Obama administration gave over \$21 billion. What did it achieve? While the fighting continued in Afghanistan, both Pakistan and the US lost trust. Pakistan blamed the US of supporting India which carried out proxy war inside Pakistan by training and supporting terrorist activities in Pakistan. The US blamed Pakistan for not doing enough as insisted on "do more" policy.

It seems that America believes that Pakistan is perpetuating war inside Afghanistan. That is why the American President Donald Trump announced that it would order American army hot pursuit of Taliban into neighboring Pakistan. That would mean violating the territorial integrity of Pakistan and fighting on Pakistan territory. Pakistan strongly reacted to this

²⁴ "Only traditional Loya Jirga can end current challenges: Gul Rahman Qazi", *Afghanistan Times*, __ 28/8/ 2017. <http://afghanistantimes.af/only-traditional-loya-jirga-can-end-current-challenge-gul-rahman-qazi/>.

²⁵ Kolenda, Christopher D. "Focused Engagement: A new way forward in Afghanistan". (Center for New American Security (CNAS) 21/2/2017). <https://www.cnas.org/publications/reports/focused-engagement>

policy statement by President Trump. The National Security Committee (NSC) of Pakistan which is headed by the Prime Minister and has senior officials from the bureaucracy and military gave a sharp response to the new US strategy. According to the NSC the Trump strategy seems to be an endorsement of perpetual war in Afghanistan; secondly it puts the onus on Pakistan to act without addressing Pakistan's security concerns of anti-Pakistan militant sanctuaries in eastern Afghanistan. Trumps encouragement of India to do more and play a greater role in Afghanistan, shows total disregard for Pakistani concern of Indian involvement. The US strategy amounts to minus-Pakistan formula; rather the Trump strategy also ignored Iran, China and even Russia.²⁶ The then Prime Minister of Pakistan, Shahid Khaqan Abbasi, stated that the "US military strategy in Afghanistan has not worked and it will not work". He said that only a political settlement in Afghanistan can be the bottom line. He also said that "we do not intend to allow anybody to fight Afghanistan's battle on Pakistan's soil".²⁷ The Afghan war has since years spilled into Pakistan, and after suffering huge losses both in terms of human and infrastructure, Pakistan has been taking measures to contain the war in Afghanistan to Afghani soil, and not to allow its territory to be infiltrated with terrorists. Recently the Foreign Minister Asif Khwaja, remarked that the Taliban control more than 40% of Afghanistan, why would they need hideouts in Pakistan, when they could very well hide in that 40% of their land which is securely in their control.

13. A Regional Approach to the Problem

A regional approach to the Afghan question should necessarily include Iran, Russia, China, and Pakistan. For Pakistan "a politically negotiated outcome", is the only solution. Similarly both Russia and China are desirous of a political settlement. To put pressure on Pakistan, the US is asking India to do more in Afghanistan (apparently in terms of development support), but certainly the message is that India has a role in peaceful Afghanistan. Pakistan has clearly told the US that it does not want its financial support.

Afghanistan until the Soviet invasion was a neutral country. The United States should promote Afghan sovereignty and reduce the regional competition by supporting Afghan regional neutrality coupled with regional

²⁶"Minus-Pakistan formula?" *Dawn*, 25/8/ 2017;

<https://www.dawn.com/news/1353810/minus-pakistan-formula/>

²⁷ "Trump's Afghan strategy will not work: Abbasi", *Dawn*, 28/8/ 2017.

<https://www.dawn.com/news/1354443/trumps-afghan-strategy-will-not-work-abbasi/>

commitments for non-interference in Afghan affairs.²⁸ Neither the Taliban can completely overthrow the Afghan Government, nor the Afghan government can completely eliminate the Taliban. It is up to both the parties to realize for how long will they be fighting for one or the other foreign interests. Once the battlefield is stabilized, then the second step would be to engage in regional diplomacy, which should aim at leaving a neutral Afghanistan, which it was even during the cold-war period, and a member of the Non-Alignment Movement.

Conclusion

Revolutions happen in a certain time and space when all the causal factors are present. The Great October Revolution in Russia, in time changed not only the politics within Russia, but also impacted on the whole of the Eastern Europe, and had appeal for the youth in a Muslim country like Afghanistan. The Communism in Soviet Union did not engineer the communist coup in 1978 that ousted Daoud. But once a communist regime was in, it became a matter of face for the Russians to protect it, especially since it was in their neighborhood. Trying to save communism in Afghanistan served as a trigger for the downfall of their own communist regime in the Soviet Union. Revolutions even if successful cannot be sustained if the external interference is stronger, which will create, design, and breed a counter-revolution.

As Leon Trotsky said: “It is facts and not illusions that decide”²⁹ It has been demonstrated by history, that for any regime to survive, especially in a developing country, it is of utmost necessity that the regional neighbors do not see it as a threat to their own security. No regime in Kabul has ever effectively ruled all of Afghanistan. Similar to the present situation, the cities and towns were controlled by the government and the countryside by local tribal leaders. The Afghan Government cannot last without American support. The Americans, unlike the Soviets, have enough resources to stay for an indefinite period, and are there to stay. The Pakistanis would not like to see another super power sitting in its neighborhood. If the Afghan Government wants the war in Afghanistan to end, they have to opt for power-sharing.

²⁸ Kolenda, *Ibid.*

²⁹ Trotsky, Leon. *The Revolution Betrayed*, (New York: Pathfinder Press. 1972). 4

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THE MERGER OF CRIMEA INTO RUSSIA: IMPLICATIONS FOR THE POST-SOVIET STATES

*Sarwat Rauf**

Abstract

The study probes into the causes and effects of Ukrainian crisis and merger of Crimea into Russia. It also endeavours to examine the implications for post-Soviet states. It is pointed out that external forces' competition of power combined with internal political conflicts have triggered the Ukrainian crisis and resulted into the fragmentation of Ukraine. Here, the entrenched causes of hostility between Russia and Ukraine are studied in the context of Eurasianism. An effort is made in addition to highlight Russia's foreign policy towards the post-Soviet republics in which Moscow seeks the support of the latter in the wake of the Ukraine crisis. Moscow's grand strategy to exert influence on the ex-Soviet Union states and protect the Russian-speaking population in and around Russia was a prima facie case to merge Crimea. Therefore, the logic of Responsibility to Protect (R2P) approach serves as a good pretext to cover Russia's action in Ukraine. Subsequently, the former Soviet states have come to adopt wary approach towards Russia. Finally, the paper will offer a futuristic outlook of Russian relations with the post-Soviet states.

Keywords: Merger, Eurasianism, Russia, R2P, Post-Soviet States, Crimea, Ukraine, Russia.

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Introduction

The Post-Soviet Republics are on a new trajectory where Russia's influence is no more same as it was in the past. Yet Eurasian conception is still popular within Russia where its new worldview is justified in Russia but criticized in the West. In this backdrop, Ukraine crisis has appeared as a showground between *Eurasianists* and *anti-Eurasianists*. The paper aims to investigate the causes and effects of the merger of Crimea with Russia. Moreover, it delves into emanating challenges and prospects of Russia's annexation of Crimea are under review. The effects of the crisis are strong in the post-Soviet states and the region. East-West rivalry is changing the contour of the foreign policies of these states. Moreover, realpolitik is an important part of Kremlin's policy in pursuit of the great power status.

Russia's interventions in Georgia (2008) and later in Ukraine (2013) were rationalized as acts of protecting the minority groups in these states. However, both intrusions were internationally construed as driven by strategic impulses than humanitarian considerations. The Russian intervention in Ukraine has not only undermined the territorial integrity of adjacent states but also signalled imperialist approach for reviving influence in these states. Nevertheless, this development has elicited strong reaction leading to angst in the post-Soviet region. Besides, some states have strongly leaned towards the West for guarding their territorial integrity and containing Russian influence.

Moscow's stance over the merger of territories of Georgia, Abkhazia and South Ossetia had led to a division between Russia and the West and a friction has appeared between Russia, China and other members of Shanghai Cooperation Organization (SCO) too.¹ Despite the desire of some countries and opposition party of Russia to propagate a negative image, it was observed that United Russia (political party) got more cohesion and that was visible in Duma's elections (September 2016), when United Russia secured the highest turnout.² In this way, Moscow internationally conveyed its stance that it has a right to defend Russian nationals beyond its own territory and that use of force was legitimate and needed to protect ethnic Russians.

On the other hand, the Western perspective of Ukraine crisis is that it has exposed resurgence of imperial Russia and sensitizes post-Soviet states as they have sizeable Russian population. This paradox is ominous of a new rivalry in which West is trying to make Russia economically and politically weak. Implications of the aforesaid crisis are acute for the post-Soviet states

¹ Janusz Bugajski and Margarita Assenova, *Eurasian Disunion: Russia's Vulnerable Flanks* (Washington DC: The Jamestown Foundation, 2016), 392.

² Matthew Bodner and Mikhail Fishman, "Elections 2016: An Overwhelming Victory for the Kremlin" *The Moscow Times*, (September 19, 2016).

such as Central Asian Republics (CARs), dependent on Russia with their economies, are directly affected due to its imposed economic embargoes. Although CARs loyalty to Russia is due to the economic interests, yet the use of force has made them, as other post-Soviet republics, apprehensive.

Some scholars pronounce Russia will make another move to further redraw the map of post-Soviet republics by incorporating other Russian-speaking regions. Whereas others believe that Russia's mission has more or less ended with the annexation of Crimea and its ambitions will be limited. Further, Putin's actions find new worldview in the post-imperial complex of Russia, first; rebuilding of Russia by binding together the lost territories. Second; start of a new Cold war between East and West.

This paper endeavours to find answers to some of these questions; to what limit Russia can go in pursuing its interests in the post-Soviet region? What challenges is it facing in the wake of the Crimea's merger? Can these post-Soviet states resist Russian encroachment in future? A detailed reading of sources including journal and newspaper articles, books, official websites and social media are used for information and analysis. Thus, this paper endeavours to analyse Russia's changing political dynamics and its effects on the post-Soviet region.

Theoretical Framework

In the words of J. Mankoff, Russia wanted to establish itself as a powerful state of the world.³ Nevertheless, due to contested politics of Eurasia, Russia faces a lot of problems in the pursuit of this coveted great power status. As the central state of the Eurasian region, it considers itself a responsible security guarantor to many regional weak states. This self-positioning of Russia in the heart of Eurasia provides some degree of logic to Russia's *Eurasianist* ideology. The *Eurasianists* rely on a powerful Russia (working together with all those who oppose *Atlanticism*) will bring about the multipolar world they want. *Eurasianism* is meant to thwart *Atlanticism*⁴ which signifies another type of union of European and American nations. It was based on a historical Eurasian movement of Russian émigré community (1920) which opposed forces of modernity and stood for Eurasian traditionalism.⁵ Hence, the ideas of Aleksandr Dugin, intended to curb US

³ Jeffrey Mankoff, *Russian Foreign policy: The Return of Great Power Politics* (Plymouth: Rowman & Littlefield, 2009).

⁴ Alexander Dugin, *Eurasian Mission: An Introduction to Neo-Eurasianism* (Arktos Media, 2014), 43.

⁵ Tatiana Zhurzhenko, *Borderlands into Bordered Lands: Geopolitics of Identity in Post-Soviet Ukraine* (Stuttgart: ibidem Press, 2014), 44.

hegemony, became a popular work in Russia.⁶ In order to maintain its centrality, Russia always prefers to be a hegemon. The *Eurasianists* envision Russia's re-emergence as a world power, by influencing the post-Soviet region, in opposition to liberal views of West. Russia acted according to the assumptions in its self-defined philosophy i.e. *Eurasianism* and moved to rebuild the former Soviet area is headed by the Crimea's merger with Russia⁷. This hypothesis is widely discussed by Aleksandr Dugin in his work *The Fourth Political Theory*.⁸ Eventually, his ideas galvanized politics of Russia and termed West its main opponent. Russian Political figures, incumbent head of state and ruling Duma party United Russia, are all inspired by the *Eurasianists*.

Ostensibly, *Eurasianism* motivated Russia to pursue its objectives through the use of force. In John Mearsheimer's words "it is difficult to get global hegemony due to geographical features of our planet; however, the state might pursue regional hegemony instead."⁹ Thus, in order to establish regional hegemony, the strategic significance of Crimea provides a clue to Russia's military actions of 2013. Moreover, Russia calls the military action of 2013, a legal move to protect the Russian speaking minority in Ukraine and used the justification of the principle of Responsibility to Protect (R2P).¹⁰

Causes of the Merger of Crimea

Russia remained politically dormant in post-Soviet space from independence until 2000 due to its internal problems. NATO's enlargement (the 1990s) and later coloured revolutions in Georgia (2003) and Ukraine (2004) persuaded Kremlin to reassert itself in the traditional area of interest.¹¹ Russia eventually started to warm its relations with its old republics to dislodge the US influence in the post-Soviet area. In order to

⁶ Alexander Dugin, *Foundations of Geopolitics* (Moscow: Arktogeya, 1997). The book is popular in Russia and laid out geopolitical agenda.

⁷ Niraj Kumar, *Asia in the Post-Western Age* (New Delhi: Knowledge World, 2014), 03.

⁸ Aleksandr Dugin, *The Fourth Political Theory* (London: Arktos, 2012).

⁹ J. Mearsheimer, *Tragedy of Great Power Politics* (New York: W.W. Norton & Company, 2001), 308.

¹⁰ The UN reading of the three pillars of R2P is 1: states carry the primary responsibility for protecting populations from genocide, war crimes, crimes against humanity and ethnic cleansing; 2: the international community has a responsibility to encourage and assist states in fulfilling this responsibility, 3: responsibility to use appropriate diplomatic, humanitarian means to protect populations from these crimes. If a state is manifestly failing to protect its population, the international community must take collective action to protect populations, in accordance with the UN Charter, <http://www.un.org/en/preventgenocide/adviser/responsibility.shtml>.

¹¹ David Svarin, "The construction of 'geopolitical spaces' in Russian foreign policy discourse before and after the Ukraine Crisis" *Journal of Eurasian Studies*: 7 (2016), 132.

expand its influence, Moscow confronted opposition groups in many parts of the post-Soviet states such. In case of the merger of Crimea, Ukraine sought to hinder the Russian influence by using its diplomatic power however, troubled region eventually became part of Russia. As Russia wants to acquire sphere of influence in its neighbourhood for security reasons, it appears that several factors had been involved in the merger of Crimea into Russia. Economic, ideological and political confrontation triggered the Ukrainian crisis and manifest causes of the Crimean merger.

I. Geopolitical Importance of Ukraine and Crimea

The geopolitical salience of Ukraine is its geography; it is situated in the southwest of Russia and strongly linked geographically as well as historically with Russia. Apart from ethnic identity linkages, their interdependence helped forge strong ties. Ukraine provided energy transit routes to Russia for the supply of oil and gas to Europe and its territory had been used for creating nuclear weapons.¹² Eventually, Kiev got close to Moscow and despite fear of Russia's dominance; it became the founding member of the Commonwealth of Independent States (CIS). Ukraine was the first post-Soviet state, joined NATO's Partnership for Peace Program (NATO's PFP) in 1994.¹³ Interestingly, Kiev remained important to Moscow even after its membership of European Neighbourhood Policy (ENP), European Union (EU) offers to some of its neighbours. As a matter of fact, the geopolitical importance of this region was largely due to Crimea where two-thirds of the population called themselves Russians. The Crimean Peninsula located on the north-eastern coast of the Black Sea with approximately 70% to 75% of the population identifying as Russian, it had the maximum number of Russian speakers in Ukraine. Furthermore, the port of Sevastopol, connecting through Crimea, had been used by Russia for its Black Sea Fleet (BSF).

II. Historical Overlay

Being a homeland of Russians, Crimea is regarded as an integral part of Russia. As a consequence of century's long history, Russian as a lingua franca and ethnic commonalities could not separate the two republics. Many Russian nationalists associate themselves with Crimea due to its old character of *New Russia* 'Новороссия' (Novorossiia).¹⁴ Nevertheless,

¹² Marta Dyczok, *Ukraine: Movement without Change, Change without Movement* (Amsterdam Overseas Publishers Associations, 2000), 113.

¹³ "NATO Partnership for Peace program marks its 20th anniversary" (13 January 2014), <http://nato.mfa.gov.ua>

¹⁴ The historical term used in Russian empire from 1764-1873 for the area to the north of the Black Sea. The territory was given the name of 'New Russia' because it was never part of old Kiev Rus. Catherine II (the Great) had conquered the area in the late 1700s

Crimea had been part of Russia, geographically linked with Ukraine and all land transportation to Crimea was through Ukraine. After World War-II, Crimea was declared as an Oblast (province) within the Soviet Union. In 1954 Crimea was transferred to the Ukrainian Soviet Socialist Republic (UkrSSR) by Nikita Khrushchev and considered as a natural extension of Ukraine which left its inhabitants baffled.¹⁵ Even Khrushchev had suggested to Stalin as early as 1944 that transferring Crimea to Ukraine would help Moscow in securing the support of Ukrainian's elites.¹⁶

At the time of disintegration of the Soviet Union, it was anticipated that Crimea would be part of Russia but contrary to this, territorial integrity was recognized by Russia and guaranteed by Britain, France and the United States in an agreement named Budapest Memorandum (1994).¹⁷ This was a commitment to “refrain from the threat or use of force against the territorial integrity or political independence of Ukraine.”¹⁸ Crimea was part of Ukraine and in order to get access to open waters in Russia, signed a lease agreement for the use of Sevastopol port as it was the main base of its fleet. To be more exact the two sides approved the division of the fleet's assets and to lease port to the Russian Navy in Sevastopol.¹⁹

Ironically, not a single protest was made over the transfer of Crimea to Ukraine in 1954, but after sixty years, the new justifications were marshalled to get over Crimea. Actually, the overwhelming influence of Russia on Ukraine and cultural ties of the people persuaded leaders of Russia and Ukraine to normalize ties. Putin and Leonid Kuchma in 2000 successfully transformed a decade-long bitterness to amiable mutual relations. The period of 2005 to 2009 was irritable as Ukraine attempted to integrate itself into the Western institution which had sown the seeds of anti-Russian movements and facilitated foreign involvement. Afterwards, during the time of Viktor Yankovich (2010), Ukraine has started to make efforts to improve its relations with Russia.

and the Russian Empire held it until 1917-1920. It then became part of the USSR, and then of present Ukraine. The territory of Novorossiya encompasses some other areas, such as Rostov, Stavropol, and Krasnodar.

¹⁵ Nikita Khrushchev served as the first secretary of the Central Committee of the Ukrainian Communist Party from 1938-1947, available at www.english.pravda.ru, (Accessed January 2, 2015).

¹⁶ Hall Gardner, *Crimea, Global Rivalry and the Vengeance of History* (Palgrave Macmillan, 2015). 43.

¹⁷ Steven Pifer, "Mr Lavrov, Russia and the Budapest Memorandum" *Brookings*, January 18, 2016. <https://www.brookings.edu/blog/order-from-chaos/2016/01/28/mr-lavrov-russia-and-the-budapest-memorandum/>. (Accessed March 17, 2017).

¹⁸ *Ibid.*

¹⁹ “Black Sea Fleet (BSF)”, *Federation of American Scientists*, <https://fas.org/nuke/guide/russia/agency/mf-black.html>, (Accessed April 24, 2017).

III. Grounds for the Use of Force

Historical records, especially wave of coloured revolutions (the early 2000s) in Georgia, Ukraine, Kyrgyzstan and the Russo-Georgian war of 2008, demonstrated bitter relations between the West and Russia because in all incidents West supported anti-Russian campaigns. There was an emphasis on non-intervention of Russia in these states and a severe Western response was observed during Russia's war against Georgia in 2008. H. Gardner maintained that Moscow's decision to seize Crimea in February-March, 2014 was an act of reactive or preclusive imperialism;²⁰ however, Kremlin rejected this narrative. Legally, Russia legitimizes its use of force refereeing R2P to control the post-Soviet republics. At the time of the merger of Crimea into Russia, President Putin termed intervention in Ukraine as a humanitarian project.²¹ According to President Putin in a press conference, the question of the use of force was a humanitarian mission and in the interest of Russia's national interest. He was linking it to the use of R2P "use all available means to protect the people of Crimea from tyranny and violence with whom we have close historical, cultural and economic ties."²²

IV. Competition with European Union (EU)

The geo-economic and geopolitical positioning of Ukraine has enticed both East and West, however, the strategic partnership of Russia with Ukraine is crucial for European security. Russia's competition with European Union (EU) to exert influence over Eastern Europe provides a basic understanding of the Ukrainian crisis. The formation of single economic space has been President Putin's priority since his entry into Kremlin. Hence, in 2009, the Eastern Partnership Program of the EU attracted Former Soviet Republics (FSU) including Ukraine, which was seeking active partner/s. Russia was also then struggling to make Ukraine and other old republics of Soviet Union to join the Customs Union. The organization was formed to build a Russian-led community of the post-Soviet states to create economic benefits and get a better bargaining position vis-a-vis continental neighbours, i.e. the EU to the West and China to the East.²³ The formation of Eurasian Economic Union (EEU) in 2015 was the

²⁰ Hall Gardner, *Crimea, Global Rivalry, and the Vengeance of History*30.

²¹ "Transcript: Putin defends Russian intervention in Ukraine", See full text at http://www.washingtonpost.com/world/transcript-putin-defends-russian-intervention-in-ukraine/2014/03/04/9caded1a-a3a9-11e3-a5fa-55f0c77bf39c_story.html.

²² President Putin answered journalists on the Ukrainian Crisis, *President of Russia*, available at eng.kremlin.ru, (March 4, 2014).

²³ "Black Sea Fleet (BSF)", *Federation of American Scientists*, (Accessed April 24, 2017), <https://fas.org/nuke/guide/russia/agency/mf-black.html>, 4.

continuation of the Russian efforts to diffuse tension between Russia and the EU relations. However, subtle divergences gradually morphed dichotomies and clamour against Russia got louder in the western part of Ukraine and lead to a referendum in Crimea.

V. East-West Rivalry

A long-term East-West tense relation was a prominent factor in precipitating the Ukraine crisis. At the time of disintegration of Soviet Union, it was expected that the ex-Soviet space would remain under the influence of Russia due to geographical, ideological and historical linkages. Yet because of involvement of the West, the anti-Russian huddles occurred. The 9/11 event was a turning point in West-Russia's relations, as Russia and the West tried to establish cordial relations in face of the common threat of terrorism. Despite the fact that NATO's expansion had always been a threat to Russia in extending military cooperation; the latter gave consent for setting up the NATO-Russia Council,²⁴ to reduce tension.

All presidents of the Russian Federation namely, Mr Yeltsin, Mr Medvedev and President Putin, had tried to set better relations with the US and Europe but these expectations did not materialize as Moscow continued to be a target of frantic criticism by the West. President Putin denounced the inequities of the post-Cold War settlement and promised that he would pristine Western injustices during the Cold War and restores the glory of Russia.

The West, on its part, propagated that Russia was violating human rights in Chechnya, had used force against Georgia (2008) and unlawfully annexed Crimea. Moreover, a wave of colour revolutions in the post-Soviet states with pro-West leanings had tempted these states to join NATO. Hence, Poland and Hungary were admitted into NATO. The Group of industrialized states (G-8) cancelled the membership of Russia, NATO and terminated cooperative links with Moscow, and the EU cut off its ties with Moscow. Thus, a tug of war emanated in which Russia was trying to get close with Ukraine whereas EU wanted to bring it in its orbit of influence. Triple set of initiatives viz Western policies, NATO enlargement and EU expansion all added fuel to fire,²⁵ and caused tense relations of Ukraine with Russia.

The strategic dissonance between Russia and the West intensified over the Ukrainian issue. Subsequently, a phase of East-West rivalry had resurfaced, with Kiev's hasty turn to the West and Washington's backing of

²⁴ James Sherr, *Hard Diplomacy and Soft Cooperation: Russia's Influence Abroad*, (Washington DC: Chatham House, 2013), 56.

²⁵ J. Mearsheimer, "Why the Ukraine Crisis is the West's Fault: The liberals Delusions that Provoked Putin", *Foreign Affairs* (September/October 2014).

democratic change in Ukraine. As the new Cold War between East and West re-appeared, the secessionist movements also got strengthened due to internal instability and external involvement in Crimea. The situation became worse when Malaysian Airline Flight MH-17 was targeted while flying over the conflict zone and a blame game started between Ukraine and Russia.²⁶ This heinous act was widely condemned by the international community. Indeed, these crises seemed to be a turning point in ending the brief honeymoon of friendship between Russia and the West.

VI. The Russian Language

Former Soviet republics are home to significant ethnic Russians; they have the close affiliation with the Russian populace in terms of language, culture and ideology. Similarly, large numbers of ethnic Russians are residing in Ukraine, particularly in southern and eastern areas. As a Slavic state, it has close ties with Russia, however, the use of Russian language had become a serious political matter soon after independence, and many ethnic Russians residing in Ukraine were pressurized to quit using the language. The *Ukrainization* or the separate identity of Ukrainians appeared as a popular nationalist campaign. Efforts were made to close schools where the Russian language was used as a medium of instruction. According to a survey from 1989 to 2001, many schools closed down because they were teaching in the Russian language.²⁷ The Ukrainian language was made compulsory and was seen by Kremlin as a violation of minority rights.

In 2012, Verkhovna Rada (the Ukrainian Parliament) announced a new state language policy, allowed government offices to use any other language in case of 10% local population speaks that language, and this would get status of the second official language. Thus, "13 out of Ukraine's 27 regions (mainly those in Eastern Ukraine) had adopted Russian as second official language."²⁸ However, before the Ukrainian crisis, the parliament (Rada) stopped this policy; this decision was taken next day when President Viktor Yanukovich was removed.²⁹ Angry Russian diaspora agitated and a severe backlash followed. As Dmitri Trenin, director of Carnegie Endowment Moscow Centre expounded;

²⁶ *BBC News Europe*, September 9, 2014.

²⁷ Paul Goble "Ukraine: Analysis from Washington- Language Policy and National Integration" *Radio Free Europe: Radio Liberty*, (September 11, 2001), www.rferl.org/a/1097361.html.

²⁸ Tatiana Zhurzhenko, "Language and Nation Building, Dilemmas of Language Politics in Contemporary Ukraine", <http://www.iwm.at>, (Accessed on January 13, 2015).

²⁹ "Cancelled Language Law in Ukraine Sparks Concern among Russian and EU diplomats" *RT News* (February 27, 2014).

"The rallies of Russian speakers, residing in eastern and southern Ukraine, raised the demand of autonomy of region and for [the] Russian language. Afterwards, these rallies were followed by revolutionary groups, grabbing government buildings. In May 2014, in Donetsk and Luhansk, the revolutionaries held the regional referendum and declared their own republics detached from Kiev."³⁰

Kremlin could not conceal its support for Russian speakers and advocated Russian intervention which caused a civil war-like situation in Ukraine.

VII. Referendum in Crimea

Russia sought to thwart its neighbouring states from joining Western-led institutions and coalitions in the same way when it persuaded Yanukovich not to join the EU. Kremlin took Ukraine as a subdivision of the Russian people or 'Little Russians' and Russia is their 'старший брат' (older brother).³¹ During Ukraine crisis, pro-Russian protests were held and resentment gradually converted to a demand of referendum in March 2014. The authorities in Crimea set a referendum to get people's response on the issue of joining Russia or Ukraine. Surprisingly, the majority of population cast their votes for joining of Russia over which President Putin asserted, "a union with Russia was approved by almost 96% of the Crimean voters, as they spoke in favour of Russia."³² Conversely, Western Ukraine along with mainstream West criticized the referendum as an illegal enactment and questioned the fair voting. Crimea formally merged into Russia on March 18, 2014, and signed a treaty which was presented in Duma for approval. A bill, related to Crimea and Sevastopol's addition as federal units of Russia, was also presented. Henceforth, the referendum proved to be the immediate cause of the merger of Crimea into Ukraine.

IMPLICATIONS FOR EUROPE, RUSSIA AND POST-SOVIET STATES

I. Wider Europe

Europe is divided ideologically, politically, linguistically and frequent conflicts are largely affecting its economy. There are three existing arrangements in Europe; first, the established Organization of Security and Cooperation in Europe (OSCE) emphasizes political links to integrate states; second, urge in bringing together the NATO members; and third, European

³⁰ Dmitri Trenin, "The Ukraine Crisis and the Resumption of Great Power Rivalry", *Carnegie Moscow Centre*, (July 2014), 14.

³¹ James Sherr, *Hard Diplomacy and Soft Coercion: Russia's Influence Abroad*, 57.

³² "Address by President of the Russian Federation", (March 18, 2014), <http://en.kremlin.ru/events/president/news/20603>

Union (EU) in which states courteously accept each other's differences and yet cooperate. These three blocks, EU, NATO and OSCE try to cope up with security threats and create models to manage challenges.³³ Russia wants to establish a different platform for the post-Soviet states to resolve their matters. In theory and practice, Russia views NATO and EU as the threat to its interests because it is a Western bloc. Both West and Russia consider their stance justified and mutual tension appears as the natural occurrence.

Admittedly, geopolitical interests are guiding foreign policies of the two rivals of the Cold War era. Despite strong opposition, Russia and the West are not yet in a full-fledged defiance mode and prospects of Russia's limited compromises exist with the West. Kremlin maintains that it is threatened by the West,³⁴ as the latest Russian military doctrine has labelled NATO 'a threat'. Similarly, the West tends to reinforce Article 5 of NATO (promises that each member of NATO defends fellow member states).³⁵ In this backdrop, geopolitical differences over Ukraine are intensifying and posing challenges to mutual relations.

Over the military actions of Russia in Ukraine, the Baltic States did not respond in favour of Russia. Baltic states, particularly Estonia and Latvia, are home to significant Russian-speaking people and ethnic Russians are not satisfied there and are seeking rights of citizenship in the Baltic States. So they fear that such situation may invite another aggressive reaction (unlikely) of Russia and may cause a regional friction. Nevertheless, the Ukraine crisis did not affect much change in the Baltic States' policies towards Russia rather they have started to seek Western support to counter Russia.

II. Effects on Ukraine

Certainly, there was a strong internal support to Russia for its action towards Ukraine; yet it is assumed in Kiev that decision to annex Crimea was limited to a small circle. In addition, Ukraine has neither accepted Crimea as part of Russia, nor it is taking necessary steps to tide over the situation. "Kiev has no leverage to change Crimea's status and has put the issue on the back burner and the diplomatic focus is on Donbas and the

³³ Roberto Domínguez Rivera, "Contributions of NATO, EU and OSCE to European Security: Threats and Risks", *Jean Monnet/Robert Schuman Paper Series*, Vol.5, No. 7 (April 2005), 04.

³⁴ Richard Sokolsky, "The New NATO-Russia Military Balance: Implications for European Security", *Task Force on U.S. Policy Toward Russia, Ukraine, and Eurasia, Carnegie Endowment for International Peace*, (March 13, 2017),1.

³⁵ Robert Coalson, "What are NATO's Articles 4 and 5?" *Radio Free Europe: Radio Liberty* (June 6, 2012), www.rferl.org,

Minsk agreement.”³⁶ A significant increase, however, in Ukraine’s military budget is a meaningful development. Ukraine is publicizing Russia’s intervention illegal and deliberating its violation of international law. Moreover, it is seeking international support to prove Russia’s action unjust, “Ukraine has filed a case against Russia at the International Court of Justice (ICJ), and accusing Moscow illegally annexed Crimea and violated human rights.”³⁷ So far only six UN member states, including Russia, have recognized Crimea and Sevastopol as the federal part of the Russian Federation. Yet Ukraine has to pick out its association with EU-NATO and improve its economy.

III. Impact on Russia

Russian-Ukrainian ties have been fluctuating since 2013 with serious effects for Moscow. Among the consequences are Western-led economic sanctions; the cost of Russia’s perceived support to separatists in Eastern Ukraine. The rapid decline in rouble’s exchange rate and intense opposition has occurred between Russia and the West. Russia has moreover acquired a status of somewhat ‘unpredictable’ state in world politics. Kremlin is seeking cooperation with former territories, including Ukraine, but facing problems in establishing good links with old territories, including Ukraine. Moscow nowadays is the target of allegations too, such as transgressor of the international law, a violator of Budapest conference, 1994, and breach of Ukraine constitution. Besides, the UN non-binding resolution proclaimed merger of Crimea into Russia and subsequent referendum as ‘illegal actions’.³⁸ The Syrian crisis has further deteriorated the situation and transpired in the form of declining oil prices in international market, an economic shock to Russia.

Russia’s heavy dependence on hydrocarbons and current cuts in export is leading to challenging situation e.g. Europe has reduced its demand for natural gas which is an economic setback for Russia. Although Russia directly came under Western economic sanctions yet merger of Crimea is regarded as a successful and momentous event by President Putin when he stated: “this event will forever remain a most important milestone in the national history.”³⁹ Nevertheless, the merger of Crimea could possibly

³⁶ Fiona Hill and Steven Pifer, “Dealing with a simmering Ukraine-Russia conflict” *Brookings* (October 06, 2016), www.brookings.edu/research/dealing-with-a-simmering-ukraine-russia-conflict.

³⁷ “Ukraine sues Russia over Crimea annexation and on-going war”, *The Telegraph*, (January 17, 2017)

³⁸ “Ukraine: UN Condemns Crimea Vote as IMF and US back Loans” *BBC News*, (March 27, 2014).

³⁹ “Putin: Crimea Annexation Important Milestone”, *Aljazeera*, (January 1, 2015), www.aljazeera.com,

amplify nationalist, separatist and military adventurism, within Russia and across the post-Soviet periphery.⁴⁰ Moreover, there are emerging signs of forthcoming economic blow in terms of liquidity and economic recession is rising as are domestic interest rates; yet, Russia still wields leverage over post-Soviet states due to their energy demands and dependence. It appears that Ukraine's entry into EU and Western-led bloc would be difficult at least for now. Despite prevailing economic stress in Russia, overall national cohesion is palpable. Historical records are a witness that Russia has always been resilient and strengthened itself after waging war against other states. Thus, it can be safely inferred that Kremlin's forceful strategy might buttress Russia's internal position; nevertheless, it might be dangerous for the global economy to maintain long-term economic sanctions against Russia; being a crucial part of the global economy. The chances of further dissonance are imminent and potential ramifications are suggestive of likely future civil wars in Europe and Russia.

In short, the Ukrainian crisis has proved a turning point for Russia; theatrically it gave birth to domestic and regional tensions which were simmering before the Ukraine crisis. The domestic unrest, led by the opposition including Alexei Navalny, was earlier extant in moderate form; however, the decreased oil prices and uncertainty has made the opposition more vocal. Externally, Western sanctions are bitterer to make it widespread that "Russian economy went into decline."⁴¹

Interestingly, Moscow has openly challenged the post-Cold War settlements and responded by espousing the cause of 'separated' Russians. In this manner, Moscow is sending overtures of support to ethnic Russians in its old territories. The present nationalist leadership of Russia is focusing more on the post-Soviet reintegration in Central Asia and Eastern Europe, formation of Eurasian Economic Union (EEU) is a validation of Russian efforts. Meanwhile, Russia has taken a big step toward restoring its dominance in the Black Sea region. Its geopolitical position has become stronger by attaching Crimea and Sevastopol as now it uses its naval fleet without much inhibition. Certainly, this also affects Turkey which, since the Soviet Union collapse, has been projecting power in the Black Sea. Now the Turkish fleet can be challenged after the control of Sevastopol base.

⁴⁰ 34 Nate Schenkan, "Eurasian Disunion: Why the Union Might Not Survive 2015", *Foreign Affairs* (December 2014), www.foreignaffairs.com/articles/russia-fsu/2014-08-18/why-ukraine-crisis-west-s-fault

⁴¹ Alexander J. Motyl, "Goodbye Putin: Why the President's Days are Numbered", *Foreign Affairs* (February 2015), <https://www.foreignaffairs.com/articles/russia-fsu/2015-02-05/goodbye-putin>

IV. Caucasus Region

The Caucasus connects Europe with Asia; therefore, it is attached to the European and Asian political dynamics. Since the Ukraine crisis has created ripple effects on the Caucasian region, the national security has become a top priority of Caucasus states. Apparently, for example, Georgia remained unaffected but being a signatory of EU Association Agreement, it pushes Moscow to get close to Georgia's neighbours to curb Western influence. Moreover, Georgia has been staunchly supporting Ukraine and fighting a common battle against Russian hegemony in the post-Soviet region.⁴² Hence, it condemned Russia's action in Crimea as it had also passed through the same experience in 2008.

Despite the significant presence of Armenians in Ukraine and strong relations with each other, Armenia proved to be pro-Russian. Armenia is steadfastly supporting EEU, and seeking the help of Moscow due to its contiguous territorial issues (e.g. Nagorno-Karabakh). In this setting, Azerbaijan had opted to remain impartial in the escalating tug-of-war between West and Russia (after Ukraine crisis) and state-owned media in Azerbaijan stayed away from harsh criticism of Russian actions.⁴³ Moscow, in order to restore customary relations, is trying to engage Baku in the energy sector and has promised to find some solutions to the tense Nagorno-Karabakh issue.

V. Impact on the CARs

Many analysts are concerned that Kremlin's takeover of Crimea could set a similar model of intervention against the post-Soviet states particularly CARs. Home to substantial ethnic Russians, the CARs are distant from the direct range of the EU; but geographical voids cannot fully isolate the region as the tussle between Moscow and EU backed by NATO is upsetting the regional states. The Soviet-style governments of the CARs are different from the EU and geographically proximate to Asia. So, Kremlin has found fertile political grounds in Central Asia for the resurgence. Yet, Russia is also aware that if it uses identical means as employed in Ukraine, anti-Russian sentiments could rise as revulsion against Moscow. Moreover, destabilization in Russia and economic dislocation could affect the CARs which are still beholden to Russia. Thus CARs, as well as the Caucasian

⁴² Gerhard Besier and Katarzyna Stoklosa eds., *Neighbourhood Perceptions of the Ukraine Crisis: From the Soviet Union into Eurasia*, (New York: Routledge, 2017), 143.

⁴³ Anar Valiyev, "The Ukrainian Crisis and Implications for Azerbaijan", *Caucasus Analytical Digest*, No. 67–68, (December 2014), 12.

states, could hit bottom with it.⁴⁴ Emil Joroev has noted, "penalties against Moscow had a strong impact in all five republics since most international trade through Central Asia is brokered by Russia."⁴⁵ Therefore, the special association of CARs with Russia is becoming dubious and fears of Ukraine-like situation could be predicted if there are internal conflicts and ethnic Russian residents are involved.

Interestingly, any outright condemnation of Russia has been rare in Central Asia due to the latter's dependency on Russia. CARs are not only close to Russia but are also interacting with China and the Western domain of economy and security is also present in/directly. However, geographical location of Russia is a prime factor for CARs dependence on the former. The CARs are concerned due to the strain on Russia's economy caused by sanctions. Especially, Tajik and Kyrgyz workers in Russia are directly affected as they make the substantial contribution to the GDPs of their states. In this regard, *Russia's Federal Migration Service* (January 2015) highlights 2% to 4% decline of Kyrgyz, Tajik, and Uzbek workers in Russia.⁴⁶ Moscow maintains the major military presence in Kyrgyzstan and Tajikistan which acts as its influence and determines domination in the region. The Sevastopol naval base of Russia is analogous to the CARs military bases. No wonder, Kyrgyzstan initially hesitated in supporting Russia's action to merge Crimea into its territory. Despite heavy dependence on Moscow, Bishkek opposed Russian advocacy for Viktor Yanukovich. Yet it became the member of EEU and Russian actions in Ukraine were substantiated as Russia provides Kyrgyzstan assistance in the field of migration.

Economic crisis leads Russia to cut its goods and services, particularly, in 2015; Russia started to curtail its gas imports from CARs due to economic strains. "In Uzbekistan, as in Turkmenistan, Gazprom is drastically cutting gas imports for this year, purchasing only one-quarter of the supply it obtained in 2014."⁴⁷ Tashkent has always avoided Kremlin's domination and hoped that it would not be treated in the Ukrainian way. Yet it is hinted that separatist movement within Karakalpakstan could be a triggering factor of Russia's intervention in Uzbekistan in future. Tashkent has preferred to withdraw or stay away from the Russian-led organizations, such as EEC and

⁴⁴ Nate Schenckan, "Eurasian Disunion: Why the Union Might Not Survive 2015", *Foreign Affairs* (December 2014), <https://www.foreignaffairs.com/articles/armenia/2014-12-26/eurasian-disunion>.

⁴⁵ Emil Joroev, Associate Professor of comparative politics, the American University of Central Asia explained in a blog, "Central Asia's Response to the Ukraine Crisis", *World Policy Blog* (April 17, 2016), www.worldpolicy.org/blog/2015/04/17/central-asia%E2%80%99s-response-ukraine-crisis.

⁴⁶ Nate Schenckan, "Impact of the Economic Crisis in Russia on Central Asia", *Russian Analytical Digest*, No. 165, (March 17, 2015), 5.

⁴⁷ *Ibid.*

Collective Security Treaty Organization (CSTO) which it joined and later left. On Crimea's merger with Russia, Uzbekistan's *Ministry of Foreign Affairs* stated that it "creates real threats to the sovereignty and territorial integrity of the country."⁴⁸

As far as Kazakhstan is concerned, it appears to be a penetrable state; bears analogy with Crimea in many ways, including the presence of sizable Russian diaspora. With strong linkage to Russia due to strategic interests, it cannot afford tense relations with Moscow. Astana has refrained from recognizing Crimea as a part of Russia and hoped that Moscow will not be capitalizing on ethnic affinities and linguistic nexus as a tool for any future intervention. In addition, Astana desired in de-escalating of the conflict (Ukraine-Russia) but might not have the control.⁴⁹ Its political bonds are however intact even after the crisis and any economic sanctions on Russia cannot rupture their close relations. Given all reservations, it seems well-nigh impossible for CARs to detach themselves completely from Moscow for there is no replacement of a traditional partner.

The Western Response

The merger of Crimea into Russia has led to some punitive policies of the West e.g. purposeful indirect economic sanctions, causing adverse effects to the Russian economy. The Cold war enmity between East and the West has appeared once again; it is not just short-term bad weather but an essential change in Russia-West relations.⁵⁰ Admittedly, Ukraine crisis became an immediate cause of tension between Russia and the US. J. Mearsheimer claimed that Putin worked to destabilize Ukraine until it abandoned its efforts to join the West.⁵¹ Reciprocally, the US had challenged the legality of the referendum held in Crimea (2014) and became anxious due to the control of Russia over the naval base in Sevastopol.

With the aim to isolate Russia, Western tactics are operating steadfastly, resulting in depreciation of rouble, capital flight and decreased investment.

⁴⁸ "Russia's Actions in Crimea Stir Bad Memories in Former East Bloc", *Radio Free Europe/Radio Liberty*, (March 05, 2014), www.rferl.org/a/russia-crime-bad-memories/25286948.html

⁴⁹ Catherine Putz, "Nazarbayev the Mediator Sets Sights on Ukraine Crisis", *The Diplomat* (August 18, 2016), <http://thediplomat.com/2016/08/nazarbayev-the-mediator-sets-sights-on-ukraine-crisis>.

⁵⁰ Kalev Stoicescu, "Future Prospects for the Russian Federation under President Vladimir Putin" *International Centre for Defence and Security*: Estonia, (January 2016), 10.

⁵¹ John Mearsheimer, "Why the Ukraine Crisis is the West's Fault", *Foreign Affairs* (September/October 2014), www.foreignaffairs.com/articles/russia-fsu/2014-08-18/why-ukraine-crisis-west-s-fault.

Energy diversification is taking place in Europe to lessen dependency of Europe on Russian goods and resources. The boycott of Russian companies, particularly of *Rosneft*, is a serious economic blow for Russia. Further, explicit warnings are coming in with the emerging US-EU energy relationship which reflects further isolation of Russia. Hence, Also, following the referendum in Crimea in 2014, several Western delegates declined to attend the conference on security in Russia same year. Sensing diplomatic decline in relations and discerning that Washington is preparing its allies for the enactment of sanctions Moscow is inclined to now back non-Western nations and non-US allies. Basing of Western military contingents in Romania, Poland and the Baltic states are for perceived as Russian 'encirclement'. Further, NATO's basing rights for prolonged stay is seen as validating the East-West divide more clear and stark.

In this backdrop, the Crimean case can be taken as testing waters for Russia; it caused ripples of destabilization in the region bringing moral pressure on Russia and the West found an opportunity to accelerate assistance to the neighbouring states of Russia to get their support. However, it should not be considered an absolute economic decline rather it is a relative decline of the Russian economy.

Conclusion and Some Reflections

The Crimean merger into Russia has introduced new fixtures for the post-Soviet region where old fault lines of the Cold War era are reactivated and the Western-led anti-Russian campaign has started. The Western interpretation on Russia's military action in Ukraine is based on allegations such as violation of international law for which it must be punished. Russia declared its action in Ukraine on the principle of "responsibility to protect", Slavic people residing in Ukraine and vented crisis were an incitement engineered by West. Although Russian leaders earned the modicum of popularity internally a phase of East-West hostility had started, the economic system disturbed internally and NATO-EU alliance got the fresh impetus to check Russia's return to the great power status. Moscow's aggressive actions have been causative to the economic instability in the post-Soviet republics. It saw NATO-EU's involvement in the post-Soviet states as a part of encirclement policy. As a result, Kremlin started focusing on forging alliances on its periphery as geography has always been an asset for Russia. In order to develop politico-economic ties, the EEU is designed to accomplish Russia's interests. Moreover, some non-traditional partners are also in Russia's spotlight.

Interestingly, vagaries of global politics are bringing regional changes and forming unexpected alliances. Cold relations with Pakistan are

improving due to India's increasing closeness with the US. Besides, the wave of terrorism is infecting the periphery of Russia and the emergence of the so-called Islamic State (IS) in the Middle-East with conceivable links to militants in Central Asia is becoming a headache for Russia. Economic sanctions and falling oil prices are causing internal and external ramifications for Russia and negatively affecting Putin's policies as the opposition is becoming more vocal by leaning on the Western propaganda of democracy, human rights and accountability. Interestingly, Russia's Eurasianist identity that is being focused most by the Putin administration; show that Russia has a greater role in the post-Soviet space. Under *Eurasianism*, Russia tries to forge ties with its neighbours that would in effect expand Russia's influence. In order to avoid global isolation, Russia is gravitating towards the post-Soviet states for fresh alliances. Russia has succeeded in its goals by incorporating Crimea; however, it seems problematic for Russia to annex other post-Soviet states as circumstances are quite different there.

Albeit conventional military success may have been achieved yet seeds of parochial conflicts are germinating. The Ukrainian parliament considers this a temporary phase and has professed/predicted that Crimea would revert to it soon. Difficult for Ukraine to handle the issue alone being a vulnerable state yet it seems that it needs farsighted and strong leaders. Therefore, it is likely that this might lead to increased military spending in Europe. Russia, on its part, is already spending heavily on military and Ukraine has also recently ramped up its military budget. As a consequence, it could imperil the security architecture of the Eurasian region.

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FATA AS AN UNGOVERNED TERRITORY: A STUDY INTO GOVERNANCE, SECURITY AND TERRORISM

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Abstract

This paper investigates whether FATA is an ungoverned territory or not? And if yes, then why and how it is posing threat to the security of Pakistan and the region in general. It is based on analysis of FATA as an ungoverned territory that poses threat to domestic and regional security and stability. Since Cold War, the focus of scholars remained on threat emanating from failed states to the regional and international security. Recently, this focus has been shifted to ungoverned territories within viable states. Today it is believed that security problems, such as militancy, terrorism, insurgency, civil conflicts, humanitarian crises, refugee flows, drug smuggling, and piracy are originating from these territories due to the absence or collapse of state authority. Since 9/11, the problem of dealing with ungoverned territories has taken on increased urgency because terrorists and militants are using these sanctuaries present in the remote regions of the world for launching devastating attacks. A two pronged theoretical framework has been adopted for this paper, firstly identifying and gauging whether FATA is an ungoverned territory or not? And secondly, the paper analyzes various attributes under dimensions of un-governability and conduciveness of FATA as ungoverned territory posing security threats. Finally, the paper derives the implications of the analysis for Pakistani state control to deal with FATA. The paper presents strategies to improve the Pakistani state ability to mitigate these effects, in particular, to reduce the threat posed by terrorists operating within or from FATA.

Keywords: Ungoverned Spaces, FATA, Governance, Un-governability, Conduciveness, Physical and Non-Physical Spaces, Security, Threat, Safe Havens.

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1) Introduction

In developing states, especially in failed or weak states, there are social, economic and political zones where the states lack effective control and thus non-state actors exploit this gap to challenge surveillance and sovereignty of state.¹ Not only the failed states but strong and highly organized states also experience sovereignty gaps especially in their border areas.² Thus the ungoverned spaces are geographic territories which are beyond of control or where the domestic government lack effective sovereignty and they are considered safe havens for insurgents (posing threat to the domestic security of the state).³ Additionally, these areas are notorious as sources of other security problems, such as humanitarian crises, piracy, drug and arms smuggling, civil conflict, and refugee flows.⁴ The contemporary ungoverned spaces include: Tribal areas of Pak-Afghan border, the Africa Sahel region, and the north Caucasus.⁵

FATA, an administrative system of seven Agencies and six Frontier Regions (FRs)⁶, is a narrow stretch from North to South on the Pak-Afghan border region, called Durand Line, which is 2430 kilometer long. The Constitution of Islamic Republic of Pakistan, 1973 defines FATA geographically as part of Pakistan, however, the Pakistani mainstream lego-administrative system is not extended to FATA. The federal nor provincial laws are recognized in this area and political parties are not working in FATA. The Political Agent, as representative of the president of Pakistan, is appointed by the KP governor and enjoys both executive and judicial powers. He looks after the affairs of FATA with tribal *Malaks* and influential people in each Agency through patron-client relations. This makes FATA a classic example of ungoverned territory, which is providing a conducive environment for refuge and safe haven to the militants, insurgent and terrorists groups. Historically, these tribal areas of FATA were never fully pacified by the mighty British colonial power throughout the nineteenth century and were challenging her by through the revolt of 1919 by Wazir tribe, 1936-38 by Faqir of Ipi and so on. Further, the Soviet invasion of Afghanistan in 1979 shaped the politics and economy of these tribal areas of FATA, where the militants and insurgents laid the foundations

¹ Ann L. Clunan and Harold A. Trinkunas, *Ungoverned Spaces: Alternatives to State Authority in an Era of Softened Sovereignty* (Redwood City, CA: Stanford University Press, 2010), 3.

² Ibid. Clunan and Trinkunas, *Ungoverned Spaces*, 18.

³ Ibid. Clunan and Trinkunas *Ungoverned Spaces* 20.

⁴ Rabasa, Angel, ed. *Ungoverned Territories: Understanding and Reducing Terrorism Risks*, (Washington DC: Rand Corporation Press, 2007), iii.

⁵ Whelan, Theresa. December. "*Africa's Ungoverned Space - A New Threat Paradigm,*" paper delivered at the conference *Rethinking the Future Nature of Competitions and Conflict*, (Baltimore: MD Press 2005), 7.

⁶ Seven Agencies are: Bajaur, Mohmand, Kyber, Orakzai, Kurram, North Waziristan, and South Waziristan and six Frontier Regions are: Peshawar, Kohat, Bannu, Lakki Marwat, Tank, and D.I. Khan.

of their networks. These militants and insurgent groups sustained themselves locally till the global war on terror. From thereon, these tribal areas of FATA emerged as the central concern for the international community. International analysts claim that the supportive social norms of the Pakhtuns provide shelter and safe havens to these militants and insurgents.⁷ Here, the statement of Mao Tse Tung, “an insurgency is like a fish in water and once the water is denied, it cannot survive”, appears relevant.⁸ In this metaphor, the water is support (whether active or passive) of the local population to the insurgents. This popular support remains essential for insurgents.

The Pak-Afghan border region has a long history of insurgency since the Soviet attack on Afghanistan in the 1980s till the current militancy in these areas. The armed conflict for the last several years has further complicated the problem of eradicating the armed groups from these areas due to the lack of state control in these areas. These areas are posing challenges to the security of Pakistan in particular and in the region in general.

This paper consists of four broad sections. Section one consists of literature review, where various literature related to state capacity, strength, will, and ungoverned spaces are discussed. Section two discussed the theoretical framework which is developed on the basis of literature reviewed and geographical literature, especially of Galgano classification matrix. Section three provides a detailed analysis of the application of the theoretical framework where the FATA is discussed. Section four provides conclusion and recommendations.

2) Research Questions and Approach

The main objective of this paper is to understand the conditions that give rise to FATA as ungoverned territory and the threat emanating from FATA as a concern for Pakistani state and regional security. Also to develop strategies and give policy recommendations to improve the Pakistani state ability to mitigate these effects, in particular, to reduce the threat posed by terrorists operating within or from these territories. The growing trend and activities of militants in North-Western border areas of Pakistan begs the question: why? This paper addresses the following research questions:

- I. Why FATA remains outside the Pakistani state governance (control)?
- II. What factors contribute to and makes FATA as an ungoverned territory?

⁷ Robert, D. Lamb. "Ungoverned Areas and Threats from Safe Havens" U.S. Department of Defense, Office of the Deputy Assistant Secretary of Defence for Policy Planning. 2008. Accessed on 11 February 2010, Available from [http://www.cissm.umd.edu/papers/files/ugash/report final.pdf](http://www.cissm.umd.edu/papers/files/ugash/report%20final.pdf)

⁸ Jarrod J.H. Gillam and James E. Moran, “The United States and Yemen: Coin in the Absence of a Legitimate Government” (Master’s thesis, Naval Postgraduate School, 2011).

III. What are the effects of the FATA as an ungoverned territory on the security of Pakistan and the region?

IV. What extent has the persistence of FATA as an ungoverned space contributed to the survival of militant and terrorist groups?

The FATA as an ungoverned territory and security threat to Pakistan is investigated through a mixed methods approach of both quantitative and qualitative data. The quantitative primary data was collected through survey questionnaire and qualitative primary data was collected through key informant interviews from stakeholders, journalists, politicians, administrators, and tribal elders and also focus group discussion with the local tribal people were conducted.⁹ For secondary data, various published materials were reviewed.

3) Literature Review

A large body of literature deal with ungoverned spaces and security threats emanating from these spaces. Beckett and others have expounded that there is a close relationship between ungoverned spaces and terrorist groups. Beckett (2005) argues that in societies where the state is weak and underdeveloped, insurgencies are prevalent in those societies. He elucidates his argument by giving examples from the developing states of Latin America, Africa, and Asia, wherein 2001, out of 55 conflicts in the world, Africa had 40 percent, the Middle East had 15 percent and Asia had 35 percent.¹⁰ Coupled with this, in these societies the facilitating factors such as difficult terrain and external support and unemployed youth as enabling factors are present which are exploited by the insurgents and give them support base.¹¹ Arsenault and Bacon (2015) has identified several factors for the emergence of ungoverned spaces and to facilitate the terrorist groups to flourish. Further, they are of the opinion that poor governance gives birth to ungoverned spaces, which are used by the insurgents, terrorists, and militants as safe havens to launch their activities and operations.¹² This shows that if these regions were well governed and stable, these will be not providing a conducive environment for the insurgents to flourish. However, other scholars reject this claim by arguing that the premise of linking terrorism and ungoverned spaces is fallacious because a weak or failing state

⁹ The primary data used here in this paper was collected through field survey in North-West Pakistan for my (researcher) Ph.D. research, which has been utilized to support the argument. A total of 1500 respondents were surveyed through questionnaire and an overall 39 Key Informant Interviews were conducted with relevant stakeholders and a total 13 focus group discussion were conducted with community people.

¹⁰ Ian Beckett, "The Future of Insurgency," *Small Wars and Insurgencies*. 16 , no.1. (2005): 22–36, <http://dx.doi.org/1080/0959231042000322549>.

¹¹ *Ibid.*

¹² Elizabeth Grimm Arsenault and Tricia Bacon, "Disaggregating and Defeating Terrorist Safe Havens," *Studies in Conflict and Terrorism* 38, no. 2 (2015): 85–112, <http://dx.org/10.1080/1057610X.2014.977605>.

may no longer base of operations to insurgent, terrorist and militant groups¹³ because contemporary terrorist organizations need modern means of communication and media to build their terror machinery.¹⁴ However, the Al Qaeda and Taliban exploit this governance vacuum in lawful control of the tribal territory by Pakistan and use this area for their sustenance and as an operation base.

This justifies the claim that in 21st century state governance and security, the importance of territory and control cannot be denied. In this regard, the next section reviews literature related to clarify the term “ungoverned spaces,” and to explain the link between state weak governance (failed states) and ungoverned spaces, and further focussing on the key factors of capacity and will of the state to govern a territory that is posing security threat to the state.

The literature on ungoverned spaces has identified various factors that can be attributed for the flourishing and grooming of terrorist groups. Among others, these include: poor governance, messy and unmanaged porous borders, large number of unemployed youth (vulnerable for exploitation by terrorist recruiters), and the easy access to arms.¹⁵ Within this context, these scholars assert that the ungoverned spaces play a central role in the current major insurgencies in several parts of the world and have termed these spaces with different names, such as: “safe havens” by Arsenault and Bacon, “terrorist sanctuaries” by Rem Korteweg, and “geographic spaces” by Cristiana C.B. Kittner.¹⁶ All these terms used by different scholars represent places where the terrorist and militant groups survive and undertake their activities with freedom having minimum fear and pressure of the state security agencies.¹⁷ These places exist in states (weak states) due to the gap in state governance.¹⁸ In this context, the common features of all weak states, which provide enabling environment to non-state actors include: state’s failure to provide basic services to its people, state lack of capacity or will to provide security within its territorial jurisdiction; and the state’s lack or weak legitimacy within the eyes of its people.¹⁹ Ghani and Lockhart argue that weak governance and the absence of effective state institutions leads to security, economic, political issues and thus results in the ungoverned spaces; which if remained unfixed can be

¹³ David Oakley and Patrick Proctor, “Ten Years of GWOT, the Failure of Democratization and the Fallacy of ‘Ungoverned Spaces,’” *Journal of Strategic Security* 5, no. 1 (2012): 1–14, <http://scholarcommons.usf.edu/jss/vol5/iss1/5>.

¹⁴ *Ibid.* See also Marc Sageman, *Leaderless Jihad: Terrorist Networks in the Twenty-First Century* (Philadelphia: University of Pennsylvania Press, 2008).

¹⁵ Robert L. Feldman, “The Root Causes of Terrorism: Why Parts of Africa Might Never Be at Peace,” *Defense and Security Analysis* 25, no. 4 (2009): 355–72, <http://dx.doi.org/10.1080/14751790903416707>.

¹⁶ Arsenault and Bacon, “Disaggregating and Defeating Terrorist Safe Havens,” 87–88.

¹⁷ *Ibid.*, 89.

¹⁸ *Ibid.*

¹⁹ *Ibid.*, 88.

dangerous for the rest of the world.²⁰ Zaitseva has linked the failed states and ungoverned spaces with the proliferation and trafficking of radioactive materials by quoting the example of DRC, which is on number sixth in the list of Failed States Index of 2008 but is rich in uranium, which is a possible threat for national and international security.²¹ Menkhaus is of the opinion that though ungoverned spaces and failed states are interrelated but sometimes terrorist launch attacks in a functional state (though weak and corrupt) instead of the failed state.²² Byman is of the opinion that the changing trend and norm of the terrorists is control and expansion of their controlled territory, where the terrorist groups can build an army and use the same army for further expansion.²³ In a broader way, the ungoverned spaces also include the global commons, which include airspace, maritime, outer space and cyberspace. Jasper and Giarra are of the opinion that though these global common spaces are governed under national and international legal frameworks, however, the usage and the nature of existence of these spaces create loopholes resulting in creating areas of contest.²⁴ Thus these global commons facilitate physically and virtually the communication and movement of terrorists, diversion of dangerous materials, advanced weapons and military technology, and also spread of ideologies and ideas.²⁵

The state-centric literature highlights and stress on the importance of state capacity and the will for the governance of an area. Scholars are of the opinion that in states where economic institutions are weak and ineffective, lead to stagnant growth, political extremism and informal economy especially lack of control on regulating terrorist financing.²⁶ In this regard, some states may have the will but lack capacity to have control on and to govern their all areas while other states have capacity but lack will to do so, for various reasons.²⁷ Thus ungoverned spaces, remain security threat for the domestic states that harbour ungoverned spaces, and for the region, where

²⁰ Ashraf Ghani and Clare Lockhart, *Fixing Failed States: A Framework for Rebuilding a Fractured*

World (New York: Oxford University Press, 2008), 26–27.

²¹ Lyudmila Zaitseva, “Nuclear Trafficking in Ungoverned Spaces and Failed States,” in *Ungoverned Spaces: Alternatives to State Authority in an Era of Softened Sovereignty*, ed. Ann L. Clunan and Harold A. Trinkunas (Redwood City, CA: Stanford University Press, 2010), 193.

²² Ken Menkhaus, “Chapter Nine: State Failure and Ungoverned Space,” *Adelphi Series* 50, no. 412–413 (2010): 171–888, <http://dx.doi.org/10.1080/19445571.2010.515155>.

²³ Byman, *Terrorism in Africa*.

²⁴ Scott Jasper and Paul Giarra, “Disruptions in the Commons,” in *Securing Freedom in the Global Commons*, ed. Scott Jasper (Redwood City, CA: Stanford University Press, 2010), 2.

²⁵ Jasper and Giarra, “Disruptions in the Commons,” 2–3.

²⁶ Stewart Patrick, “Weak States and Global Threats: Fact of Fiction?” *Washington Quarterly* 29, no. 2 (2006): 27–53.

²⁷ *Ibid.*

they are located by exporting, and also for the international community.²⁸ Thus, today terrorist need an environment and situation, especially within a weak state that is unable to restrict their freedom and activities.²⁹ For a state to be strong to control all its territories and to govern well, scholars have identified various attributes, which are: administrative control, a monopoly on the use of force, control on public finances, and provision of services to its population, and the sovereignty.³⁰

4) Theoretical Framework

The conceptual point of departure for this paper is the un-governability of FATA and the security threat emanating from it. The literature review above has demonstrated the link between the state weak capacity & will and the state territorial reach in its all territories termed by Michael Man as infrastructural power of the state. Majority of the post-colonial developing states due to weak state capacity and infrastructural power are facing with the dilemma of persistent challenges in extending its authority in all territories under their geographical jurisdiction.³¹ In the context of FATA, the literature reviewed above suggests that FATA as an ungoverned territory posing security threats due to its un-governability and conducive environment for militants and terrorist. Following the literature reviewed above, this paper develops a two-prong theoretical framework, first whether FATA qualifies the test to be called as an ungoverned territory or not? is assessed through Galgano classification matrix of ungoverned spaces based on the geographical assessment.³² And the second part of the theoretical framework discusses the two broad dimensions i.e. the un-governability dimension and the dimension of conduciveness, which is related to the factors that provide conducive environment of an area by providing safe haven to the outlaws, militants and terrorists thus posing threat to the security of the region.³³

The first part of the theoretical framework is based on Galgano classification matrix. The Galgano classification matrix provides two type classification of ungoverned spaces i.e. Genetic, and the functional (See

²⁸ Ibid.

²⁹ Ray Takeyh and Nikolas K. Gvosdev, "Do Terrorist Networks Need a Home?" in *Terrorism and Counterterrorism: Understanding the New Security Environment*, ed. Russell D. Howard and Bruce Hoffman (Boston: McGraw Hill, 2009), 79.

³⁰ Ghani and Lockhart discuss the 10 functions of the state in detail in Chapter 7 of their book, *Fixing Failed States*.

³¹ Migdal, Joel S. *Strong Societies and Weak States: State Society Relations and State Capabilities in the Third World Countries*. (Princeton: Princeton University Press 1988), 67.

³² Galgano, A. Francis, and Eugene J. Palka (Eds.). *Modern Military Geography*. (New York: Routledge 2012.).

³³ Rabasa, Angel, ed. *Ungoverned Territories: Understanding and Reducing Terrorism Risks*, 561, (Washington DC: Rand Corporation 2007), 33.

Figure – 4.1 below). This classification presents two ways categorization of ungoverned spaces, i.e. *functionally*, as different kinds of “ungoverned and exploitable” places or situations, and *physically* according to geographical characteristics thus presents broadly six types of an ungoverned space/territory (See Figure -4.1 below).

Figure – 4.1: Classification Matrix of Ungoverned Areas

		Benign ————— Hostile
Genetic Classification	Physical	Un-Governed Frontier Territories
		Territories of Competing Authority
		Exploitation of Legal Principles
	Non-Physical	Areas of Opague Activity
		Federal Cities
		Functional Classification

Source: Galgano (2007)

The second part of the theoretical framework provides a framework for analysis from governance perspective i.e. dimensions of un-governability and conduciveness.³⁴ The dimension of un-governability looks a territory from the governance perspective that in the given territory the state either lack capacity or unwilling to carry out its functions. To note here, an ungoverned area does not mean that governance is totally missing in that area but rather it means state formal institutions are either missing or not working there. That’s why the dimension of un-governability is measured by four variables of state governance. These are: 1). the level of state penetration of society; (2) the extent to which the state has a monopoly on the use of force; (3) the extent to which the state controls its borders; and (4) whether the state is subject to external intervention by other states.³⁵ While the dimension of conduciveness analyses the suitability and conducive

³⁴ Lamb, D. Robert. "Ungoverned Areas and Threats from Safe Havens" U.S. Department of Defence, Office of the Deputy Assistant Secretary of Defence for Policy Planning, 2008. Accessed on 11 February 2010, Available from [http://www.cissm.umd.edu/papers/files/ugash/report final.pdf](http://www.cissm.umd.edu/papers/files/ugash/report%20final.pdf)

³⁵ Rabasa, Angel, ed. Ungoverned Territories: Understanding and Reducing Terrorism Risks, 561, (Washington DC: Rand Corporation 2007).

environment a territory is providing for harbouring militants and terrorists. That's why the dimension of conduciveness is measured through four variables. These are: (1) adequacy of infrastructure and operational access, (2) availability of sources of income, (3) favourable demographics, and (4) invisibility.³⁶

5) Application of Theoretical Framework

Within the theoretical framework developed above, this section analyses FATA as an ungoverned territory posing governance and security threat to Pakistan and the region. This section is consist of two parts. The first part of this section is testing FATA through Galgano classification matrix that whether FATA qualifies the test of being an ungoverned area or not? While the second part of this section analyses the security threat emanating from FATA as an ungoverned territory by reviewing the dimensions of the un-governability and conduciveness thus posing security threat particularly to the Pakistani state and the region in general. The governance perspective presents the degree of functional and geopolitical order of FATA from various indicators of the un-governability and also delineates those facets of the region that seems to be conducive for harbouring or otherwise facilitating terrorist activity.

5.1 FATA as an Ungoverned Territory

The Galgano classification matrix (given above in figure-1) determines that FATA qualifies the test of being an ungoverned territory. According to Galgano matrix, FATA becomes an example of remoteness, underdevelopment and proximity to the border (Galgano 2007). Pakistan may be consenting to the state of underdevelopment or it may lack the capacity to eradicate it. When the markers of development in FATA are viewed along such markers in other areas of Pakistan we find a substantial gap.³⁷ Along with this the proximity to border and existence of the intransigent claim of Afghanistan to this area turn this region into a serious problem.³⁸

With respect to functional types, figure-1 indicates variations such as 1) ungoverned frontier territories, 2) territories of competing authority, 3) exploitation of legal principles; 4) areas of opaque activity, and 5) feral

³⁶ Rabasa, Angel, ed. *Ungoverned Territories: Understanding and Reducing Terrorism Risks*, 561, (Washington DC: Rand Corporation 2007), 23.

³⁷ Asian Development Bank.. Pak: FATA Rural Development Project (TA: 3984-PAK). Supplementary Appendix C- Institutions, Management, Organization and Implementation, Edited by S. Bhandari, (Metro Manila, Philippines: Asian Development Bank 2003).

³⁸ Lee, Malisa, *Mind the Gap: Authority and Sovereign in Developing Countries*. (Stanford: Stanford University Press 2013), 45.

cities.³⁹

Frontier Territory: FATA presents a classic example of this type. It is far-flung and difficult to access and lacks structural amenities of state.⁴⁰ This lack of facilities and absence of administrative control compel people to turn to the make-shift arrangement of their own (Galgano 2007).

Territories of competing authority: FATA has become an area where the parallel setup of governance competes with the state's writ because in such an area, a sovereign state willingly does not exercise or extend its authority.⁴¹ Pakistan inherits to system and mind-set while dealing with FATA. This approach pushes FATA away as alien. After the involvement of the United States and allies in Afghanistan expelled the militants to tribal areas in FATA, the militants quickly capitalized on the bereavements and alienation of the people to establish themselves. They became in practice the alternative competing force of governance and provider of services in FATA.⁴² FATA also possess a form of exploitation of legal principles. With the establishment of militants and criminals, they enforced a form of legal process that superseded the law of Pakistan in these areas. Further, the fifth element became evident when key allies of the state were assassinated and a chaos was created to cover their dark agenda. Such condition ultimately led to the emergence of FATA as Feral cities (Siddique 2009).⁴³

Although the functional classification shows great overlap among its various categories due to FATA dynamic governance system, yet the dynamics of FATA governance clearly justify FATA being an area of competing authority, but also maintains conditions of a frontier territory having exploitation of legal principles. The militants skilfully exploited the power vacuum in FATA by establishing a "legitimate" parallel government structure. They did this through the assimilation of legal norms and the provision of health and education facilities, provided them legitimacy in the tribal population, which have been ignored by Pakistan state since independence.⁴⁴

³⁹ Galgano, A. Francis. "A geographic analysis of ungoverned spaces." *Pennsylvania Geographer* 44, no. 2 (2007): 67- 90.

⁴⁰ Bajoria, Jayshree. "Pakistan's tribal areas." Council on Foreign Relations, 26 October, 2007. Accessed December 21, 2012, Available from www.cfr.org/publications/11973.

⁴¹ Whelan, Theresa. December. "Africa's Ungoverned Space - A New Threat Paradigm," paper delivered at the conference Rethinking the Future Nature of Competitions and Conflict, (Baltimore: MD 2005).

⁴² Siddique, Abubakar. "Worries in Pakistan that Taliban imposing 'parallel' government." *Radio Free Europe/Radio Liberty* (6 January 2009). Accessed August 11 2011, Available from <http://rferl.org/articleprintview/1367060.html>

⁴³ Galgano, A. Francis.. "A geographic analysis of ungoverned spaces." *Pennsylvania Geographer* 44, no. 2(2007): 67- 90.

⁴⁴ Sappenfield, M. "Foreign jihadists in an ungoverned tribal belt kill leaders, recruit locals." *Christian Science Monitor*, 28 February 2008. Accessed August 30, 2011. Available from <http://csmonitor.com/2008/0228/p06s02-wosc.html>.

5.2 FATA as a Security Threat

As mentioned the security threat posed by FATA as an ungoverned territory has been discussed here with reference of two dimensions of governance: un-governability and conduciveness where militants can flourish its activities easily thus creating insecurity threat for the Pakistani state and also for the whole region.

5.2.1 Un-governability and Security Threat

The un-governability of FATA is measured through indicators: i). The state penetration into society, ii). lack of monopoly on the use of force, iii). lack of effective border control, and iv). External interference.

The Pakistani state weak capacity and partial penetration in the tribal society of FATA poses threat to the security of the Pakistani state and the rest of the region.⁴⁵ The state penetration in the tribal society is assessed through the presence of state formal institutions performing both survival (core) and expected functions.⁴⁶ Though it was found that some of the formal state institutions are present in FATA, most of these institutions are not performing their functions. A significant number of the tribal respondents (72.60%) confirmed that Pakistani state institutions of security, law enforcement, fiscal and tax collection are either totally absent or weak in FATA (Table – 5.2.1). It is inferred that the more significant presence of the state in an individual's life or in a community, the less likely the individual or the community is to engage in acts against the state.⁴⁷ In this way, the presence of the state can be ensured through the presence of formal state institutions and infrastructure of services delivery (electricity, piped water supply, and sewage system). Delivery of essential services improves state legitimacy, which is the citizen's belief of the state right to rule over them, through service delivery capability and capacity.⁴⁸ This could lead to a more strong governance of an area by the state.

The Pakistani state physical infrastructure is also weak in the tribal areas. The physical infrastructure represents the physical presence of the state in a given territory. It connects the territory with the central state. It was found that the communication system, roads, transportation and

⁴⁵ Migdal, Joel S. *Boundaries and Belonging: States and Societies in the Struggle to Shape Identities and Local Practices*. (Cambridge: Cambridge University Press 2004), 78-85.

⁴⁶ Fritz, V & Rocha Menocal, A. *Understanding Statebuilding from a Political Economy Perspective. An Analytical and Conceptual Paper on Processes, Embedded Tensions and Lessons for International Engagement* (Report for DFID's Effective and Fragile States Team). (London: ODI 2007).

⁴⁷ Herbst, Jeffrey. *States and Power in Africa: Comparative Lessons in Authority and Control*. (Princeton: Princeton University Press 2000).

⁴⁸ McLaughlin, Claire. "When Does Service Delivery Improve the Legitimacy of a Fragile or Conflict-Affected State? Wiley Journal of Governance – An International Journal of Policy, Administration and Institutions 2000. Accessed May 2, 2013. Available from <http://onlinelibrary.wiley.com/doi/10.1111/gove.12091/full>.

financial transaction facilities are supposed to be provided by Pakistani state in FATA are either totally absent or are in a very pathetic condition. The surveyed respondents (80%) in FATA verified that in their areas the Pakistani state basic infrastructure is weak that's why most of them visit the adjacent settled areas for various facilities (Table – 5.2.1). Further, the prevalence of corruption in the existing state institutions in FATA is another reason for weak state penetration in FATA. It was confirmed by a significant number of respondents (73.53%) that the existing administration in FATA is corrupt (Table – 5.2.1).

According to Weber, Monopoly on the use of legitimate violence is the central variable to gauge the governance capacity of a state.⁴⁹ Scholars argue that establishing a monopoly of violence is a prerequisite for other things to happen.⁵⁰ Many factors, such as militancy, conflict, civil war, difficult geography,⁵¹ rough terrain and poverty,⁵² or interstate competition and warfare⁵³ impede the establishment of state monopoly in an area. In the context of FATA, the Pakistani state monopoly on the use of violence in FATA has been assessed under three major indicators. These are: Illegal armed groups, Criminal networks and Population having access to arms. During the field survey, a small number of respondents (7.47%) expressed their satisfaction over the Pakistani state control in FATA and the presence of the state security apparatus/agencies. Though a sizeable number of respondents (30.33%) believed that the Pakistani state has control on violence in FATA, the belief was based on the current military operation in response to the ongoing conflict in FATA for the restoration of order and peace, otherwise majority of the people (80.60%) were found of the opinion that generally the Pakistani state lacks control on violence in FATA (Table – 5.2.1). The Pakistani state also has a weak monopoly on violence in FATA. A small number of respondents (7.47%) showed their satisfaction on the presence of state security agencies and apparatus in their areas. A significant number of respondents (80.60%) verified that Pakistani state has weak control on the violence in their areas (Table – 5.2.1).

Due to porous border with Afghanistan, the Pakistani state does not have effective control on the border was also confirmed by a significant number (68.93%) of respondents (Table – 5.2.1).

⁴⁹ Gerth, Hans H., and C. Wright Mills. *From Max Weber: Essays in Sociology*. (New York: Oxford University Press 1946).

⁵⁰ Braddick, Michael, J. *State Formation in Early Modern England, C.1550-1700*. (Cambridge: Cambridge University Press 2000), 14 – 20.

⁵¹ Herbst, Jeffrey. *States and Power in Africa: Comparative Lessons in Authority and Control*. (Princeton: Princeton University Press 2000).

⁵² Fearon, James D. and David D. Laitin. "Ethnicity, Insurgency, and Civil War." *American Political Science Review*, 97, no. 2 (2003). 75–90.

⁵³ Tilly, Charles (ed.). *The Formation of National States in Western Europe*. (Princeton: Princeton University Press 1975).

Another major factor that challenges the Pakistani state authority in FATA was the external interference by the rival neighbouring states of Afghanistan and India. The rival state at border adopts tactics like providing supporting to favour local officials, ethnic groups or local election contesting candidate.⁵⁴ A significant number of tribal respondents (89.46%) verified that since the US attack on Afghanistan there is an increase in the external interference in the tribal areas by the foreign states in the shape of supporting various non-state actors and local groups (Table – 5.2.1).

⁵⁴ Douglas, Gibler, M. Research Article. ‘Outside-In: The Effects of External Threat on State Centralization’. Sage Journals. 54, no. 4 (2010). 23 - 33.

Table - 5.2.1: Indicators of Dimensions of Un-governability

Question/ Indicator	Response Rate	Strongly Agree	Agree	Neutral	Strongly Disagree	Don't know	Total
a).Pakistani state institutions of: security, law enforcement, fiscal and tax collection are either totally absent or weak in FATA	Frequency	208	318	344	629	1	1500
	Percent	13.87	21.20	22.93	42.10	0.07	100
b).Pakistani state basic infrastructure is weak: Service Delivery (Health, Education, Water, Infrastructure, Roads, telecommunication,	Frequency	33	39	339	1087	2	1500
	Percent	2.20	2.60	22.60	72.47	0.13	100
c). Tribal people dispute/do not trust the legitimacy of the state and its institutions, and prefers to trust their own ethnic groups, clans, tribes, extended families.	Frequency	859	429	114	97	1	1500
	Percent	57.27	28.60	8.00	6.47	0.07	100
d). In FATA, the central government lack the ability to implement and to enforce rules and decisions.	Frequency	859	429	112	98	2	1500
	Percent	57.27	28.60	7.47	6.53	0.13	100
e). Pakistani state has a monopoly on the use of violence in FATA	Frequency	910	388	112	87	3	1500
	Percent	60.67	25.87	7.47	5.80	0.20	100
f). State coercive institutions: Police, Army, Judiciary are working/functional in FATA	Frequency	934	389	98	75	4	1500
	Percent	62.27	25.93	6.53	5.00	0.93	100
g). There is border regulations/control on the border (Durand land) and also control on free movement of people and goods.	Frequency	934	389	97	77	3	1500
	Percent	62.27	25.93	6.47	5.13	0.93	100
h). There is external interference by neighbouring states in internal affairs of Pakistan, especially in FATA.	Frequency	965	377	93	54	11	1500
	Percent	64.33	25.13	6.20	3.60	0.73	100

5.2.2 Conduciveness and Security Threat

FATA as an ungoverned territory lends itself well as a transit area and to use for logistical or training purposes for militants and terrorists. However, with regard to the operational base of militants and terrorists, it is not suitable because it lacks adequate communication infrastructure and is also remote from potential targets. However, the militants and terrorists operate in FATA for different reasons. FATA as an ungoverned territory is simply the insurgents' home area. Militant and terrorist groups operate in these areas because that is where the group has its historic roots, support networks, and cultural affiliation. Beyond the natural tendency of terrorist or insurgent groups to operate, this paper identifies four variables that seem to influence the extent to which Tribal Areas of FATA are conducive to the presence of insurgent and terrorist groups. These are: i). Presence of Suitable Infrastructure as Operational Base and Easy Access to Targets; ii). Availability of sources of income; iii). Favorable demographic and social characteristics; and iv). Invisibility - the ability of terrorists (and insurgents in the government-controlled territory) to blend into the population and escape detection by the authorities.

The Presence of Suitable Infrastructure as Operational Base and Easy Accessibility to Targets: For militants and insurgents to carry out its basic functions and operations is the availability of key infrastructure of communication, facilities for the transfer of funds, and transportation networks in a given territory. Though there are no such reliable infrastructure facilities in FATA, however, the adjacent KP provides links to these communication, transportation and financial facilities to the tribal areas, which is used by these militants and insurgents. Majority of the respondents (85.87%) supported the claim that the communication and transportation link with the Khyber Pakhtunkhwa provides the militants in tribal areas adequate infrastructure facilities to have access to their targets and to carry out their operations (Table - 5.2.2). Majority of the respondents (80.03%) acknowledged the tribal people use the transport facilities in the adjacent KP areas for travelling throughout Pakistan. The respondents (89.46%) also confirmed that the tribal people have access to various facilities through KP, like access to airlines for visiting abroad, access to internet, courier and postal services, telephone, telegraph and wireless satellite that provides coverage across the region even to the more rural areas of KP adjacent to FATA (Table - 5.2.2). Besides, a handsome number of respondents (72.93%) confirmed that the availability of formal banking system and informal *hundi* system provide the militants & insurgents a secure and speedy medium for the transfer of money for their operations and logistics. Due to the presence of these infrastructure facilities, these militants and terrorists have easy operational access i.e. access to their targets they want to attack.

Tribal Indigenous Informal Economy/ Sources of Income: Apart from the self-contained economy, most of the sources of income in tribal areas are based on informal means or informal and illegal economy. Majority of the respondents (82.07%) confirmed that these informal illegal sources of income include: drugs, poppy cultivation, weapons, stolen vehicles, illegal trade, money laundering, a black market of various commodities, and other such state prohibited activities (Table - 5.2.2). As confirmed by many respondents (85.20%) that due to underground trade in consumer items and commodities the markets in FATA are full of these commodities (Table - 5.2.2). The Afghan narcotics are also trafficked through these tribal areas to major airports of the rest of Pakistan and to other border areas. These commodities provide target and access to the militants and insurgents in FATA to generate revenue for financing their activities.

Supportive Local Social Features and Favorable Demographic Characteristics: Generally, all ungoverned territories are areas which are commonly inhabited by tribal or indigenous people with complex societies of having their unique tribal and indigenous norms, customs, and traditions. The culture and norms of these societies are mostly favorable for the refuge of militants and insurgents or other outlaw groups that escape the state. The militants, insurgents, and terrorists manipulated and exploited the tribal *Pakhtunwali*, code of life. The existence of these favorable social norms provided a base of support to the militants. Also, the existing local extremists, outlaws (who have taken refuge from the state) and the tribal people feeling of distrust due to long alienation from the state served this function for the militants and insurgents to base themselves in tribal society. This was acknowledged by majority of the tribal respondents (88.06%) that their norms and culture keep the FATA independent of the state control (Table - 5.2.2). A significant number of respondents (73.13%) confirmed that the tribal norms and culture of *Pakhtunwali* provides hospitality, refuges, and shelter to any stranger (Table - 5.2.2). These social norms of tribal people make the FATA attractive for the militants and terrorists, not only to live and take refuge but to use this area as their operational base.

Coupled with this it is believed that regions where there are grievances against the regime or having a preexisting state of communal conflict, are attractive to international terrorists. In FATA, pre-existence of violence since Afghan war in this region. Dislodging these foreign fighters thus poses serious social and cultural problems confirmed by a handsome number (20.13%) of respondents (Table - 5.2.2). Besides, the criminal network and criminal groups are already existing in FATA. These criminal groups have been hired and linked by the militants with them which resulted in social disorder in the tribal society and distract the Pakistani state ability to enforce its jurisdiction in FATA. In a different context, it is also a factor in the conduciveness of an ungoverned territory to the presence of terrorists or insurgents. The presence of criminal networks opens the possibility of strategic alliances through which terrorists or insurgents and criminal groups

can share logistical corridors, safe havens and access to sources of funding and money-laundering arrangements. Pragmatically exploiting these conduits, terrorists can entrench themselves in ungoverned territories and use them to plan operations, train and battle-test cadres, scout for new “talent,” stockpile weaponry, and move personnel and material. A significant number of the respondents (66.33%) were found of the views that there are criminal networks present in FATA (Table - 5.2.2).

Invisibility: The rough terrain, the free movement on both sides of the border and other physical features of the FATA and the local population support and social norms are hiding factors that makes the militants and terrorists invisible from the sight of state agencies. A significant number of respondents (63.67%) confirmed that the invisible environment of FATA i.e. the harsh topography and inaccessibility, porous borders (Durand line), and ethnic homogeneity of the tribal people on both side of the border make the militants and terrorists invisible in these areas from the sight of the security agencies (Table - 5.2.2).

Table - 5.2.2: Indicators of Dimensions of Conduciveness

Question/ Indicator	Response Rate	Strongly Agree	Agree	Neutral	Strongly Disagree	Don't know	Total
a). Adequate infrastructure (communication, transportation, financial (money transfer) facilities are present in FATA and adjacent KP, used by Tribal people and militants and insurgents.	Frequency	859	429	112	97	3	1500
	Percent	57.27	28.60	7.47	6.47	0.20	100
b). Informal Sources of Income i.e. Drugs, weapons smuggling, human trafficking, stolen vehicles, money laundering, trafficking in false documents, are available in FATA	Frequency	910	388	112	89	1	1500
	Percent	60.67	25.87	7.47	5.93	0.07	100
c).The presence of social norms as <i>Pakhtunwali</i> provides hospitality, refuge, shelter etc. to all.	Frequency	934	389	97	77	3	1500
	Percent	62.27	25.93	6.47	5.13	0.93	101
d). There was pre-existence of local extremist groups or also tribal population alienation from Pakistani state.	Frequency	859	429	113	97	2	1500
	Percent	57.27	28.60	7.53	6.47	0.13	100
e). Do social cleavage and social exclusion of tribal people is a base for the alienation from rest of the country?	Frequency	910	388	112	87	3	1500
	Percent	60.67	25.87	7.47	5.80	0.20	100
f). Existence of foreign fighters in tribal society who fought against Soviet	Frequency	934	389	97	78	2	1500
	Percent	62.27	25.93	6.47	5.20	0.93	101
g). Dislodging these foreign fighters by state thus poses serious social and cultural problems	Frequency	955	409	77	57	2	1500
	Percent	63.67	27.27	5.13	3.80	0.13	100
h). The harsh topography and inaccessibility of FATA, porous borders (Durand line), and ethnic homogeneity of the tribal people on both side of the border make militants in these areas invisible.	Frequency	955	409	76	56	4	1500
	Percent	63.67	27.27	5.07	3.73	0.27	100

6) Conclusion

Since the 1990s, ungoverned spaces have increasingly been seen as a source of serious instability and security threat in the international system. Ungoverned spaces emerge from a variety of mechanisms and thus take a wide variety of forms. Most of the ungoverned spaces are sustained by gaps in the existing governance of the state. The central government is unable or for certain reasons willingly does not effectively perform its basic functions of providing security, administrative, regulatory, lego-judicial, and socio-political public goods to the people in these areas. The state also lacks the will or capacity to provide public services to the residents of these areas. The state ignorance of these areas provides a conducive and an enabling environment for non-state actors thus to exploit the area for their vested interests.

It is a fact that ungoverned spaces lack government but not governance. In ungoverned spaces, the state lacks the capacity to have authoritative control, lack monopoly on violence, and lack the capacity to provide public goods to the people. The ungoverned spaces, due to poor governance and weak state control, provide conducive environment for terrorists to flourish and to carry out their activities with freedom and thus pose security threats for the state. Thus, FATA as ungoverned territory is posing security threats not only for Pakistani state but for the whole region. The remedy for the ungoverned spaces is the extension of state governance and state building in FATA. Pakistani state needs to build its institutions in FATA and to have effective control over this region.

7) Recommendations

Most commonly, it is believed that ungoverned spaces persist beyond a state governance due to cost-benefit analysis because the cost of integrating these areas is high instead of their benefits. To address the problem of ungoverned spaces, the very causes of ungoverned spaces and the factors which make these areas attractive and conducive for the militants and terrorists, provide us clear vision to select the most effective policy option among the available options. The best option is to extend state governance and control, provide services and political representation to the ungoverned spaces if these areas are generating security threats to the domestic state. These areas are not totally ungoverned but are differently governed either informally or by customary authorities. In this context, there are three possible policy choices available; either reforming or replacing the local authorities, out-competing them for local loyalty or co-opting them using as contractors in local governance of the tribal affairs.

Further, based on the analysis of the issue, the following policy implications for the Pakistani government are recommended.

- The Government of Pakistan should focus on the development of tribal areas instead of taking coercive approach while dealing with the tribal areas.
- Provision of public goods and social services should be on top priority. The existing institutions should need to be built.
- There should be more profound social and political change by introducing reforms and giving rights to the tribal people in the national politics and to improve the existing political administration by removing corruption and incorporating the local say in it.
- Improvement in the physical infrastructure of state i.e. transportation, telecommunication, and roads can bring profound effects in the tribal areas by improving the mobility within the tribal areas.
- The regional cooperation of the regional states and initiatives can improve infrastructure and strengthen the state central government projection of the authority in these ungoverned areas and thus can bring them under their control, which can minimize the threat associated or emanating from these areas.
- Also the support and help provided for the local government by regional organizations might result in helping bridge the governance gap.
- The entrenched corruption in the tribal administration need to be corrected.
- The government should provide and develop banking infrastructure that the terrorists may no exploit the informal means of money transfer and also do not exploit the weak infrastructure in their favour.
- The local criminal activities, especially with regard to organized crimes, which provides funding to the militants and terrorists need to be stopped and suppressed.
- The government of Pakistan should ensure that the militants and terrorists may not exploit the government provision of public goods and social services of public health, education, etc.
- Trust building between the Pakistani state and the tribal society is the most important intangible dimension for the extension of state authority in the tribal areas of FATA.
- Local ownership of all developmental works and indigenous support from the tribal people in this regard is very important.
- Devolution of power to the local authorities by aligning formal and informal authorities is also needed. This will help the government formal authority to work more effectively and develop itself with the passage of time.

- There should be a new social contract between tribal people and Pakistani state especially with regard to monopoly on the use of force and taxation. By mutual trust, the state and the tribal society can develop these two avenues.
- The tribal people at grassroots should be represented in all processes of reforms regarding FATA.
- For legitimacy of the state, it should address all triggers of the conflict between the state and the tribal society. These are poverty, exclusion of tribal society, and lack of representation in national politics, marginalization and the underdevelopment of tribal areas. The state should include the tribal areas in all its development processes at national level.
- The delivery of justice and extension of the court system to the tribal people should also be ensured by the Pakistani state.

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LOCAL GOVERNMENT SYSTEM IN THE FEDERALLY ADMINISTERED TRIBAL AREAS (FATA), PAKISTAN: PAST, PRESENT AND FUTURE

*Rahman Ullah**

Abstract

Although Pakistani Pakhtun-tribal belt or the Federally Administered Tribal Areas (FATA) is part of Pakistan yet it is governed differently from the rest of the country through the colonial era regulation known as Frontier Crimes Regulation (FCR) 1901. Local government system, which is considered as nursery for a participatory system of governance has never been introduced until lately in the FATA. Therefore, the tribal people have remained deprived of their rudimentary right of self-governance. However, the process of introducing local government began in FATA when the former President General (Retired) Pervez Musharraf pledged in January 2002 to have elected municipal councils in the FATA. Thus in 2002 the first draft for the current Local Government Regulation was prepared. Then in 2004, Local Bodies (LBs) polls with limited participation of tribal people were held in the FATA. More recently in 2012, another Local Government Regulation was drafted but the tribesmen are still waiting for the promulgation of an Ordinance, Act or Regulation for materialising the system in FATA. This paper attempts to analyse administrative structure of FATA and the importance of local government system as a basic step to introducing participatory governance and thereby bringing the FATA to the mainstream politics. The broader approach of the paper remains democracy where people share the right of rulership in a nation state and the theory of human development presented by Dr. Mebabul Haq and later evolved by Amrtya Sen advocating for good governance states that participation in local governance is the main indicator to measure the human development of a society. The research is purely qualitative in nature and the scholar has extensively used the research tools of interviews, focused group discussion (FGDs), personal interactions and observations, the unpublished documents

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and existing literature on local government. The key informants, politicians belonging to FATA, academicians, tribal students, tribal elders, legal experts and bureaucrats have been interviewed.

Introduction

The Federally Administered Tribal Areas are regarded mainly by US officials and Afghanistan government as a safe-haven for foreign militants of Al-Qaeda group and are being considered as the most dangerous place in the world. This region caught world's attention after US invaded Afghanistan in 2001 and started hunting the militants who crossed into this volatile region of the country. The journey of democracy in Pakistan has negotiated with tough bands, particularly in FATA, where the democratic system couldn't take roots. In tribal belt, the fate of tribesmen is still being decided under the harsh and rigid Frontier Crimes Regulations (FCR) known as 'Tur Qanun'—the black law—in tribal areas. FCR was implemented by the British rulers to control the tribal people.¹

The seven Agencies that constitute tribal belt fall under the direct domain of the President of Pakistan through the Governor of Khyber Pakhtunkhwa formerly known as North West Frontier Province (NWFP). The province was named during Awami National Party (ANP) government that came into power as a result of winning 2008 general polls. The ANP boasted and took pride for winning the identity for Pakhtuns of the province as one of the party's electioneering slogans. The Agencies from north to south are Bajur, Mohmand, Khyber, Orakzai, Kurram, North Waziristan, and South Waziristan. Except Orakzai, other six Agencies are bordered with the neighbouring Afghanistan. To the east of FATA of Khyber Pakhtunkhwa are six contiguous Frontier Regions (FRs) that are also controlled by the provincial governor but are administered through the provincial bureaucracy. These Frontier Regions are FR Peshawar, FR Kohat, FR Tank, FR Bannu, FR Lakki and FR Dera Ismail Khan.²

Constitutional Right of Self-Government in FATA

The denial of giving the right of self-rule to the Federally Administered Tribal Areas (FATA) can be traced to pre-partition era. Acting upon the Simon Commission, a system of self-rule was launched in other localities of India but it was not introduced in the tribal belt and Khyber Pakhtunkhwa, then called as North West Frontier Province (NWFP) that time. In November 1927, the British Government appointed a statutory commission headed by Sir John Simon to enquire into the constitutional affairs of the

¹ Akhunzada Chattan, interviewed by author, Bajaur Agency, FATA, Pakistan, March 01, 2014. He is former MNA of Pakistan Peoples Party (PPP).

² Said Nazir, interviewed by author, Mohmand Agency, FATA, Pakistan, February 23, 2014. He is defense and political analyst.

country. The lacking of potential and interest for democratic self-rule provided basis for this decision. After partition, the same denial persisted for tribal belt till 2002, when the then president General Pervez Musharraf granted the right of self-government to FATA.³

The very first Constitution (1956) of Pakistan that introduced a parliamentary form of government failed to amend the political and administrative structure of FATA. Likewise, Article 223 of the 1962 Constitution of Pakistan, on the pretext of the particular situations kept FATA outside of the spheres of central and provincial laws. The Governor of Khyber Pakhtunkhwa, who also heads the tribal belt, has been vested with special powers of legislation for FATA.⁴

The consent of the president has empowered the governor to formulate, abolish and change any regulation or can amend any central or provincial law for the entire or any locality of the tribal belt. By the same token, Article 247 of the 1973 Constitution maintains the same order for FATA.⁵ The first military ruler of Pakistan General Ayub Khan introduced the system of 'Basic Democracies' in 1961.

This system was also extended to the tribal areas in Ayub era and representation was granted in national and provincial assemblies of Pakistan. One member each from the electoral college of basic democrats was elected to the national and provincial assembly. Under Article 247 of the 1973 Constitution FATA comes under the executive authority of the Federation. According to the Statutory Notification (SRO) 109 issued on June 24, 1970 and Article 247 of the 1973 Constitution, the administrative powers of FATA rests with the President of Pakistan. The president appoints the governor of Khyber Pakhtunkhwa to act as his agent for exercising executive authority in FATA, for which the President may direct him from time to time.⁶

³ Altaf Ullah, "Federally Administered Tribal Area (FATA) of Pakistan: Study of a Special Model of Governance," *Pakistan Journal of History and Culture* XXXIV, no. 2 (2013): 66–94, http://www.nihcr.edu.pk/Latest_English_Journal/pjhc_34-2_2013/4_Federally_Administered_Tribal_Areas,_Altafullah.pdf.

⁴ Asmatullah Khan Wazir and Muhammad Zaheer Khan, "Mainstreaming FATA through Legal and Political Reforms," *Tigah: A Journal of Peace and Development* VI, no. 1 (2014): 25–48, <http://frc.org.pk/wp-content/uploads/2014/01/Research-Paper-2.pdf>.

⁵ Sarfraz Khan, "Special Status of Tribal Areas (FATA): An Artificial Imperial Construct Bleeding Asia," *Eurasia Border Review Part II* 1, no. 1 (2010): 63–74, <http://scholar.google.com/citations?user=k6XS0MIAAAAJ&hl=en>.

⁶ *Ibid.*

The governor is assisted by officers like Political Agents in his functions and FATA's affairs. The tribals have been ignored in democratic process and the rulers have hardly made any serious efforts to bring FATA into the main stream politics. Under the President's Order No.1 of 1975 known as the 'Preparation of Electoral Rolls (FATA) Order, 1975' the right to vote for every male and female over the age of 21 was denied. Following this order, the Political Agent and not the tribals were registering Maliks and Lungi holders as voters. The Political Agent endowed his favorite tribal elders with this position with the formal approval of the commissioner.⁷

The tribesmen were given the right of adult franchise in 1997 to elect members for National Assembly.⁸ However, the elections were conducted on non-party basis as political parties didn't exist in FATA. As Local Government Ordinance 2001 couldn't be launched in FATA till 2002, the tribals were not allowed to elect their representatives for the union council, Tehsil and Agency Councils. Finally, the strenuous struggle and voice raised by the tribesmen compelled the then President General Pervez Musharraf for issuing FATA Local Government Regulations 2002. The regulations allowed the formation of local councils in FATA.⁹

FATA Local Government Regulations 2002 and 2012: A Comparative Analysis

The FATA Local Government Regulation 2002 was issued to transfer power to the tribesmen at the grass roots level. The tribesmen hailed this decision and celebrated it. However, the governors of Khyber Pakhtunkhwa Syed Iftikhar Hussain Shah and his successor Commander Khalil ur Rahman created hurdles in the implementation of the said Regulations. In 2004 the former governor Commander Khalil ur Rahman announced the formation of 'Agency Councils' consisted of nominated members and the Councils were to serve only as 'advisory bodies' without administrative powers. The 2002 Regulations were not followed in true spirits while holding local government elections in 2004.¹⁰ This was more like a selection of his favourites by the Political Agents (head of an Agency). These Councils were installed with only the tribal Masharan (elders) or Maliks taking part in voting.

⁷ Ibid.

⁸ Rahmanullah, "Political Reforms and Its Impact on FATA," *Fata Research Center* (Peshawar: Fata Research Center, August 2012), <http://frc.org.pk/wp-content/uploads/2012/08/Political-Reforms-and-its-Impact-on-FATA.pdf>.

⁹ Ibid.

¹⁰ Dawn, "Nominated Councils for Fata Opposed," *Dawn* (Peshawar, September 30, 2004), <https://www.dawn.com/news/372114>.

Resultantly, most of the members of these councils were the handpicked nominees of the government like the Malik themselves.¹¹

Chapter 2 of the FATA Local Government Regulation 2002, deals with the composition of the local areas, such as:

- 1) Union
- 2) Tehsil
- 3) Frontier Region
- 4) Agency

According to this Regulation the Union Council comprised of one or more census village. And the Regulation empowers the government to declare Tehsils, Frontier Regions (FR) and Agencies by a notification. In this chapter, the local government for local areas has also been explained.¹²

- a) An Agency Government and Agency Council in each Agency.
- b) A Frontier Region (FR) Development Administration and Frontier Region Council in each Frontier Region.
- c) A Tehsil Development Administration and Tehsil Council in each Tehsil.
- d) A Union Administration and Union Council in each Union.¹³

In Chapter 3 of the Regulation, the composition of Agency Government has been given, that should consist of Agency Nazim and Agency Administration. Here the authority of the Agency Nazim has also been mentioned who can acquire, hold or transfer any property movable and immovable, to enter into contract and to sue or be sued in its name, through the Agency Coordination Officer. Among the functions of the Agency Government were included the operation, management and control of office of the department which were decentralized to it or might be set-up under the Regulation. The Agency Nazim was to head the Agency Government and was to perform functions assigned to him under the FATA Local Government Regulation 2002.

Among the functions and powers of the Agency Nazim included the provision of vision for the development, leadership and direction for efficient functioning of Agency Government. One of his important functions was to oversee formulation and execution of the annual development plan, delivery of services and functioning of the Agency Government. According

¹¹ Ibid.

¹² PIRP, *The Federally Administrated Areas Local Government Regulation, 2002*, 2002, https://www.slideshare.net/fatanews/2002-fata-local-government-regulation?from_action=save.

¹³ Ibid.

to the FATA Local Government Regulation 2002, the Agency Nazim had to maintain administrative and financial discipline in the Agency Government and to present tax proposals to the Agency Council.¹⁴

Chapter 4 of the FATA Local Government Regulation 2002 provided that the Agency Council shall consist of all Union Nazims in the Agency and the number of members elected or nominated against the reserved seats shall be as:

- a) Nominated members 10
- b) Women seats 04
- c) Minority seats 01

Chapter 8 of the FATA Local Government Regulation 200 provided that there shall be a Tehsil Council in each Tehsil of the Agency and shall consist of all Union Nazims in the Tehsil. While the details of the election or nomination of the members against the reserved seats are as under.

- a) Nominated members 05
- b) Women seats 02
- c) Minority seat 01

Among the functions and power of the Tehsil Council included approval of by-laws for delivery of municipal services, annual budget for the Tehsil Development Administration and long and short term development plans.¹⁵

Chapter 10 of the FATA Local Government Regulation, 2002 deals with the composition and function of the Union Council. A Union Council shall comprise of eleven members as per the following break up:

- a) General seats; 7 (including Nazim and Naib Nazim)
- b) Nominated members; 3
- c) Female member; 1

Among the functions of Union Council included the power to approve an annual development plan and budgetary proposal of the Union Administration.¹⁶

Chapter 14 of the FATA Local Government Regulation 2002 deals with the elections procedure. Here the process of direct election on the basis of adult franchise through joint electorate has been given for the Agency Nazim, Agency Naib Nazim, Tehsil Nazim and Tehsil Naib Nazim. For election of members against the reserved seats of women and non-Muslim member, there is a provision for Electoral College consisting of all elected members in the respective Council. The local government elections are to be held on

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

non-party basis after every four years.¹⁷ As the members of the Councils were selected in 2004 this rubber stamped Councils further strengthened the existing administration in FATA. The bureaucratic set up hindered the election process of the members through the local government system as it didn't want to transfer powers to the elected members. Enjoying great powers under the Frontier Crimes Regulation (FCR), the political administration was hesitant to share power with the elected members who would challenge their authority.

While interpreting the draft of the Local Government Regulation 2002, An Advocate in Mohmand agency stated that as the Agency Nazim, Agency Naib Nazim, Tehsil Nazim and Tehsil Naib Nazim are elected on the principle of adult franchise this would empower and as well as make them accountable to the public. According to the respondent this is a good step towards transparency, accountability and bringing FATA to the mainstream politics. The Local Government Regulation 2002 also provides opportunities to women and minorities to take part in the decision making process at the local government level. The draft of the Local Government Regulation 2002 is a great towards the promotion of good governance in FATA.¹⁸

FATA Local Government Regulation 2012

The then president of Pakistan Asif Ali Zardari on the eve of 66th Independence Day of Pakistan on August 14, 2012 promulgated the FATA Local Government Regulation, however, the announcement restricted to the documents only as after the Peoples Party government came to an end after completing its mandated term under the Constitution.

The draft of the FATA Local Government Regulation 2012 was given on FATA website a month before its formal announcement for public comments. The FATA Local Government Regulation 2012, envisages the establishment of local municipal bodies in tribal areas. The draft is more like an amended version of the Khyber Pakhtunkhwa Local Government Act 2012, passed by the KP Assembly.¹⁹

¹⁷ Ibid.

¹⁸ Zahir Shah, interviewed by author, Mohmand Agency, FATA, Pakistan, February 23, 2014. He is serving as lawyer in Peshawar High Court.

¹⁹ Manzoor Ali, "Draft Regulation Envisions Municipal Set-up in FATA," *The Express Tribune* (Peshawar, July 14, 2012), <https://tribune.com.pk/story/408114/draft-regulation-envisions-municipal-set-up-in-fata/>.

Chapter 2 of the FATA Local Government Regulation 2012 deals with the local area and composition of the local council. Here the local area has been named as a 'Town', and has hinted that the governor can divide the local area into wards with a definite boundaries for elections purposes. The Local Council to be constituted under this Regulation shall be called Municipal Committee for each of the notified town. Every Local Council will have a Chairman and a Vice-Chairman to be elected by the respective councils.

In Chapter 3, the procedure for Local Council Elections has been mentioned, "Election of members of all Municipal Committees shall be held on the basis of adult franchise and joint electorate through secret ballot." Here the overriding powers have been given to the Governor Khyber Pakhtunkhwa. These powers have weakened the position of the local councils, as the four years tenure of the local council is subject to the satisfaction of the governor. The Regulation states: "Governor, when he is satisfied that remaining in office of office holders and members of Local Council is no longer in public interest, he may dissolve Local Council before the expiry of term on such a date as he deems fit." This Regulation empowers the governor to remove both chairman and vice chairman of local council from their offices, "if he generally acts in a manner pre-judicial to public interest".²⁰

Chapter 4 of the FATA Local Government Regulation 2012 is titled: 'Executive Powers And Conduct Of Business', According to this a Chairman or in his absence the Vice-Chairman will preside all meetings and in case of absence of both Chairman and Vice-Chairman, a member from the panel of four elected for that purpose will preside over the meeting. The executive authority of the council rests with its Chairman.²¹

In Chapter 6, compulsory functions of the Municipal Committees have been described. The compulsory functions of Municipal Committee include monitoring sanitation, removal and dumping of refuse, latrines, public health, water supply, drainage, food and drink, livestock, public safety, municipal planning, building control, streets, traffic vehicles, arboriculture and sports and culture.²²

In chapter 7, the rules for the preparation and approval of budget have been discussed. In the FATA Local Government Regulation 2012, such grey areas have been left that give a chance for political administration to meddle into the affairs of local council on various pretexts. Strangely enough, the local

²⁰ FATA Secretariat, *Draft Local Government Regulation, 2012* (Peshawar, 2012), <https://www.slideshare.net/fatanews/draft-fata-local-government-regulation-july-2012-fata-secretariat>.

²¹ Ibid.

²² Ibid.

council has not been given the power to pass a budget, resultantly; this authority also shifts to the governor. This Regulation envisages that if local council fails to approve budget before the starting of new financial year, the governor (through the Political Agent) will prepare and approve it himself.

Chapter 9 of the FATA Local Government Regulations deals with taxation. In case of taxation too, the governor has been empowered who can direct a local council to levy any tax, increase or reduce any tax and suspend or abolish the levy of any tax. In chapter 10, the governor has been given the power of suspension of order and resolutions. If the governor finds anything not complying with the law, he can “quash the proceedings, suspend the execution of any resolution passed or order made by the council and prohibit the doing of anything proposed to be done.”²³

A comparison of the two Regulation shows that in FATA Local Government Regulations great power has been given to the governor who wouldn't let the Local Government to function smoothly. One reason that tribesmen are not happy with the Regulation is the imposition of heavy taxes on the tribals. The concept of ‘town’ is very strange in the Local Government Regulations 2012 as first comes village and FATA is backward where there is no concept of town.

The FATA Local Government Regulations 2002 is more comprehensive and practicable than the FATA Local Government Regulations 2012. Sometimes, highly qualified tribesmen don't prefer FATA Local Government Regulations 2002 over 2012, as they think the former Regulation was issued during Musharraf's regime, and this is the actual reason of their disliking of the FATA Local Government Regulation 2002. The tribesmen are already paying taxes in the form of permits to political authorities and there is no need to impose new taxes in volatile zone. As militancy and insecurity has devastated FATA and foreign development funds are not spent on FATA uplift, tribal belt where there is no infrastructure, there is no justification for imposing heavy taxes in this war-battered zone.²⁴

In the FATA Local Government Regulation 2012, the governor has been given much power, and thus the local elected representatives have been brought under the control of political authorities. If the government seriously

²³ Ibid.

²⁴ Zahir Shah, interviewed by author, Mohmand Agency, FATA, Pakistan, February 23, 2014. He is serving as lawyer in Peshawar High Court.

wants to promote a democratic culture in FATA and bring it into the mainstream politics then the political administration should be brought under the elected representatives.²⁵

The FATA Local Government Regulation 2012 can never work under the existing administration. The financial controversy is also a big hurdle that can hamper the work of local government system. The FATA Local Government Regulations 2002 and 2012 are just eyewash, as until and unless the British draconian law called the Frontier Crimes Regulation (FCR) is there, no democratic system can function fully in FATA. The FCR gives unlimited powers to the Political Agent and the local representatives' powers are very meager. One can better judge the government seriousness about FATA that in one decade, two Regulations were issued about the Local Government system in FATA but so far no proper local bodies' elections have taken place there.²⁶

An analysis of the FATA Local Government Regulation 2002 and FATA Local Government Regulation 2012 shows that the former was the brainchild of a single person as it was the then president General Pervez Musharraf constituted the 2002 Regulation and no chance of consultation was given to tribesmen. While four committees were involved in constituting the FATA Local Government Regulation 2012. The renowned lawyer and minister for law in PPP coalition government Farooq H.Naik, Justice Ajmal Shah, Bhutto Foundation and National Democratic Institutions (NDI) were engaged in preparing the draft. The tribesmen were also called for consultation and later on the draft was put on website for further suggestions and recommendations.²⁷

The FATA Local Government Regulation 2002 was drafted by a dictator and that was only for a particular period and was not implemented in true sense. However, the Local Government Regulation 2012 framed by a political government. The FATA LG Regulation 2002 was the sole production of a military dictator and the tribesmen had no role in its formation, however, in the formation of LG Regulation 2012 all stakeholders were involved. If government is sincere it should implement the LG Regulation 2012 and better would be to introduce even LG Regulation

²⁵ Rifatullah Orakzai, interviewed by author, Peshawar, KP, Pakistan, February 02, 2014. He is currently serving as journalist in BBC World Service.

²⁶ Akhunzada Chattan, interviewed by author, Bajour Agency, FATA, Pakistan, March 01, 2014. He is former MNA of Pakistan Peoples Party (PPP).

²⁷ Said Nazir, interviewed by author, Mohmand Agency, FATA, Pakistan, February 23, 2014. He is defense and political analyst.

2014 to bridge the gap and not to give chance to those who want to disrupt the system.²⁸

Impediments

Causes of the failure of Local Government System in FATA are multifaceted. Though the FATA Local Government Regulation 2012 was promulgated during the Pakistan Peoples Party coalition government, the then government failed to implement this Regulation in its true spirit. The then government failed to hold local government polls in FATA. However, in 2004 local bodies were formed in FATA, that time too the FATA Local Government Regulation 2002 issued during Musharraf's regime was not followed.

For various reasons, the tribesmen call it a selection not election. In 2004 local bodies were formed in seven agencies of FATA on population basis. The buildings for offices were constructed and committees were formed that worked for about six to eight months. The political administration was not happy with some of the functions of local bodies, as the members of these bodies conducted inspection of health, education and other departments. Such acts of the local bodies worried the political administration about the curtailment of its power (Taj Mahal Afridi 2014).²⁹

The political administration also got worried that the dynamism of local bodies can expose its corrupt activities, thus Political Agent started creating hurdles for local bodies. As the Political Agent was supposed to call and chair the meeting of the local council. This annoyance reduced the number of sessions of the elected bodies and also most of the time the Political Agent was not ready to chair the meeting.

The Political Agents' lack of interest was one of the prime reasons of the failure of 2004 local bodies in FATA. Other reason was that this was not a proper election of the tribesmen's representatives rather a selection. The Political Agent adopted a rough way for the selection of the local representatives as he selected his favourite tribal elders.

As the FATA Local Government Regulation, 2002 was not properly followed, the Political Agent adopted a rough way for the election of the local representatives, who were not enjoying full support and trust of the tribesmen. The Agency Councilors contacted FATA secretariat in Peshawar, capital of Khyber Pakhtunkhwa and apprised the secretariat officials about the cold interest of the Political Agent, but all in vain.

²⁸ Taj Mahal Afridi, interviewed by author, Khyber Agency, FATA, Pakistan, February 02, 2014. He is currently serving as lawyer in Peshawar High Court.

²⁹ Ibid.

A meeting of the all Agency Councilors (total number of which was 421) was called in 2006 to redress the issue, the governor of Khyber Pakhtunkhwa was contacted around ten times to save the future of the local bodies in FATA, but this entire struggle ended in smoke. Eventually, towards the end of 2007, the local bodies in FATA were dissolved.³⁰

The weak writ of the government and a gap in tribesmen and political administration has also impeded local government system in FATA in the past. The sincerity of the federal government to bring the FATA in mainstream politics has been missing since the creation of Pakistan. Tribesmen always look at the lofty claims of government with a jaundiced eye. The 2004 local bodies also aroused much suspicions and little in the FATA. Tribesmen showed little interest in the local bodies.

The lack of awareness was another reason of the failure of 2004 local bodies in FATA. The election was not held by the Election Commission of Pakistan rather the Political Agent handpicked his blue-eyed elders that resonated the entire system with boundless doubts and suspicions. FCR was the main hurdle in Local Government system in FATA.

The frequent interference of Political Agent in local bodies' affair made them toothless bodies. In the absence of any check and balance system, the Political Agent works like a raja (king) in the Agency. His unlimited powers and interference shattered the 2004 local bodies system in FATA. Not holding of proper elections by the government was another reason for the failure of the local bodies system in 2004.³¹

The local government bodies system in 2004 was a selection not an election process. The powerless Councils were resulted and the FATA Regulations 2002 was not followed at all. The Councils were having no funds to utilize for the well-being of the tribesmen. The Political Agent held all funds and powers and it was distributed to the local councils. As the control of funds and powers were with the Political Agent, the basic purpose of Local Government was not served that is meant for transferring of powers to the grass roots and to resolve people's problems at their doorsteps.³²

In 2004 local bodies only the selected tribesmen mostly tribal Maliks/Mashran (elders) voted for the candidates who were sitting in front of them. This was the worst pattern of voting and none can call it election. The tribal Maliks/Mashran were selecting the tribal Maliks. As the tribesmen already suffer due to these imposed Maliks they showed cold interest in 2004 local bodies.

³⁰ Faridullah Afridi, interviewed by author, Bajaur Agency, FATA, Pakistan, February 25, 2014. He had served as coucelor in his agency.

³¹ Abdur Rashid, interviewed by author, Bajaur Agency, FATA, Pakistan, March 01, 2014. He is local resident of Bajaur Agency.

³² Akhuzada Chattan, interviewed by author, Bajour Agency, FATA, Pakistan, March 01, 2014. He is former MNA of Pakistan Peoples Party (PPP)

The Councils were having no authority and the entire authority vested with the Political Agent. The Political Agent could remove the councilors on minor pretexts. In 2004, the councilors couldn't do anything for the benefit of the tribesmen rather they only nourished hatred and contempt. The councilors were only signing forms of National Identity Cards (NICs) and Domiciles. They were given around (Rs3000 to Rs5000) from Political Agent as remunerations.³³

The basic reasons of failure of the local bodies in 2004 that probably it was applied in lukewarm and not with a full thrust. This was just a nominal local bodies system and was a sort of *loly pop* for the tribesmen, proper elections were not held and all powers were concentrated in the Political Agent. The councilors were mostly picked and chose, the system was not transparent and the councilors were not given the powers, thus the Political Agent system was prevailed. The Political Agent didn't want them to work and the local bodies 2004 system badly failed in FATA.³⁴

The local bodies system in 2004 badly failed because the local leaders were not elected through ballot, rather the seats were sold. This was a sort of auction in which the councilors paid heavy bribes to get the seats but failed to get the trust of the local tribesmen. Adil Noor became a councilor in Mir Ali Tehsil of North Waziristan but he paid no heed to the local problems. Thus tribesmen ceased taking interest in local bodies as their problems were not solved by these local leaders.³⁵

Gulo Khan became a Nazim of Union Council Manday Khel of F.R. Lakki Marwat. However, just two weeks after Khan's assuming charge, he resigned his seat and became primary school teacher. Abandoning the seat of nazim and becoming a school teacher shows the lack of importance and dignity of the local bodies. Gulo Khan was openly telling about the low salaries of nazim. He wanted to refrain from corruption and thus had to resign the nazim seat.

Shams-ur-Rahman replaced Gulo Khan, but didn't do anything beneficial for the people of his locality. These local leaders made lofty claims but never honoured them. The Political Agent and nazim misused the funds. The nazim only gave benefits to his close relatives. This was nearly

³³ Said Nazir, interviewed by author, Mohmand Agency, FATA, Pakistan, February 23, 2014. He is defense and political analyst.

³⁴ Moeen-u-din, interviewed by author, Peshawar, KP, Pakistan, February 28, 2014. He is currently student of Department of Political Science, University of Peshawar.

³⁵ Waliullah, interviewed by author, Peshawar, KP, Pakistan, February 28, 2014. He is currently M.phil Scholar of Department of Political Science, University of Peshawar.

the case of all other Agencies that deserted the local bodies system in 2004.³⁶

Tribesmen's Demand for Empowering LG

The tribesmen demand an empowered Local Government system. The Local Government System of settled areas should be implemented in FATA where the powers, functions and funding of the district administration and the elected bodies are clearly spelled out. With implementation of the settled areas like Local Government system, the tug of war between the Political Agent and the elected bodies will cease, as they will know about their jurisdiction and will confine to it.

The purpose of Local Government is to transfer power from top to bottom, to a great extent, this system serves its purpose in the settled areas, thus government should stop new experiment on FATA and should adopt same pattern here. The tribesmen have strong reservations over the extensive powers of governor in Local Government Regulation 2012 and they have apprised the FATA Secretariat. The tribesmen have sent a document of over twenty points/suggestions to the FATA Secretariat for consideration.³⁷

However, some of the political leaders like former PPP MNA in Bajaur Akhunzada Chattan considers that it is the handiwork of bureaucracy that has indulged the tribesmen on giving suggestions on the Local Government Regulation 2012. He referred to a popular story of the Holy Quran regarding Bani Israel's cow, when Allah Almighty ordered Bani Isreal to slaughter a cow, a barrage of questions of the tribe perplexed the selection of cow for them.

According to Akhunzada Chattan, bureaucracy intends to keep quarreling on the issue of the form of Local Government System instead of implementing it. He himself prefers the FATA Local Government Regulation 2012, one reason may be that the draft was prepared by the PPP coalition government that he was part of the ruling party.

The tribesmen want Local Government System as most of them have no access to an MNA. Even after election, the MNA rarely visits FATA for many reasons, but he always makes insecurity as a big pretext of his rare appearance in FATA. However, the local councils should be free from the influence of Political Agent. The Political Agent already enjoys great power he should not encroach powers of the councilors. The local councils should be free to project and convey the tribesmen's demand to the governor and the federal government.

³⁶ Abdur Rashid, interviewed by author, Bajaur Agency, FATA, Pakistan, March 01, 2014. He is local resident of Bajaur Agency.

³⁷ Akhunzada Chattan, interviewed by author, Bajaur Agency, FATA, Pakistan, March 01, 2014. He is former MNA of Pakistan Peoples Party (PPP).

Being representative of the tribesmen, a councilor or nazim should be respected at federal and provincial level (governor secretariat). As being part of the tribal locality, the local leaders are always well apprised of the local problems. Their response to the solution of problems is always prompt as compared to the MNAs who are sitting hundreds kilometers away from their constituencies in Islamabad. Therefore, the tribesmen demand for a powerful local bodies system to solve their problems promptly.

Significance of Local Government System for FATA

The tribesmen deem local government system much important for FATA. The majority of the Maliks/Mashran (tribal elders) who are imposed on tribesmen from the British colonial era and are less or completely uneducated. The replacement of these Maliks (tribal elders) with educated nazims will help in changing the fate of tribal people. The local government system will work as a nursery for producing and training future politicians who will work not only for the development of FATA but for the entire country.³⁸

Engagement of the tribesmen in local government system can help in reducing the problem of extremism and terrorism in FATA to a great extent. The launching of uplift projects at local level will increase employment opportunities for the tribals and they wouldn't play in the hands of extremists and terrorists. The development projects will also mitigate the frustrations of the tribesmen and thus it can help in reducing militancy, to a great extent, in FATA. The dejected tribesmen who are despaired due to lacking of proper legal system in FATA, particularly, the Frontier Crimes Regulation (FCR), the local government system can help in reducing their anxiety to a great length, if implemented in its true spirits.

The example of the Tribal Lashkars (Anti-Taliban militia) is before us that help greatly in maintaining law and order situation and expelling militants from their areas, thus a strong local government system will strengthen hands of the government. The tribesmen will trust their elected representatives and will stand by their decision for maintaining law and order situation in FATA and cleaning the areas of militants.³⁹

If local government system is not important then why government activates it in the settled areas. If this system is important for settled areas like Khyber Pakhtunkhwa, Baluchistan and Punjab where government wants to trickle down powers from top to the bottom, likewise, this system is

³⁸ Rifatullah Orakzai, interviewed by author, Peshawar, KP, Pakistan, February 02, 2014. He is currently serving as journalist in BBC World Service.

³⁹ Abdur Rashid, interviewed by author, Bajour Agency, FATA, Pakistan, March 01, 2014. He is local resident of Bajour Agency.

important rather of high significance for FATA. As compared to settled areas, the problems of FATA are multifarious, even a refined and much advanced system of local government is needed for FATA.⁴⁰

Proposed Local Government Structure for FATA

During interviews with the tribal elders, these elders floated different suggestions regarding the structure of Local Government in FATA. The FATA Local Government Regulation should be named as FATA Local Self Government. The elections should be held on party basis and should be started from Khel or Union Council. Khel or Union Council should elect nazim. The Local Government should generate its own revenue and the governor should act upon the report of the local councils.

The power of using funds should be given to the Agency Nazim, and the Agency Nazim should distribute it to the union councils. All the local bodies elected heads should be accountable to their committees. The Khel or Union Council should be re-named as Khel or Union Jirga and likewise Tehsil Council and Agency Council should be re-named as Tehsil Jirga and Agency Jirga respectively. The elections should be held on adult franchise and the tenure of the local government should be five years instead of four.⁴¹

Complete powers should be given to local bodies and should be free of all government interference. This should be a completely free body and should not be subjected to any government functionary at any level. The members of the local bodies should be empowered to remove the head through vote of confidence if he is involved in any immoral, anti-state, and corrupt practices.⁴²

The Union Councils should be framed on basis of Khel, sub-tribes and tribes. The elections should be held on party basis as the consecutive holding of two or three party based elections would help in promoting political and democratic culture in FATA. The local bodies created as a result of such elections should be completely powerful.

The councilors should be elected on the basis of Kandi (a small tribal village having a 2000-3000 population). All councilors and naib nazims should work as an electoral college for the election of Agency Nazim. Women should be given representation but they should be given right of law formulation in specified fields like child and women rights.⁴³

⁴⁰ Sheikh Jehanzada, interviewed by author, Bajaur Agency, FATA, Pakistan, February 23, 2014. He is tribal elder in Bajaur Agency.

⁴¹ Sakina Rahman, interviewed by author, KP, Pakistan, February 23, 2014. She is a local political activist of Bajaur Agency.

⁴² Ikramullah Jan Kokikhel, interviewed by author, Khyber Agency, FATA, Pakistan, February 23, 2014. He is tribal elder in Khyber Agency.

⁴³ Akhunzada Chattan, interviewed by author, Bajour Agency, FATA, Pakistan, March 01, 2014. He is former MNA of Pakistan Peoples Party (PPP)

The structure of the Local Government in FATA should not be much different from the settled areas. The local bodies system in FATA should be made more potent and give more rule of business to it. Through the structure of Local Government, the government should ensure, the tribesmen that you are the real stakeholders whose interest are to be protected. In FATA, the administration has got extra power, therefore, the structure of Local Government should be framed a manner that dilutes the power of political administration in FATA.

The Frontier Crimes Regulation (FCR) is not a democratic law rather it is known as a black law in FATA, it should be amended to create room for local bodies to operate in FATA. A FATA Council should be formed at FATA Secretariat level that will look after, coordinate, allocate the resources, frame laws and submit recommendation via the governor. Then the Agency Council where the local problems like financial, developmental and legal matters are resolved and then there will be a Tehsil Council and a local council. In other words, this should be a wholesome chain in command; if the Local Government System doesn't work in a chain then the entire system will be disconnected.⁴⁴

Conclusion

The dilly dallying tactics in initiating the Local Government System in FATA can further multiply the complexities of FATA. The FATA situation has become so much complex because of the cold attitude and inattention of the government since 1947. The tribesmen have not been given the basic constitutional rights, MNAs of the FATA can formulate laws for the whole country but they cannot do so for their own tribesmen. The Constitution Article 247 has barred tribesmen of their political rights, now time has come that the government seriously thinks about granting rights to the tribesmen.

The holding of free, fair and transparent local bodies elections would result in molding the deviated tribesmen to the right path. Further delay in giving political rights to the tribals would frustrate even those who are loyal to the state and such a blunder on the part of government would further aggravate the already turmoiled situation in FATA. After holding general elections in May 2013, the government delayed the Local Government elections on the pretext of law and order situation in FATA. If should have not the government is really serious to restore the law and order situation and bring

⁴⁴ Said Nazir, interviewed by author, Mohmand Agency, FATA, Pakistan, February 23, 2014. He is defense and political analyst.

FATA into a mainstream politics of the country, the installation of a refined, advanced and self Local Government System in FATA can be the best panacea.

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KABUL RIVER AND PAK-AFGHAN RELATIONS

*Suliman Yousaf**

Abstract

Kabul River which originates in the mountains, North West of the city of Paghman, flows east and a few miles short of the Pak-Afghan border is joined by River Kunar. Later on it flows into Pakistan near Warsak. River Kunar which feeds most of the water to river Kabul has more water than the original Kabul River. River Kunar flows from Chitral to Afghanistan near Arandu in Chitral, and it becomes River Kunar. Kabul River is a life line of Peshawar Valley. Areas of Daudzai, Do Aba, and areas south of Peshawar all depend on water from River Kabul. Kabul River after entering Pakistan, divides into four tributaries that is why it irrigates a vast area of Peshawar Valley. With global warming, and rapid climate change the water level is decreasing rapidly, whereas population is increasing in both Afghanistan and Pakistan. With the increase in population demand for food is also increasing, more land needs to be brought under cultivation to produce more food so the demand for water is also increasing. There is pressure on land and water in both Pakistan and Afghanistan to get more food and feed their people. And for this both countries require water. Afghanistan with Indian assistance is building 12 dams on Kunar River (Kabul River). This would affect the flow of water to Pakistan, which would affect irrigation in Peshawar Valley. Since a large section of the population in Peshawar valley depend upon irrigation from Kabul River, this could lead to political unrest and could affect relations between Pakistan and Afghanistan. In order to avoid this diplomatic crisis, Pakistan and Afghanistan should sit together and sign a treaty on Kabul River so they both can get the benefit of this river and maintain good relations.

Introduction:

The Kabul River Basin on Pakistani side is a lifeline for the people of Peshawar valley; this valley grows fruits, vegetables, other cash crops and

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also has industries which provide jobs to local people. As the world gets warmer, the glaciers around the world are melting and population is increasing at a faster rate which is affecting the quality and quantity of water in the river basins around the world. Pakistan is a riparian state and receives water from both river basins i.e. Afghanistan and India. Indus River Basin is the second largest basin in Asia after Yangtze River Basin, with an estimated area of 1,116,086 km², and area with in Hindu Kush-Himalaya is nearly 555,450km². This river basin is further divided into three basins: (1) Kabul River Basin (2) Upper Indus Basin and (3) Panjnad River Basin. Pakistan receives water from Kabul River in Afghanistan, which is a major source of irrigation in NWFP (now Khyber Pakhtunkhwa). To protect the precious agriculture land, to control pollution, protection of bio-diversity of the area and sharing water by each riparian state, both countries must have a joint mechanism, to monitor the quality of water as to safe guard the health of the people in this region. This water agreement between Pakistan and Afghanistan will ensure that the water is equally shared among these states. Water pollution is a major problem for Peshawar valley, chemical waste from industrial estate adds to the water channels which affect the productivity of agriculture, and it contaminates water reservoirs which cause harmful diseases.

Kabul River irrigates the agriculture lands of both Pakistan and Afghanistan, but this river is fed by river Chitral which originates from Chitral in Northern part of Pakistan. The total length of river Kabul is nearly 700 km, 560 km is in Afghanistan which flows through Jalalabad and enters Pakistan and finally joins with River Indus at Attock district. This river is a lifeline for Peshawar valley; entire valley is dependent on this river system which provides water for agriculture. Agriculture is the main livelihood of Peshawar valley, if there is less water available for the farmers than it will create shortage of food and unrest among its population. The total capacity of River Kabul is 21 billion cubic meters of water which flows from Afghanistan, it also included the flow of River Kunar which originates from Pakistan and is contributing nearly 15 billion cubic meters of water. That means Pakistan's water share is nearly 71 percent which is more than Afghan's total share. As the population increases in the Kabul river basin so the need of water for irrigation and drinking purposes also increases. Both countries including Pakistan and Afghanistan are heavily dependent on the rivers of Kabul River Basin. Pakistan's major concern is about construction of 12 dams on Kabul River by Afghan government with the help and assistance from Indian government.

On the other side Chitral River which flows from Pakistan then enters Afghanistan and it becomes Kunar River which later flows into Kabul River. Chitral valley has hundreds of glaciers and glacier lakes which are

threatened by global warming will increase flooding and also reduce the length of glaciers in Chitral Valley. On Pakistani side Kabul River has different tributaries including Panjkora, Swat, Gomal, Kurram, Zhob, Shah Alam, Naguman, Bara, Sardaryab and Tochi or Gambila are the major rivers of Kabul River Basin which flows into Indus River System.

Kabul River Basin

Kabul River basin which is a part of larger Indus River Basin, is located in Pakistan and Afghanistan; the people of this basin constitute Pashtuns and Non-Pashtuns who are living along the Kabul River. Kabul River Basin is Afghanistan's fourth largest basin after Helmand, Amu Darya, Harrirud and Murghab river basins, this (Kabul) river irrigates 11% of Afghanistan's total area which has a population of 7 million which is 34% of Afghanistan's total population¹. As their population increases the Afghans will need more water for their crops and also to produce more electricity for future generations to come. Kabul River is spread over an area of 76908 square kilometers it total was 7 million as it was reported in 2004². There are three major rivers which irrigates the Afghan side of Kabul River Basin including Logar River, Paghman River and Kabul River.³ As the population grows in Kabul River Basin so the need for electricity and water for irrigation increases, Afghanistan faced many problems related to climate change including floods, droughts and less snowfall. It has been reported that Afghanistan has the potential to produce nearly 23,000 Megawatts of hydroelectric power from its rivers including Kabul River which can produce up to 3,100 megawatts of electricity.⁴ Kabul River System irrigates 300,000 hectares of land in Kabul River Basin, as the population increases so it needs more dams to control the flow of water supply and management of the river⁵. Like Pakistan, Afghanistan has also glaciers which provide water to all five river basins including Kabul River Basin and some the rivers including Kabul River, Gomal and other rivers which irrigates fertile

¹ Golam Monowar Kamal, *River basins and Watersheds of Afghanistan*, (Kabul: Afghanistan Information Management Service (AIMS) , May 10, 2004)

² Ibid

³ Torge Tunnermeier, Dr Georg Houben and Dr Thomas Himmelsbach, *Hydrogeology of the Kabulbasin Part1: Geology, aquifer characteristics, climate and hydrography (Project)*,(Germany: Federal Institute for Geosciences and Natural Resources (BGR) funded by Foreign Office of the Federal Republic of Germany, August 31, 2005).

⁴ P. Abeygunawardena, *Technical Assistance to the Islamic Republic of Afghanistan for Preparing the Small to Medium-Sized Hydropower Development Project*, (Asian Development Bank (ADB) October 2005)

⁵ "Appendix to the Transboundary Water Policy of Afghanistan:?" Trans boundary Water Issues Draft 26 April 2007.

valleys inside Pakistan. According to United Nations Food and Agriculture Organization and ground water studies, Afghanistan has 95 billion cubic meters of water available in the country which includes 88% or 84 billion cubic meters of surface water and 12% or 11 billion cubic meters of ground water⁶. This estimate was given by FAO as there is no reliable estimate available in the country because the water flow measuring instruments was destroyed by the prolong war in Afghanistan.⁷ Indus River Basin is the second largest river after Yangtze River Basin which is located in People's Republic of China, with an estimated area of 1,116,086 square kilometers and area within Hindu Kush-Himalaya is estimated to be nearly 555,450 square kilometers.⁸ Similarly Kabul River Basin along other two river basins including Upper Indus Basin and Panjnad River Basin are a part of larger Indus River Basin, but the Kabul River Basin is located inside Pakistan and Afghanistan.⁹

Pakistan's Concerns

Pakistan's major concern is, if the Afghan government constructs dams on river Kabul it will reduce the flow of water to Peshawar valley which will greatly affect the agriculture production. Kabul River irrigates areas of Khalsa, Douaba, Daudzai and other regions of Peshawar valley, some areas have fruits orchards in which locals earns millions of rupees annually. Other than fruits, vegetables, corn, rice and maize are also grown in this area. With the assistance both India and the World Bank, Afghanistan plans to construct 12 dams with the total capacity of 4.7 million acre feet water. Pakistani concern is that these dams will affect the flow of water of Kabul River which joins the River Indus at Attock.³ This will be the source of food insecurity for Pakistan especially for Peshawar region, there will be crises and people's income will be lost. Another biggest concern is of global warming; fast melting of glaciers will affect the River Kabul's tributary the Kunar River. These dams will reduce the flow of water to Peshawar valley which will affect the relations between Pakistan and Afghanistan; also there will be greater resentment amongst the local population. River Kabul is also a major supplier of water to the River Indus, but the supply of water is decreasing and increasing on yearly basis. As the historical record shows

⁶ Bob Rout, *Water Management, Livestock and the Opium Economy. How the Water Flows: A Topology of Irrigation Systems in Afghanistan*, (Afghanistan Research and Evaluation Unit Issue Paper Series on June 2008)

⁷ Ibid.

⁸ Samjwal Ratna Bajracharya and Basnatha Shretha, *The Status of Glaciers in the Hindu Khush-Himalaya Region*" (Nepal: International Center for Integrated Mountain Development Kathmandu Nepal November 2011), available at: www.icimod.org/publications

⁹ Ibid.

that the flow of water from the lowest to the highest annual flows are 13.82 cubic km and 42.94 cubic km during the period from 1937-2007.¹⁰

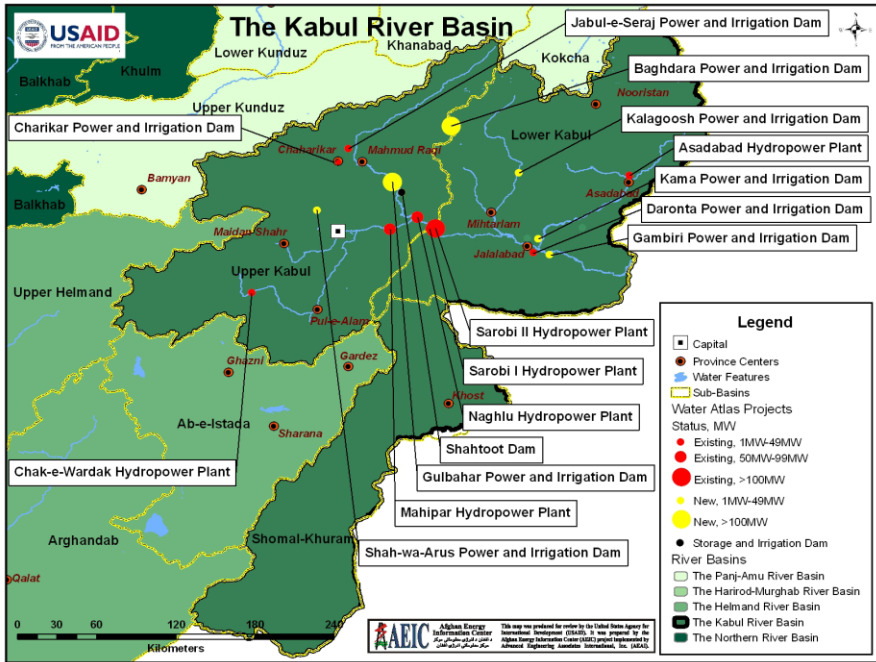


Figure 1: The Kabul River Basin AEIC (Afghan Energy Information Center)

Pakistan constructed a dam on River Kabul near Warsak, under the Colombo Plan in 1960 with the help of Canadian government this dam produces 240 MW of electricity and provides water for irrigating nearly 120000 acres of land in Peshawar Valley. If dams are built on Afghan side this will make the Warsak Dam dry up, and no water will be available for irrigation. Pollution is another problem for Pakistan especially in the area where Kabul River and its tributaries flows; it already has created problems for farmers.

Afghanistan’s View on Kabul River

Afghanistan has only one water agreement with Iran on Helmand River, and other than that no agreement have been signed with other neighboring

¹⁰ Shahid Ahmad, *Towards Kabul Water Treaty: Managing Shared Water Resources- Policy Issues and Options*, (Karachi: IUCN Pakistan)

countries like Pakistan, Turkmenistan, Uzbekistan and Tajikistan, on Kabul River, Amu Darya, Harrirud and Murghab River and the Northern River basin. This was an estimate given by the FAO as there is no reliable estimate available in the country because the measuring instruments were destroyed by the prolong war in Afghanistan. These dams might lower the flow of water to Pakistan, which will create future tension among the two countries. Three rivers which are contributing to the flow of Kabul River Basin, these rivers like River Kabul, Logar and Paghman which has an enormous range and size of the catchment area of these rivers.¹¹ Afghanistan's agriculture sector relies considerably on irrigation of both modern and traditional, which tap water from rivers and streams¹². Afghanistan's major population is dependent on agriculture sector, so they need water to irrigate land to produce crops and fruits for their own consumption and to export it to their neighboring countries. As the population of Afghanistan increases so their need for energy and food increases and in near future they have plans to construct new water reservoirs which produce both electricity and providing water for agriculture. As the population of Kabul increases from 1.2 million in 2002 to 3.7 million in 2010, so their demand for water consumption will increase. But only 20% of the population has access to portable water, they use ground water for drinking and for house hold purposes¹³. These irrigation and water projects will irrigate vast areas of Afghanistan's river basin and will also provide electricity for the local population of these areas. Afghanistan has not only the lowest water storage and capacity in the region but also has lowest in the world.¹⁴ So with the help of India and the World Bank, Afghanistan has plans to construct 12 dams on River Kabul with the total storage capacity of 4.7 million acre feet of water and can produce electricity of about 2,092.5 MW with the total cost of nearly \$6.847 billion.¹⁵

The feasibility studies of these projects were already being conducted, the World Bank had offered to give Afghanistan more than 7 billion dollars for the water infrastructure of these projects on the Eastern Kabul River and the remaining foreign assistance will sought in future from either US or Canada for the construction of these dams.¹⁶ The population of Kabul the capital and the largest city of Afghanistan has an estimated

¹¹ Torge Tunnermeier and Dr George Houben, *Hydrogeology of Kabul Basin Part 1: Geology, aquifers, characteristics, climate and hydrography*, (Germany: official client Foreign Office of the Federal Republic of Germany)

¹² Abdullah Aini, *Water Conservation in Afghanistan*, (Afghanistan: Swedish Committee for Afghanistan (SCA)

¹³ Khibar Rassul, *Water Scarcity, Livelihood & Conflict*, (Kabul: Cooperation for Peace and Unity (CPAU), 2011), available at: www.cpau.org.af

¹⁴ Gitanjali Bakshi and Sahiba Trivedi, *The Indus Equation: Indian Support for Afghan Dams on the Kabul River*, (Strategic Foresight Group, 2011), available at www.strategicforesight.com

¹⁵ Ibid.

¹⁶ Ibid.

population of about 3 million as of 2005 and is considered one of the fastest growing cities in Asia.¹⁷ This increase in population will further multiply the problems including sanitation, pollution, more demand for drinking water, food security etc. Water shortage is a big problem for Afghanistan, it has world's lowest water storage and had constructed few dams which provide them electricity and to use water for agriculture, Kabul River Basin is a part of the Indus River Basin; it contains 1601 glaciers spread over an area of 1722 square km and estimated ice reserves of 183 km³. It is divided into four glacier sub-basins including Panjsher-Ghorband, Alingar-Alishing-Nuristan, Kunar and Swat.¹⁸ These are major source of fresh water for the people of this river basin, as the population increases the demand for consumption of water will increase.

Bilateral Treaty under International Law between Pakistan and Afghanistan

Pakistan and Afghanistan needs to sign a bilateral treaty on the sharing of Kabul river water so that, in future relations between Pakistan and Afghanistan do not suffer as it is among India and Pakistan. Pakistan is both upper and lower riparian state, so according to international law Pakistan has the right to utilize the Kunar river and Afghanistan is a middle riparian state it has the responsibility to share information on its future hydel power projects. This water treaty needs to reflect on major issues like pollution control, protection of flora and fauna, sharing of water etc. Kabul River is very important for both Pakistan and Afghanistan for it provides water for irrigation, drinking water for the population of Peshawar valley and also supports the Indus River system. The increase in population of Peshawar valley and also the refugee from areas which are affected by the war on terrorism had greatly affected the water level in Peshawar Valley.

The increase in population is also affecting agriculture land, more lands are used for unplanned housing schemes this had badly affected the agriculture production of the valley. Bilateral treaty will boost confidence and reduce suspicion among Pakistan and Afghanistan, as mistrust already exists between both the countries. In near future water dispute between Pakistan and Afghanistan will rise it is time for both countries to come towards the negotiation and to formulate a treaty on Kabul River Basin. The average of over 140 million acre feet (MAF) or 17.27 million hectare meter

¹⁷ Sanjay Pahuja, *Planning and Prioritizing Water Resources Investment: The Example of Kabul River Basin, Afghanistan*, (The World Bank, South Asia Region)

¹⁸ Samjwal Ratna Bajracharya and Basanta Shrestha, *The Status of Glaciers in the Hindu Kush-Himalayan Region*, (Nepal: International Centre for Integrated Mountain Development Kathmandu Nepal 2011), available at: www.icimod.org/publications

(MHM) of water flows annually in the Indus River System.¹⁹ Additionally, precipitation is over approximately 80,000 square miles (207254 square km) of the Indus Plains and Peshawar valley contributes nearly 40 MAF (4.93 MHM), out of which 25 million acre feet (3.084 MHM) fall in the canal command system.²⁰ Peshawar valley is contributing nearly 28.57% of the total water to Indus River Basin, if Afghanistan constructs dams that mean Pakistan might lose some portion of water from the Kabul River. This Kabul River water sharing should be resolved through international law no doubt in future it will become an issue for both the countries. Both countries are facing water crisis due to climatic changes which had occurred around the world and the most affected region will be the South Asian Region.²¹

A number of cases which relates to water sharing have occurred in Europe and also in Asia where different treaties were signed between states including the (1)Kushk River Case in 1893 between Afghanistan and Czarist Russia and (2) Arbitral awards on Helmand River of 19 August and 10 April 1905.²² Similarly Indus Water Treaty is a comprehensive document which covers articles related to provision of both eastern and western rivers, data exchange, financial provisions, emergency provision and settlement of both differences and disputes.²³ Pakistan needs to sign a comprehensive Kabul River Treaty with Afghanistan and it should contain all articles related to the flow of water from different rivers including Gomal, Kabul and Kunar rivers, data about the water catchment areas of future dams being built in Kabul River Basin. Articles related to environment should also be included so rivers, streams and artificial lakes could be protected from industrial waste. Last but not least a commission under this treaty should be created so it could check glaciers and glacier lakes that are formed after melting of a glacier.

Environmental impact and Local Conflict on Kabul River Basin in both Pakistan and Afghanistan

Both Pakistan and Afghanistan is facing multiple problems including increasing population, drought, floods, demographic changes and internal conflicts. Since 2001, Afghanistan had faced problems including low snowfall, drought, deforestation, over-population and also the breakdown of Mirab (Is a respected member of a community who is responsible for controlling of water for irrigation) system which caused the

¹⁹ ‘Water Resources Development’

²⁰ Ibid.

²¹ Ibid.

²² International Tribunals’ Food and Agriculture Organization , *Summary of Decisions by International Tribunals including Arbitral Awards: 4:1*, available at: www.fao.org

²³ ‘Indus Water Treaty’, available at: waterinfo.net.pk

shortage of water.²⁴ In 2008, it was estimated that Kabul River Basin has nearly 20.76 billion cubic meters of water per year for an estimated population of about 8.9 million which means 2333 cubic meters of water would be distributed among its population.²⁵ The climate change has affected the lives of the people of Pakistan and Afghanistan; this climate change had caused the shortage of water because rising of temperature, melting of glaciers, drought and shifting precipitation patterns.²⁶ Global warming had reduced the larger glaciers in the Pamir and the Hindu Kush Mountains by 30% and the smaller glaciers have virtually disappeared. The melting of glaciers in the Hindu-Kush-Karakoram-Himalayan region will have a bad effect on the lives of millions of people and another major concern is the changing monsoon patterns which would decrease the precipitation by 20% in the Kabul River Basin.²⁷

Pakistan is also a victim of climate change it was hit by many natural disasters including floods, drought, low rainfall and changes in weather pattern had affected the agriculture sector in Khyber Pakhtunkhwa province especially in Peshawar valley. Pakistan is having more than 5,000 glaciers which flow into Indus River from 10 Sub-basin through different small rivers and streams ranging from few meters to more than 70kms.²⁸ These glaciers are the life line for Pakistani rivers which includes Kabul River and Indus River as well; these glaciers are located in the provinces of Khyber Pakhtunkhwa, Azad Kashmir and Gilgit-Baltistan. Another concern for Pakistan is that due to climatic changes it had formed nearly 2500 glacier lakes because of glacier melting water and 52 out of 2500 glacier lakes have been potentially declared dangerous for Glacial Lake Outburst Flood (GLOF).²⁹ In 2010 almost all of Pakistan had faced the biggest floods in its history; this flood had caused destruction to the economy worth Rs 855 billion which had killed 1985 people and 20 million people were affected throughout Pakistan.³⁰ This flash flood also affected Khyber Pakhtunkhwa

²⁴ Khibar Rassul, *Water Scarcity, Livelihood and Conflict*, (Kabul, 2011), available at: www.cpau.org.af

²⁵ Ibid.

²⁶ Paula Hanasz, *The Politics of Water Security in the Kabul River Basin*, (Strategic Analysis Paper Independent Strategic Analysis of Australia's Global Interests, 10 November 2011)

²⁷ Ibid.

²⁸ Rasul, G. Q Z Chaudhry, A. Mahmood, K. W. Hyder and Qin Dahe, "Glaciers and Glacial Lakes under Changing Climate in Pakistan" *Pakistan Journal of Meteorology*, 8(15), 2011

²⁹ Ibid (2011)

³⁰ Aziz, A., "Rainfall-Runoff Modeling of the Trans-Boundary Kabul River Basin Using Integrated Flood Analysis System (IFAS)". *Pakistan Journal of Meteorology*, 10 (20), 2014

which had killed 1156 people and displaced 3.8 million including families.³¹ As Pakistan's population increases so it also increases demand for fuel including natural gas for cooking and petrol or diesel fuel for automobiles which causes carbon emissions increases the temperature which melts glaciers and this creates massive floods which destroys houses, crops and other infrastructures including bridges and dams. In 2015 another massive flood hit the largest district in Khyber Pakhtunkhwa the Chitral district, this flash flood was caused by glacial lake outbursts and cloudbursts which had destroyed the infrastructure in Chitral and cutoff the district from rest of the country leaving nearly 200,000 people trapped.³² Chitral valley alone has nearly 542 glaciers that feed 187 glacial lakes, some of these glacial lakes became unstable and causes massive flooding not only in Chitral but also in plain areas. Because of global warming these glaciers are reducing at a rate of 40-60 meters per decade which is slowly increasing water level of glacier lakes.³³ Kaitu, Tochi and Gomal rivers irrigates agriculture lands of Tank, D.I Khan, Bannu and North Waziristan.³⁴ Kabul River is a life for the people of Khyber Pakhtunkhwa in particular and the people of Pakistan in general. Urbanization is also another factor for the both countries including Pakistan and Afghanistan where people from rural areas migrate to cities where they find jobs so the demand for water increases. Kabul River System irrigates 85% of Afghanistan and 70% of Pakistan are dependent upon agriculture as a major source of livelihood especially in Khyber Pakhtunkhwa.³⁵ The major rivers which are contributing to the water flow of Kabul River System in Pakistan; especially in Khyber Pakhtunkhwa are Chitral, Panjkora, Swat, Jinday and Bara rivers.³⁶ Pakistan had already constructed five small and one large dams to store and provide water for agricultural lands.³⁷ The water inflows from Afghanistan to Pakistan is nearly 17.5 million acre feet (MAF) in the Kabul River Basin and water outflow from Pakistan is 8 million acre feet which is utilized by all four provinces of Pakistan including Khyber Pakhtunkhwa and Baluchistan.³⁸ On one side Afghan population will also

³¹ Ibid. (Aziz, A.)

³² Muhkamuddin, "Natural calamity: Flash floods leave trail of destruction in Chitral", *The Express Tribune* (July 21, 2015)

³³ Iftikhar Firdous, "When nature falls apart: What really happened in Chitral" *The Express Tribune* (July 24, 2015)

³⁴ Khalid Aziz, "Apocalypse on the Indus", *Criterion*, 10 (4), (October-December 2015)

³⁵ Mohammad Nafees, Shabir Ahmad Khan and Zahidullah, "Construction of Dam on Kabul River and its Scio-Economic Implication for Khyber Pakhtunkhwa, Pakistan" Paper presented in Seminar on "Pak-Afghan Water Sharing Issue" (SASSI February 23, 2016)

³⁶ Ibid.

³⁷ Ibid.

³⁸ "Hydro-diplomacy between Pakistan and Afghanistan" (Islamabad: Leadership for Environment and Development (LEAD) Pakistan, March 2016)

increase especially in Kabul Metropolitan Area (KMA) from 4.5 million in mid-2014 to 8 million in 2050 for this growing population Afghanistan would need more water reservoirs to supply water to Kabul.³⁹ Kabul City is now considered as fifth fastest growing city in the world and is also one of the most water stressed city.⁴⁰ Latest estimate shows Afghanistan plans to build 2406.3 megawatts of hydel power plants which will reduce water flow to Kabul River and will affect the agriculture growth in Khyber Pakhtunkhwa especially in Peshawar Valley.⁴¹ Similarly the Pakistan's province of Khyber Pakhtunkhwa may face crop failures by 2080 including maize and wheat because of climate changes, and it will sever effect on population of this province.⁴² This type of crop failures will create both economic and refugee crisis in Pakistan by 2080.⁴³ Pakistan is also among the water stressed country, where demand for water is greater than supply because due to lack of water storage reservoirs in Pakistan.

India and Afghanistan had completed the feasibility studies of 12 dam projects which will be built on River Kabul or Kunar River. These dams will cost \$7.079 billion, which will store 4.7 million acre feet of water and will generate 1177 MW of electricity, these funds will be provided by the World Bank.⁴⁴ India wants to squeeze Pakistan from two sides by building dams on Rivers of Chenab, Jhelum and Indus on Eastern side bordering India and also building dams in Afghanistan so it could reduce the flow of water entering into Pakistan.⁴⁵ Among 12 dam projects, four more dams which are located in the Lower Kabul sub-basin including, Sarobi project which will produce 210 MW of electricity and will store 324,400 acre feet of water and the dam is estimated cost is \$442 million; the second hydel power station is the Laghman project which produces more electricity and its water capacity is less than the Sarobi power project. It is estimated that it will produce 1251 MW electricity and it has the capacity to store

³⁹ Mohsin Amin and Elnaz Hassanpour, "Water Crisis in Kabul Could be Severe If not Addressed" *The SAIS Review*, (International Affairs Foreign Policy Institute, August 22, 2017)

⁴⁰ Ibid.

⁴¹ Raza Ullah, *Transboundary Water Issues between Pakistan and Afghanistan*, (Faisalabad: University of Agriculture Faisalabad, Pakistan, July 13, 2017) available at: www.iasc2017.org

⁴² "K-P is likely to face crop failures by 2080: study" *The Express Tribune*, (Sunday October 9, 2016)

⁴³ Ibid.

⁴⁴ Khalid Mustafa, "India out to damage Pakistan's water interests on Kabul River" *The News International*, June 5, 2016, available at: www.thenews.com.pk/print/125490-India-out-to-damage-Pakistan-water-interests-on-Kabul-river, retrieved on May 12, 2018.

⁴⁵ Ibid .

233,568 acre feet of water and the project will cost \$1.434 billion.⁴⁶ Pakistan and Afghanistan shares nine rivers includes Gomal, Kurram, Shamil-Kaitu and Kabul river in Khyber Pakhtunkhwa and in Balochistan is Kand, Kundar, Jujroi Killi, Turwa, Tirkha and Abdul Wahab rivers with Afghan Bordering Afghan provinces which has an annual flow of 18.3 million acre feet or 22.57 billion cubic meters of water, from which Kabul river contributes 16.5 million acre feet or 20.352 billion cubic meters of water which is 90% of the total annual flow and Kunar or Chitral river contributes nearly 8.5 million acre feet or 10.484 billion cubic meters of water which is 46.44%.⁴⁷ Chitral River which starts from Chitral Valley which is located in Pakistan and enters Afghanistan where its name changes to Kunar River which joins Kabul River near Jalalabad and re-enters Pakistan above Torkham border.⁴⁸ According to experts Afghanistan's 90% of its fertile land is located in its five river basins which include Panj-Amu Darya River Basin, Kabul River Basin, Helmand River Basin, Harirud-Murghab River Basin and Northern River Basin. These 12 dams will store a total of 4.7 million acre feet of water to irrigate fertile lands located in three sub-basins which include Logur Upper Kabul sub-basin, Punjshir sub-basin and Lower Kabul sub-basin. It has been estimated that these planned dams will further utilize 0.5 million acre feet of water which will irrigate additional 14000 acres of land.⁴⁹ So far Pakistan is concerned, we are facing energy shortage due to increase in population and also imbalance between demand and supply of electricity to rest of the country. If the major dams are not built, then it is feared that Pakistan will be forced to buy electricity from Afghanistan.⁵⁰ According to Syed Mehr Ali Shah, Joint Secretary (Water Wing) in the Ministry of Water and Power had said that Pakistan is using 100% of Kabul River water up to Kotri Barrage. Similarly Pakistan is facing water shortage and total water flow from its rivers and dams are nearly 137 million acre feet of water or 168.98 billion cubic meters and these water uses have been developed for the last 50 years, and no upper riparian state like Afghanistan, to utilize Pakistan's committed share of its water resources.⁵¹ According to the Pakistani water expert, Afghanistan could utilize its share of 2.5 million acre feet of or 3.08 billion cubic meters of water for irrigation purposes. He said Pakistan had committed the water flow of Kabul River

⁴⁶ Ibid .

⁴⁷ "Orphan River" *Water management of the Kabul River Basin in Afghanistan and Pakistan*, available at: www.mict-international.org,

⁴⁸ Khalid Mustafa , "India out to damage Pakistan's water interests on Kabul River" *The News International*, June 5, 2016, available at: www.thenews.com.pk/print/125490-India-out-to-damage-Pakistan-water-interests-on-Kabul-river, retrieved on May 12, 2018.

⁴⁹ Ibid

⁵⁰ Ibid

⁵¹ Ibid

from 16-17 million acre feet out of which Chitral River has contributed 8-8.5 million acre feet of water.⁵² But unfortunately the political leadership hasn't constructed any dam like Kalabagh or Munda dam, but if these dams are not built still Pakistan has right over Kabul River water and Pakistan case is very strong if referred to any international forum.⁵³ During flood season 36 million acre feet or 44.4053 billion cubic meters of water passes through Pakistani rivers which could not be stored. In the dry season where Pakistan faces water shortage, so Pakistan uses 100% of Kabul River water during this season.⁵⁴ The water treaty between Pakistan and Afghanistan does not exist, so under the international convention Pakistan has the right to utilize 17 million acre feet or 20.969 billion cubic meters of water in Kabul River as it is the right of the lower riparian state.⁵⁵ Afghanistan has the right to use its 1.8 million acre feet or 2.22 billion cubic meters of water for its agriculture. So under the international convention both countries are bound to utilize its own developed water uses. To a question Mr. Shah said that Munda dam is being developed on Swat Basin which is Pakistan's own territory.⁵⁶ Mr. Shah further commented on the water storage of the 12 dams being planned for by Afghanistan with the help of India, by saying initially it will store 4.7 million acre feet of water than its storage capacity will be reduced to no more than 2 million acre feet.⁵⁷ If Afghanistan tries its best, it can utilize 2.5 million acre feet of water from River Kabul to irrigate its agriculture lands on plain areas.⁵⁸

Conclusion

Pakistan and Afghanistan both needs a comprehensive water treaty so in future any conflict or skirmishes shouldn't a rise, similarly India has an agreement with Pakistan on Indus water which had already created problems. Both countries need to follow the Helsinki Convention, UN Watercourses Convention 1997 etc. In future the war will be on the distribution of water resources because as the global temperature increases, in some areas of the world where there is prolong drought they will face water shortage. Both countries will face water shortages in near future and

⁵² Khalid Mustafa, "India out to damage Pakistan's water interests on Kabul River" *The News International*, June 5, 2016, available at: www.thenews.com.pk/print/125490-India-out-to-damage-Pakistan-water-interests-on-Kabul-river, retrieved on May 12, 2018.

⁵³ Ibid

⁵⁴ Ibid

⁵⁵ Ibid

⁵⁶ Ibid

⁵⁷ Ibid

⁵⁸ Ibid

also both countries needs to take measures to control the flow of industrial waste into the Kabul River System.

Both Pakistan and Afghanistan is facing multiple challenges including climate change, floods, droughts and mass migrations due to lack of understanding these challenges hasn't been addressed. Pakistan has more than 5000 glaciers and nearly 3000 glacier lakes which were formed due to high temperature which had reduced the length of a glacier and among them 52 glacier lakes have been considered as dangerous. In 2010 Pakistan had experienced the worst flood in its history when it affected 20 million people and killed more than 1000 people. This flood cost Pakistan more than Rs 800 billion and destroyed millions of acres farmland in provinces of Sind, Khyber Pakhtunkhwa and Punjab. Another reason for flash floods is the creation of Glacier Lakes Outburst Floods which has created havoc in Chitral in 2015.

Similar kind of situation can also happen in Afghanistan, because a country like Afghanistan is facing droughts, floods, low rainfall and rising of population. Afghanistan needs to sign an agreement with Pakistan especially on Kabul River and should mention every detail about 12 hydel power plants building on Panjsher Sub-basin, Logur Upper Kabul Sub-basin and Lower Kabul Sub-basin and all the rivers that enter Pakistan from Afghanistan. Kabul River is not only a major water resource for Afghanistan but it is also provides water for irrigation of agriculture lands in Pakistan especially in Peshawar Valley in Khyber Pakhtunkhwa Province.

Afghanistan and Pakistan are neighbors, and one can have a choice of friends, but not of neighbors. As neighbors one has to live in close coordination and cooperation with each other. Afghanistan and Pakistan have not only historic, cultural and religious affiliations but in fact were over part of the same empire under the Moghuls and then under the Durrani Empire. Afghan and Pakistani economies are almost integrated now, and a large population of the bordering provinces depends upon trade between the two countries. Concerning the distribution of water of River Kabul between the two countries, i.e. Pakistan and Afghanistan, it should be settled in such a manner that both the countries should benefit and any reservoir or dam built by Afghanistan should lie with the mutual consent of Pakistan. International law on water distribution should be respected, and the interest of the both countries should be safeguarded so that it benefits both the countries in the long run.

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