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From the Director's Desk

With this edition of the Quarterly, I am happy to share that our MPhil program is now in its third year, it has gained moentum and is getting quite competitive. There were seventy-one applicants this year and only sixteen were admitted (2016-17). Our Executive Masters program is also gaining popularity as it marks its eighth year. Past students have been making significant progress in various fields, working in international organizations such as the UNFPA and USAID, and in government departments in Punjab (such as the Planning and Development Department) and also at the Federal level. Two new faculty members Dr. Raja Ali Saleem, Assistant Professor and Ms. Saba Shahid, Research Associate have also joined the CPPG in 2016. We welcome them and look forward to their contribution in strengthening CPPG's commitment towards academic excellence, evidence-based research and policy advocacy. However, we are still struggling to clear the backlog for our Quarterly. This is again a multi-number that carries diversity of scholarships, deliberation and engagements, which is the spirit and soul of the CPPG. As always, critique, comments and suggestions to improve our publications are welcome.

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Dr. Saeed Shafqat Raheem ul Haque Saba Shahid





:Mr. Zafarullah Khan, Executive Director, Centre for Civic Education was invited by CPPG to deliver a talk on 18th Amendment: Implications for Provincial Autonomy and Governance on April 14, 2014, and share his experiences of deep involvement in the discussions regarding the 18th Amendment to the constitution of Pakistan.



Khan began by stating that an analysis of the 18th Amendment required exploring the issue of 'provincial autonomy' which had defined the politics of the region. The 1947 Partition happened in part because autonomy was denied to the provinces, and all fourteen points in the Pakistan Resolution reflected the aspiration for provincial autonomy. Similarly, the six points of Sheikh Mujib-ur-Rehman and the unfortunate events of 1971 were again about the denial of provincial autonomy.

The political history of Pakistan had been characterized by two competing tendencies of centralization and decentralization. For instance, seven out of the twenty two point consensus articulated by the *ulema* of various schools of thought in 1951 related to the centralization of state by denying ethnicity, propagating a presidential system and unitary form of government with provinces as administrative units. These points were tried in the Ayub Khan government, while General Zia even excluded the possible role of political parties in the governance architecture by taking a cue from the Ansari Commission Report. On the other hand, the political class had always demanded greater provincial autonomy whether it was the 21 points of the Jugtoo Front, the MRD Declaration or the Charter of Democracy (CoD). He further clarified the difference between 'decentralization' and 'devolution', stating that while decentralization meant the centre assigning certain powers and jurisdictions to constituent units, devolution was a constitutionally delineated allocation of powers to various players of the government.

Discussing the constitution, he stated that there was a lack of protection of rights, and a general disbelief in the Constitution of Pakistan as 52% of our national existence had passed without a constitution or one diluted by PCOs etc. A country's constitution could be placed under three categories: a legal document, a collection of traditions or a political document. The overall constitutionalism in the Sub-continent leaned towards a legal document and could be called the "lawyer's constitution", which was also the case in Pakistan where lawyers were the prevailing professionals who drafted the document from the first version to the last one in 2010, when the 18th Amendment was passed. Thus, critics had argued that Pakistan's constitution gave legal solutions to political issues leading successive governments to interpret it in their own way: rulers have circumvented it, military regimes have made it convenient, religious parties indicate its lack of adherence to Sharia, and secular groups find it too Islamic. However, the consensus constitution and the way it was manipulated had hardly been a topic of debate in Pakistan, even though sanctity of the constitution was such that even a misspelling required a 2/3 majority to rectify it.

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Khan then specifically concentrated on the process by which the 18th Amendment had come about. Since 1947, Pakistan had been involved in either active or dormant conflicts leading to disequilibrium in civil-military relations and a divided polity along ethnic, religious and sectarian lines. However, the 38-point Charter of Democracy (CoD), signed on May 14, 2006 between two parties with a history of political confrontation was a unique document because of its public pledge to support democracy. After the 2008 elections, while no party could muster simple majority in the Parliament, the consensus on the CoD stayed intact. The Nine points of the CoD required a constitutional amendment but only half could be achieved

through the 18th, 19th and 20th Amendments. The promised creation of Federal Constitutional Courts, nonappointment of PCO judges, and merging FATA with NWFP did not materialize while all indemnities and savings introduced by the military regimes in the constitution were reviewed, however only few were removed. Similarly, the five points requiring new institutions such as the Truth and Reconciliation Commission, a Commission on Kargil, a National Democracy Commission for Civic Education, and a commission to review the legitimacy of land allotments to the military were not pursued. While, six of eleven points which required laws, and 6.5 of 10 points requiring executive actions and policy reforms were achieved. Issues left out were reforms on pro-poor policy, citizen-centric governance and a code of conduct.

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It is pertinent to note that during the PPP led coalition government; three tools were put in place that boosted provincial autonomy. First, the political class came up with the 7th National Finance Commission (NFC) Award, which not only increased the provincial share, but also introduced for the first time, a multi-sectoral formula for resource distribution, and further gave premiums to certain provinces. For example, inverse population density was included among the criteria; Khyber Pakhtunkhwa received a 1% premium for conflict losses while Baluchistan got a bigger share as part of "Aghaaz-e-Hugoog". Second, a Parliamentary Committee on National Security was formed, and finally, a Parliamentary Committee on Constitutional Reforms was set up in light of the Charter of Democracy.

Khan argued that the deliberative process for the 18th Constitutional Amendment was as intense as the formulation of the 1973 Constitution. For the 18th Amendment, initially a consensus was achieved on reviewing the entire constitution. Further, the government reviewed around 981 policy papers, recommendations and suggestions, and around ninety one private member bills were considered

as suggestions. The committee met for nine months over seventy seven meetings, and there were around twenty six opposition dominated functional members.

In comparison, the 1973 constitutional committee had twenty five members led by Mahmud Ali Kasuri and Abdul Hafiz Pirzada, which met forty eight times to draft the constitution with eight notes of dissent. This initially resulted in constitutional accords, which acted as a blue print for the future constitution. However for the 18th Amendment, the Charter came before the process. Additionally, the 1973 committee had three women as members as opposed to no women or minority representation in the 18th Amendment committee.

The Committee's outcome included the amendment itself which introduced more than 100 articles changing 34% of the constitution, additional constitutional reforms, deletion of two schedules including presidential protection, and eleven recommendations for the executive including FATA and civil services reforms. For the 18th Amendment, an Implementation Commission (IC) was constituted which concerned itself with responsibilities that needed to be transferred to the provinces after the abolition of the concurrent list. The IC was constitutionally time bound and met its constitutional deadline on 30 June 2011, following which the nation celebrated provincial autonomy.

Khan referred to the 18th Amendment as the "New Constitutional Software of Pakistan", which led to amendments in half of the 34 articles related to provincial autonomy. In essence, it had re-written the federalprovincial pact and was different from other legislative, administrative and fiscal reforms in the sense that it had originated from within unlike most donor pushed reforms. The 18th Amendment had also introduced the unique concept of "institutionalized powers" by giving parliament the authority instead of the President or Prime Minister to determine the number of ministers; to ensure that the Council of Common Interests and National Economic Council offer annual reports; to review candidates for the appointment of judges, and to determine NFC's share in terms of percentage. Further, the Election Commission could not exist in its absence, and aspects like caretaker governments, referenda or new commissions such as the National Commission on the Status of Women (NCSW) and National Commission for Human Rights (NCHR) must

also follow due process with the parliament.

The 18th Amendment had empowered the provinces, giving them a constitutional voice, whereby the federal government could not impose emergency without the consent of the provincial government. Further, Article 140-A was introduced setting minimum standards for the establishment of local government bodies by the provinces, and fundamental rights such as the right to fair trial, right to education and right to information were expanded.

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In conclusion, Khan discussed the federal-provincial relations in the context of social services provision and indicated two models in voque. The "welfare model" where services were funded by taxpayers, and the "liberal model", where consumers paid fees for services. Though major social, economic and cultural rights were part of the "principles of policy", the constitutional design fault line or 'catch' was that the provision of these rights was subject to the availability of resources. The policy domain in this regard was either allocated or defined in the constitution or was joined-up through concurrent mechanisms. However in Pakistan, governance, revenues, institutions, ideology and policy all came from Islamabad, and the social sector had been an ignored priority because we had followed a "federally planned and provincially executed" system of development. This had led to donor dependency, and underutilization of development budget as a Planning Commission report had revealed up to 80% underutilization every year resulting in disappointing social indicators and low levels of human development. For instance, devolution of education was contested by few political parties even though Article 147 had provisions whereby a province could ask the Centre to carry out certain jobs on its behalf & vice versa. Further, even though the 18th Amendment made the right to education a fundamental right, only the federal capital and Sindh had passed this legislation. While, Sindh and Punjab had created Provincial Higher Education Commissions, only

Punjab had established its own curriculum authority.

Khan articulated the need to understand that this was a transitional phase of devolution, and supporting institutions had been set up including a Special Committee of the Senate, a Standing Committee of the CCI and a Prime Minister's Special Committee. He argued that the parliament had done its work and now it was time for the executive to do its share. The parliament had respected the court's short order and passed the 19th Amendment. It had similarly strengthened the Election Commission of Pakistan and caretaker system through the 20th Amendment. He further added that it was was critical that the Population Census, which was pending since 2008 and formed the basis for redistribution of economic and political wealth among provinces was executed to push for the 8th NFC Award. Further, the cost of devolution was high and to facilitate it, a culture of handholding was needed between the Centre and the provinces. In case of a dispute between the federation and provinces, the Supreme Court was the adjudication power.

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pushed reforms. 99

The talk was followed by a Q&A session. Responding to criticism of the in-camera method of accomplishing the 18th Amendment, Khan said that it was the decision of the committee to restrict every single point from being discussed and trivialized by the media. The two points that did come out in the public sphere such as the conflict on the appointment of judges and the renaming of NWFP verified the committee's concerns. Against the criticism that the 18th Amendment was not properly debated as both National Assembly and Senate took 4–5 days to pass it, he stated that the committee's point of view was that party representatives were responsible for bringing back feedback from their respective party. So if there was no culture of party meetings, then maybe the issue lied somewhere else. Further, committee members and their



associated parties were asked to prepare position papers to take parties and parliamentarians along.

When asked if he foresaw a decline in governance due to devolution and lack of provincial capacity, Khan remarked that in fact the devolved responsibilities were of areas whose implementation was already existing with the provinces. Thus, policy competence was the only new requirement, and probably an area for human resource investment.

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Answering a question regarding the difference between social contract and a legal constitution, and whether Pakistan really had a social contract, Khan responded that sometimes a social contract evolved into a constitution. He stated that we had a weak contract, and a legal constitution which should be a political one at least in terms of affirming fundamental rights. However, our constitution did have the potential to graduate into a social contract.

When asked about his views on shifting some roles of the cabinet to the CCI, he wished that this issue was taken up by a province rather than an individual litigant in the High Court. The legislative competence and legal design lied with the federal government, however institutional design was the domain where provinces would have a say. Thus, there could be contested views between the federation and provinces, and Khyber Pakhtunkhwa had submitted a summary that because of joint ownership of oil and gas, provinces should also have representation on the OGDC board.

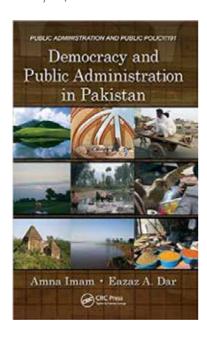
Answering a question regarding Article 91, whether the Prime Minister could be non-Muslim, Khan stated that the committee applied seven filters when looking at each clause: transparency (minimizing individual discretion), strengthening parliament and provincial assemblies, provincial autonomy, independence of judiciary, strength-

ening fundamental rights, questions of merit and good governance and strengthening of institutions. But it did not take up ideological debates as religious parties threatened not to participate.

On the guestion of why local governments didn't have the same status as the other two tiers of government, Khan remarked that the 17th Amendment was retained in this regard while a requirement for the Election Commission to hold elections was added. Unfortunately the local government system had been used as a ladder of legitimacy by military regimes and thus the political class was quite allergic to it. Additionally, it was the attraction of awarding contracts, as MNAs got their own development funds and thus had little interest in local government. When this equation was changed during Musharraf's time, seven MNAs had instead opted to become District Nazim. However, he stressed the importance of local government by stating that the transactional relationship of citizens with governance happened at the local level, and thus cynicism regarding the constitution and democracy required a political strengthening of local government.

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:Dr. Amna Imam, a serving civil servant was invited by the CPPG to deliver a talk on her book titled Democracy and Public Administration in Pakistan, co-authored with Eazaz A. Dar on February 20, 2014.



Amna Imam, Eazaz A. Dar, Democracy and Public Administration in Pakistan (NewYork: CRC Press, 2014)

Dr. Imam began by stating that the main objective of her book was to see the present role of public administration in building democracy within the rich historical and cultural context of Pakistan. The first context of her book was the historical trajectory of governance in a diverse country like Pakistan. She argued that Pakistan had its own model of governance which had always been quite different from India's as historically there had been a difference in governance between main land India and its western buffer zone. For example the Greeks and Huns had stopped at almost the current border during their invasions. The second context related to the first ever democratic peaceful transfer of power in Pakistan in May 2013. However, it could be debated whether this was a real democracy as civil liberties and participatory governance were missing in the presence of election and selection process.

She pointed out that the book discussed the relationship between democracy and district level bureaucracy, which had both quasi-judicial and quasi-legislative functions in addition to administrative ones. Two theories were explored in detail. First, McAdam, Tarrow and Tilly's 'theory of new democracies' which was based on research in the Caribbean and South America. It argued that for nascent democracies to take root, the country must have sound instrumentation and protracted consultation. Barring these two elements, a new democracy would either disintegrate or get occupied by an outside force. She interpreted instrumentation as 'rule of law' and protracted consultation as 'participation of the people in decision-making'. She hypothesized that the institution of Executive/District Magistracy (E/DM) ensured continuous protracted consultation, which led to effective instrumentation and not the other way around. Gaining the trust of people by providing for them led people to become more law-abiding, which allowed the leadership to penetrate into the grassroots and convince people of the importance of rule of law. This could not be done through force or the use of police. But, in addition to the institution, moralphilosophical individuals were also important in manning the institution.

Second, the theory of 'path dependency' was explored keeping in mind that Pakistan was not a new country like some in South America. Path Dependency included three steps: first, a decision was taken and thus there was room for innovation; second, it was implemented, which had room for change; and lastly, any new entrant had to follow the already established path. She hypothesized that the system of public administration, for instance Executive Magistracy had always existed, and while a new regime that came through force had the opportunity to change it, it did not because the existing system was best suited to the region.

Imam then discussed the historical background of the region in the context of Public Administration starting with the Achaemenid Empire (550 BC). It promoted principles of tolerance, coexistence and respect for local diversity, especially in the Gandhara region which is now in Pakistan. The Mauryan Empire (320 BC) followed, which was responsible for unifying India and for the first time, introduced a merit based public administration manned by civilian officers along with civil service examinations. The main contribution of the Greeks who followed was that they challenged the existing caste system and replaced it with two castes, of the rulers and the ruled. They also introduced concepts of intellectual curiosity and gover-

nance through philosophers such as Aristotle and Plato. The city of Sialkot was part of a Greek Kingdom and a centre of Greek learning which had implications in terms of governance in the country. Then came the Indo-Scythians, the Indo-Parthians and other warrior administrators. This was followed by the Guptas who again unified this part with the rest of India and formally instituted public participation in governance. There were trade guilds whose opinion was often sought for major decisions. The Muslims brought their own political philosophies and challenged the caste system. The British Raj followed with the primary difference that in their form of governance, public administrators were supposed to be loyal to the abstract concept of the state rather than a family/governing body. It was a departure from the region's history, where an individual ruler had personified the state.

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However, a few things remained constant throughout these regimes including respect for local diversity and the desire to consolidate this diversity under the umbrella of a central administration. A small government controlled aspects like revenue, and law and order but local customs were followed for civil matters, and crime and punishment. The idea that government would provide all major services like education and health was a new concept brought by the British, and promoted after 1947. Earlier, communities were more autonomous and less expecting of help from anyone but their own resources, and the institutions of *masjid* or *dharam-shala* were for community support. What differentiated the indigenous Mauryan or Gupta dynasties from others was that their bureaucracy was always headed by a civilian officer based on a system of merit. Instead, the outside dynasties such as the British or Mughals had a merit-cum-patronage based system because they could not establish the trust that indigenous rulers could garner, and therefore merit alone could not become their sole criteria.

Imam divided the post partition period into seven eras. The 1947-1958 era saw no major changes and the same bureaucracy played a significant role in saving the country from the destruction that was prophesized. The 1959-73 Ayub cum Bhutto era was marked by gradual politicization where a system of merit was replaced by a system of merit-cum-patronage along with enhanced authority for civil servants at the district level. As the system of merit was based on aspects such as law and language, it did not judge morality. Thus survival strategy rather than standing on ethical grounds became the way of affairs leading to further politicization, and degradation of governance at the district level. The 1974-85 period was determined by the civil service reforms of 1973 which formalized politicization by removing the constitutional guarantees for civil servants. It further institutionalized politicization as five thousand civil servants were inducted on political basis between 1973-77 leading to only islands of merit and morality if any. The 1985-96 period was of Prime Ministers Junejo, Benazir Bhutto and Nawaz Sharif. It was signified by Supreme Court's 1993 judgment which separated the executive from the judiciary significantly altering the quasi-judicial role of Deputy Commissioner (DC) and District Magistracy (DM).

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During the 1997-2002 period, the DM had reduced quasi-judicial functions, while the Local Government Ordinance 2001 and Police Order 2002 made amendments to Code of Criminal Procedure (Cr.P.C.)1989 replacing the office of DC and DM with District Coordination Officer (DCO). The 2003-08 era was one of thorough politicization as an elected *nazim* did the yearly review (ACR) of the DCO. Because a *nazim* could not be expected to be impartial being elected through majority vote and the voters needed to be obliged, how could the DCO be expected to be impartial in this situation? In the 2009-11 time period, the local governments were dissolved and some of the quasi-judicial functions went to the DCO. However, it was important to note that despite Supreme Court's 1993 judgment, the executive had never been separated from the judiciary and

quasi-judicial powers of the DM had simply been redistributed to the *nazim* and the police as those implementing were themselves monitors.

Imam then elaborated on the implication of this governance trajectory. As protracted consultation was difficult to measure, she had assessed instrumentation through crime data of the provinces of Sindh and Punjab for the period 1947-2011. Two news items stood out with regards to post-2002 demise of the DM. First, when two young brothers, Hafiz Mughees (19) and Hafiz Munib (15) were subjected to public cruelty while the Sialkot District Police Officer and his subordinates stood as silent spectators. Second, when a mob exhibiting frustration for rising crimes burnt three bandits alive in Karachi in 2008. Overall data from Sindh revealed that there had been a sharp increase in riots per capita after the demise of the DM, and analysis showed that it had a significant relationship with quasi-judicial functions of the DM. Violent crimes (including rape, murder) per capita gave similar results. They had increased exponentially after the demise of DM and introduction of the DCO, and showed no relationship with the economy, while 'crime against property' in Sindh showed no relationship with the DM. Data from Punjab illustrated the same scenarios: riots and violent crimes were significantly and positively related to decrease with quasi-judicial functions but not crime against property. As opposed to literature, improvement in the economy showed an increase in violent crime in Punjab, which could be because fruits of economic progress were not reaching the grassroots level, but this required further research to substantiate.

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Explaining the inherent causes of the demise of DM, Imam clarified that DC and DM were not colonial constructs but had existed right from the Achaemenid Empire. Only the institution of feudalism was new as before British rule, every generation had created its own landed aristocracy. A system where large chunks of land were handed down

through generations without redistribution had to be against merit and critical thinking. She argued that the British had created colleges and elite institutions rather than centres of research to encourage critical thinking. Their continuation post Pakistan along with the politicization of bureaucracy had discouraged protracted consultation leading to questioning of the validity of district magistracy.

Imam stated that the country had often been ruled by force rather than by engaging the people to address their needs, and the same continued. Putting stress on protracted consultation, she suggested a mixed form of government, distinctive from clear separation of powers, but a system of checks and balances with a definite room for quasi-judicial powers for district management combined with accountability.

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Further, intellectual query, curiosity and critical thinking needed to be promoted in order to challenge the feudal system which required focused strengthening of educational institutions. She also discouraged adopting drastic policy changes as these created power vacuums providing an opportunity of entry to people without required background, thus negating the entire concept of merit. The quality of civil servants needed improvement through a manner of appointment, training and postings, in conjunction with the right mental, moral-ethical framework. She sided with the generalist as a district manager rather than a specialist.

In conclusion, Imam asserted that executive magistracy and quasi-judicial functions were not the remnants of a colonial legacy but an integral part of our own history. The problem lied around implementation which should be the focus for improvement, as executive magistracy applied by a critical thinker for public relief and for protracted consultation strengthened and ensured participatory democracy in the country.

The talk was followed by a vibrant Q&A session. Answering a question regarding the relationship between the *nazim* and DCO, Imam stated that decisions should not only be in the hands of the elected. The DC/DM needed to be a neutral administrator and should not have to cater to only the majority even if the elected *nazim* wanted to consolidate the majority vote at the expense of other citizens. She said that the state was separate from the government, and the DM was there to serve the best interests of the people, not just serving a particular government.

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With regards to a question about separation of powers, Imam answered that things could not just be categorized in black and white as there was a lot of grey. The objective was to provide relief to the people at their doorstep in order to ensure protracted consultation and instrumentation. Beyond relief, autonomy and growth of the people was also important. According to her, this required both administrative as well as quasi-judicial functions.

Mr. I. A. Rehman, Secretary General, Human Rights Commission of Pakistan (HRCP) and Mr. Asad Jamal, a human rights lawyer were invited by the CPPG to discuss Human Rights in a Federal System as part of the seminar series on federalism on April 1st, 2014.



Rehman began by explaining that the UN system was based on voluntary adoption of laws and a state became obligated to adopt these laws only when it became party to a treaty. Discussing fundamental rights, he stated that these were already part of the political discourse in India before partition, and actually Pakistan's first foreign minister was the representative of India when the Universal Declaration of Human Rights was adopted. Two other covenants of the UN, the International Covenant on Economic Social and Cultural Rights and the International Covenant on Civilian and Political Rights (ICCPR) were adopted in 1966 and came into force in 1976. However, these were largely ignored by Pakistan and only ratified in the past few years.

Addressing the incident of Mama Qadeer, a Baloch activist who directly appealed to the United Nations for missing persons in Balochistan, Rehman explained that the ICCPR had two optional protocols: first, citizens of the country could complain to the UN system regarding a denial of human rights; second, with an aim to abolish the death penalty. However, Pakistan had not signed either of the two optional protocols. But even if the optional protocols had been signed, one had to exhaust all domestic avenues including the Supreme Court, the High Court and the military before complaining against their own government to the UN. A second option was to approach the UN Special

Rapporteur, explaining that the Government of Pakistan had failed to deliver on rights. But a Special Rapporteur could only send queries to the country and visit at the invitation of the country from which an appeal had been made. Pakistan had traditionally not responded to the enquiries of the rapporteurs, except for the last government which had been more responsive to UN enquiries.

Taking the discussion forward, Asad Jamal said that according to the recent trend, Pakistani judges had referred to and applied international laws while making court decisions. In 2007 when Nawaz Sharif wanted to come back to Pakistan, Judge Tassaduq Jillani had referred to ICCPR of which Pakistan was not a signatory, stating that it applied to our own Constitution Article 15 in ensuring the right to movement. Similarly in a decision on missing persons, the Supreme Court had passed a decision that reflected the Convention on Enforced Disappearances, which again had not been ratified, but similar assurances could be found in Pakistan's Constitution.

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Discussing the difference between universal human rights and local rights, Rehman said that there were two routes to accepting human rights. The first where the constitution stated that whatever instrument was signed by the government would be enforceable through the courts. The second more popular one was that once a treaty had been signed, domestic laws needed to be made for its implementation. Assessing Pakistan, he stated that though it had signed The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and the Convention Against Torture, still no laws had been made to implement these. As far as the conflict between Islamic and universal human rights was concerned, our constitution accepted all the fundamental rights given in the UN Charter except two: it didn't recognize the right to change faith (theoretically this was recognized in the case of non-Muslims but got tricky for Muslims) and it didn't

recognize the right of all men and women of age to marry of their choice or equal rights for spouses in marriage.

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He discussed how an excuse of things being contrary to Islam had been used during the adoption of international treaties. Islam meant different things in different regions. So, giving education to children in Northern Pakistan might be considered un-Islamic, but in countries like Oman or Mali, it was not. Similarly, examining Muslim countries in light of CEDAW revealed that countries interpreted laws differently. Therefore, a case could be made that if a legal provision was un-Islamic, then all Muslim countries should agree on this, and if they didn't, then countries might be referring to their cultural practices instead of religion. Thus, one could suggest that tribal and feudal customs in the North of Pakistan were being interpreted as enjoining Islam. Rehman then drew a comparison of Meccan and Madinan Quranic revelations arguing that while Meccan revelations addressed entire humanity and lacked punishments, the Madina revelations were meant to be for the Medina state and thus had restrictions and penalties. He suggested that limiting oneself to Madina revelations could not deliver human rights. However the *ulema* maintained that the later revelations canceled the earlier ones. Thus, taking Quran as the basis for human rights charter would be contestable. But, the main problem in Pakistan was that anything said in the name of religion was neither discussed nor debated leading to a society which had become more intolerant of other's beliefs.

Discussing the influence of Sharia on compliance with international conventions, Jamal gave the example of the 'death penalty'. He stated that during the time a discussion on 'death penalty' was occurring at the UN, the same discussion was held in Pakistan in the 1950s and in 1959

a resolution supporting the abolition of death penalty was passed. However as Pakistan started passing "Islamic" laws in the 1980s, it departed from the earlier resolution against death penalty arguing that Islam did not permit this. Only much later, these reservations were withdrawn, however, compliance with Sharia remained a question in the ratification of treaties.

Discussing the relationship between federalism and human rights, Rehman stated that federalism itself was a basic human right especially where cultural entities existed and demanded a federation. Furthermore, selfgovernance as well as the desire to participate in the government of the country was also a basic human right, which could be achieved through a federation along with the presence of a local government. According to the UN, states were responsible to honor human rights depending on the resources available. But many states including Pakistan had taken advantage of this leeway to not admit that they had the resources available to make education and health universal for all. Similarly, culture specific conditions on laws were used as an acceptance for the deviation from human rights. He disagreed that human rights were a western concept arguing that why would the US then not respect them. He stated that one wrong could not be answered with another wrong. Violations did not cancel out human rights. However, how one responded to these violations was important.

The Frontier Crimes Regulations in FATA not only violated the Pakistani constitution but also international human rights laws, and required immediate and appropriate reform.

Jamal added that in a culturally diverse country like Pakistan, federalism should be considered a human right, especially in light of the right to self-determination — a recognized international law. However a major issue was implementation which the 18th Amendment had attempted to rectify to a great extent, but numerous problems still remained. Dealing with the separatist movement in Baluchistan was one such example, and could be dealt as similar to how the United Kingdom had allowed to hold

a referendum to deal with the popular demand for an independent Scotland. Another issue was how to apply international law at the provincial level especially for issues like labour, health and education which came under the provincial domain. Further, in the case of criminal law which remained a concurrent domain, the federation's decision prevailed over provincial laws. He stated that the above were linked to the law-making abilities of the provinces, as well as the need for effective mechanisms to work in such a system.

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He gave the example of the National Human Rights
Commission, whose legislation was passed in 2012 giving
it legal powers equal to penal courts in terms of collecting data and evidence. While the Commission followed
international human rights laws, it was disappointing
that the intelligence agencies and armed forces did not
come under the Commission's powers unless the federal
government allowed such interaction. Further, its legislation greatly digressed from the Paris Principles, the
internationally recognized codes for national human rights
institutions. This meant that the National Human Rights
Commission would not be able to probe a number of
issues that were binding under Pakistan signed international treaties.

Referring to the enormity of the problem, Asad Jamal observed in conclusion that there were still whole 'orphaned' regions in Pakistan, which did not have the legal status of a province. The Frontier Crimes Regulations in FATA not only violated the Pakistani constitution but also international human rights laws, and required immediate and appropriate reform.

This discussion was followed by a Q&A session. In answering a question on whether separatist movements offered a paradox between the fundamental human right for self-determination, and the government's right to hold the federation together, Jamal stated that it was individuals or communities that had fundamental rights, not the

government, and the intention of the Declaration of Human Rights was to make states more responsible. Rehman commented that the basic concept of a federation was that people who had different ways of life were not willing to hand over all powers to the centralized state. He argued that to the best of his knowledge, no federation had become a unitary state and instead only the opposite had happened.

the right to information was a human right because by keeping its decisions secret, a government could affect an individual's human rights.

In answering a question, whether the 'Right to Information' laws were in conflict with the National Commission on Human Rights, Jamal said that the federal Right to Information Ordinance 2002 was more limiting than enabling. It had 21 exceptions to the right to information against which citizens could not demand information, which for him were a violation of constitutional provisions as well as international human rights law. Similarly, the Anti-Terrorism Act had several provisions that were in violation of international human rights law and the constitution, while the Pakistan Protection Ordinance was just indefensible and the worst form of legislation. Rehman added that the right to information was a human right because by keeping its decisions secret, a government could affect an individual's human rights. The British had started a culture of informing people such that all major decisions were published in the gazette. Though Pakistan had inherited this tradition, it had not taken this tradition forward to create an open government.

With regards to the role of technology in terms of personal security and individuals' personal information, Jamal said that while digital electronic surveillance had been made admissible as evidence in court, still this law had not been used even in cases related to terrorism.

Answering a question on how a feudal system fit into a federation, Rehman articulated that without land reforms human rights could not be achieved. He stated that although after World War II, a major transformation took

place whereby communities gained the right to freedom regardless of their race, color, size etc., and affirmative action was supposed to free these societies from tribalism and feudalism. But, this did not happen in Pakistan. As a result, a system of development was imposed on the people.

Responding to a question of how law, morality, politics and religion were related in a federation, Dr. Saeed Shafqat responded that law and politics could not be separated from each other, and morality should not be confused with politics. In the real world, principles of morality and ethics could not deliver if laws did not back them. It was the constitution that determined power sharing, its exchange and fair distribution in a nation.

66 Violations did not cancel out human rights, but what was important was how one responded to these violations.

:Dr. Charles H. Kennedy, Co-Director Middle East and South Asia Studies Program, Wake Forest University, was invited to give a talk titled Palestine, Israel, US and the Arab-Israeli Conflict: "Maintaining the Stalemate" at the Centre for Public Policy and Governance (CPPG) on May 13, 2015.



Dr. Kennedy began by explaining that the purpose of his presentation was to talk about the Palestine-Israel confrontation within the context of Henry Kissinger's ideology of the "peace-process". His talk revolved around the implementation of the two-state solution, which according to him had reached a stalemate. His talk was divided into two parts: one, history of the conflict; and two, main actors namely Palestine, Israel and the United States. Over the course of the seminar, he argued that the resolution of this conflict was more distant now than in 1978, when he had first started teaching courses on the Palestine-Israel confrontation.

Kennedy's narration of the history of the conflict began with the end of the British Mandate for Palestine in 1948. A two-state solution was proposed by the United Nations in the form of the United Nations Special Committee on Palestine (UNSCOP) Resolution 194. This essentially proposed the creation of a Jewish state, and what was defined at that time as an Arab state. As the British Mandate was dissolved, civil war erupted resulting in Israel not only remaining viable as a nation but also considerably extending its territory. Thus, two significant grievances emerged: one, the process leading to the partition of Palestine was questionable from the perspective of international law; and two, Israeli territory was considerably beyond that determined in Resolution 194. Further, the war created a

significant number of refugees or stateless Palestinians, resultantly; it was decided to not accept Israel as a state till these disputes were settled. Thus, Resolution 194 had never been fully implemented and Palestinians till today do not have a state.

The conflict was exacerbated by the 1967 War, when Israel occupied substantial portions of Gaza, the Sinai and the Golan Heights. Israel also nominally controlled areas of Jordan, occupied East Jerusalem and the West Bank. It was an intentional war choice to occupy territories which could be traded in the future to gain recognition for the Israeli state. But, Kennedy found no significant evidence to suggest that the Israeli decision makers at the time thought of retaining the territory they had occupied, as it was a foregone conclusion that territory occupied during war had to be turned back. However, the UN Security Council (Resolution 242) that passed fifteen to nothing was intentionally vague. Instead of a clause that would say "Israel will withdraw from all territories occupied in the conflict", it stated "Israel will withdraw from territories occupied in the conflict". Thus, allowing everyone to vote for it because it could be interpreted in any way.

Henry Kissinger invented the term "peace process", which was arguably vague. It allowed the US to somehow continue its support for Israel, while meaning to satisfy the interests of states it imported oil from.

Explaining the growing role of the United States in the Israel-Palestine conflict, Kennedy stated that though the United States had begun to develop a special relationship with Israel around 1964-65, the year 1973 became a defining moment. The US already had an established policy of supporting Israel, but it also had a core interest in maintaining stable oil supply, which was crucial for the US economy. Thus, the 1973 Egypt-Syria-Jordan war of choice with Israel, and the concurrent oil embargo on the US by Middle Eastern countries was perceived as a threat to vital US interests. It is within this context that the Secretary of State, Henry Kissinger invented the term "peace process", which was arguably vague. It allowed the US to

somehow continue its support for Israel, while meaning to satisfy the interests of states it imported oil from. Thus, by becoming proactive in the so called "peace process", the US could not really be blamed for taking sides.

66 ...the process leading to the partition of Palestine was questionable from the perspective of international law; and two, Israeli territory was considerably beyond that determined in Resolution 194.

There had been two general approaches with regards to achieving a comprehensive solution: an all at once agreement versus one that followed incrementalism. The US had generally oscillated between these two positions. While Kissinger's peace process was a perfect example of an incremental policy, President Jimmy Carter led Camp David Accords' (78/79) were an attempt at reaching a comprehensive solution. While Camp David Accords resulted in a series of agreements between Egypt and Israel, the Palestinian issue was not really addressed.

The pivotal 1991 Madrid Conference was a sincere effort by President H. W. Bush for a comprehensive solution in one go. As a condition for Israel's participation, the US strategically opposed the presence of Palestine Liberation Organization (PLO), which eventually was not allowed to attend. Instead, the US put together an alternative Palestinian delegation with no significant connection to the PLO, permitting the conference to proceed. This however worried the PLO that it would lose its position as the sole legitimate representative of the Palestinian people if recommendations were made for substantial Israeli withdrawal from occupied territories, Similarly, the Israeli government wanted to avoid any kind of solution altogether. Consequently in a surprising and significant turn of events, the two parties mutually recognized each other, implying that an international forum was no longer needed.

Resultantly, between 1993 and 2000, the PLO and Israel made a series of agreements known as the Oslo Accords essentially requiring Israel to withdraw from parts of the occupied territory within certain periods of time. The PLO

would take over these areas and administer them, eventually gaining a state for the Palestinians. The Oslo II Accord made the particulars even more systematic in terms of the way the transfer was supposed to take place. However, this process was stalled when Benjamin Netanyahu was elected Prime Minister of Israel as he adamantly opposed the Oslo process and the two-state solution.

Kennedy then proceeded to discuss the main actors of the conflict beginning with the Palestinians. He stated that the mutual recognition of Israel and the PLO (later Fatah) was the most important factor that caused tensions within the Palestinian communities, leading to the emergence of Hamas. Although both organizations shared the common objective of gaining a state in areas that Israel occupied in the 1967 War with Jerusalem as its capital, there were disagreements over strategy. Divisions arose in part when in 2006 Hamas won the election to the Palestinian Legislative Council but was not allowed to come to power given it had been designated as a terrorist entity by the United States and Europe. As a result, an agreement was reached whereby Mahmud Abbas (a member of the PLO) would continue his leadership as the elected President but in a Prime Ministerial dominated system. Eventually a division in terms of governance occurred with Hamas administering Gaza and Fatah administering the West Bank. The dilemma of two separately administered Palestines had been a major hurdle in the unity of Palestinians, making it very difficult to settle the conflict.

66 ...the war made it difficult for both the United States and the Palestinians to change their positions... 99

He stated that there was little possibility of Israel pursuing a two-state solution, as the Netanyahu government was dependent on political parties that were adamantly opposed to it. Likewise policy makers in the US including successive presidents had been unable to maneuver around the Israel-Palestine dispute. The US had stuck to a stable policy position since 1964, supporting Israel as a special ally which had led Prime Minister Netanyahu to believe that the US would support Israel unconditionally.

The Gaza Wars had hardened the respective positions of the three players. These wars were one-sided military operations with the Palestinians suffering disproportionately in terms of casualties and infrastructure loss. The first of these wars, the 2008 Operation Cast Lead, occurred during the transitional period between Presidents G. W. Bush and Obama. Obama had been advised that the United States should try to find a way to talk to Hamas, thus challenging its designation as a terrorist organization. Previously, in 2006–07 the US, EU, Russia and the UN had provided three conditions to Hamas to be able to rejoin the ranks of a non-terrorist entity: one, declare that it would not have any violent activity with Israel; two, accept all previous agreements between the Palestinians and Israel including the Oslo Accords; and three, recognize the state of Israel. But Hamas' political position had made it impossible for it to meet these conditions.

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The war had ended by the time President Obama was inaugurated. But it put the new president in a difficult situation as he could not challenge the "special ally" relationship with Israel nor communicate with Hamas right after the war. Similarly, the war devastated relations between Hamas and Fatah, as Fatah was obliged to stay out of the conflict given its relationships with the international community and Israel despite the fact that Palestinians were being killed by Israel. Thus, Kennedy explained that the war made it difficult for both the United States and the Palestinians to change their positions, which was the real purpose of Operation Cast Lead.

The most recent, 2014 Third Gaza War or Operation Protective Edge, was a more violent replay of the first, in which around 2,100 casualties occurred, and the objective was the same. Recently, the Fatah-Hamas agreement had taken place as a way to overcome international restrictions on recognizing and communicating with Hamas. It was agreed that the leadership of Hamas would step down and be replaced by members of Fatah, and new elections would be held after an interim period in which Hamas would be able to participate. During this interim period,

the conditions that made it impossible for the international community to recognize Hamas would be lifted. The United States supported the idea and saw it as an opportunity to change its policy. However, Operation Protective Edge disrupted these proceedings and once again the US could not engage with an enemy that had just fought a war with Israel



In conclusion, Kennedy reflected that within such a context, it seemed unlikely that the situation would get any better, reinforcing his earlier skepticism regarding the resolution of the conflict any time soon.

The talk was followed by a lively Q&A session. Addressing a question about US's approach to a possible two-state solution, Kennedy stated that the United States would definitely support its creation but the challenge was getting to a situation where Israel would accept it and the Palestinians would accept a truncated Palestine. Quoting the late Ariel Sharon, "you have to address facts on the ground", he listed 100,000 Israeli settlers in the West Bank, a wall that deeply impacted negotiations, the continuing debate over the control of Jerusalem and the right of return of Palestinian refugees. Although a Palestinian state seemed inevitable, the nature of that state was yet to be determined.

Responding to a question on the effects of Intifada and Palestinian resistance, he said that the first Intifada along with the Gulf War influenced G. H. Bush to attempt a comprehensive solution. It was primarily non-violent civil disobedience against Israeli policies, but the response was disproportionate. The second Intifada was an all out war

in many respects, but ended tragically as not only Hamas but also Yasser Arafat was labeled a terrorist. However, he added that the boycott movement of Israeli products which had started in the West Bank did have some possibility of impacting Israel's policies and was something that the international community could get involved in.

Answering a question regarding illegal settlements, Kennedy pointed out that land had been central to the problem as it was being appropriated by Israel, and no Israeli politician had been able to dismantle many of the settlements. While Ariel Sharon was willing to abandon far-flung settlements in exchange for protecting the ones that were close to Israel proper, the current political coalition considered this far too accommodating towards Palestinian interests. Palestinian decision-makers were aware of this inflexibility so the public needed to push for an international, legal decision to overcome this.

Responding to a question regarding support for Israel in the US, changing attitudes and a possible shift in US's Middle East policy, Kennedy agreed that Israel did not have the same public support as it did twenty to forty years ago but the status quo was hard to change as it had an institutional aspect. He explained that because Congress was elected every two years, House members were constantly campaigning and therefore could not afford losing votes. They feared challenging mainstream ideas so as not to appear extremist, liberal or allegedly anti-Semitic.

The last questions was regarding Palestinian statehood within the United Nations. Kennedy referred to the Security Council vote of December 2014 on the proposition that Israel be obliged to leave occupied territories within three years along with the creation of a Palestinian state. Of the fifteen members, eight voted yes, two voted no (US and Australia) while five abstained including Britain. But, what was significant was that only one of the permanent members voted no, while Russia, France and China voted yes. He thus concluded that the consensus that did exist within the Quartet (US, Russia, the EU and the UN) on the Middle East was now evaporating.

:Dr. Hasan Haider Karrar, Assistant Professor of History at the Lahore University of Management Sciences (LUMS) was invited by the CPPG on January 28, 2015 to deliver a seminar titled Transition Economies, Trade and Mobility: Revisiting the Bazaar Economy Through Two Central Asian Bazaars.



Karrar began his talk by sharing the background and history of Kyrgyzstan where the two bazaars, Dordoy and Karasu were located. Kyrgyzstan was amongst the poorest countries in Asia, with a GDP of under \$6.5 billion and a population of 5.5 million. The country's manufacturing sector was almost negligible and unlike its neighbors Kazakhstan and Turkmenistan, it possessed no significant natural resources. Yet, two of Asia's largest bazaars with commercial networks that stretched from Eastern Europe to Eastern China and where 75,000 people conducted businesses every day, could be found in Kyrgyzstan. The juxtaposition between a macro level impoverished state and an individual entrepreneurial agility raised three important questions. First, what historical processes accounted for the emergence of these sprawling bazaars? Second, how did these centres of commercial exchange nuance theoretical understandings of the bazaar, transitional geographies of the South and their place in a globalizing world? Finally, given that Central Asian bazaars were spaces that germinated in the wake of the Soviet collapse, what did Kyrgyzstan's bazaars reveal about how people negotiated the transition from communism to globalization and circumvented economic marginality?

Karrar said that he had approached these questions with a focus on Kyrgyzstan's Dordoy and Karasu bazaars. Dordoy was in the capital city of Bishkek and ranged from 5,000

to 20,000 container outlets, while Karasu was outside the southern city of Osh and had 3000-7000 container outlets. Both markets dealt with manufactured goods from a variety of countries like China, Turkey, Poland, India and the UAE. About 77% of the goods sold were from China and 8% from Turkey, as Kyrgyzs citizens did not need a visa for Turkey while the Chinese visa was easily acquirable through invitations of manufacturers.

Kyrgyzstan was an important trade destination because import tariffs on manufactured products were negligible. A major chunk of the turnover came from trade in large imported quantities which were re-exported out of the country to neighboring Kazakhstan, Tajikistan, Uzbekistan and Russia, making both bazaars essentially wholesale markets. A variety of products were sold including costume jewelry, hardware, electronics, carpets, clothes, shoes and linen to name a few, with non-Chinese goods portrayed as better. Given that the trade-taking place in the bazaars was undocumented, the volume of money changing hands was unknown. However, estimates suggested that both bazaars in addition to Madina in Bishkek had a yearly trade amounting to around \$8-10 billion in 2010. 50-60,000 people worked in Dordoy and 15,000 in Karasu. In addition, these bazaars also provided services such as transport, money exchange, packing, and cargo services etc.

6 A major chunk of the turnover came from trade in large imported quantities which were re-exported out of the country to neighboring Kazakhstan, Tajikistan, Uzbekistan and Russia,...

The bazaars had a hierarchical administrative structure. They were headed by a director, and further divided into sub-bazaars with administrative staff overseeing everyday business. They were organized according to different lanes specializing in different items. Traders paid both rent and service charges of the bazaar. Under Soviet administration, bureaucrats managed the bazaars but after Independence these bureaucrats were able to use their patronage networks to buy land and establish the bazaars, becoming some of the richest people in Asia.

Dordoy and Karasu reflected two different transitional paths from communism. Established in 1983, Karasu Bazaar was the older of the two. It had started off as a state farm (Kolkhoz), in which 10% of the output, usually dairy products or poultry, was sold at market-determined prices. The Kolkhoz was managed by local Soviets and came under the USSR's Ministry of Trade. Two aspects of these bazaars would become a legacy for post-Soviet bazaars. First, Kolkhoz bazaars responded to consumer needs. Second, the Kolkhoz bazaars allowed for slight profit making under a command economy. Karasu became privatized only in the year 2000. Dordoy followed a different path as in its initial transition period around 1992; it was a flea market selling used household items. Then it got metal stalls and eventually containers by 1998. The growth of the bazaar in the wake of the Soviet decline in 1991 signified the breakdown of the economic system. People from all strata became sellers at the bazaar as they had either lost employment or pensions. A diverse set of people from engineers and academics to manual labour became traders as a means of survival. It was at the bazaars that cash actually circulated.

Almost half the sellers were female and couples staffed many of the stalls.

Besides their sprawl, two other aspects created a strong visual impact. The first was the presence of women. Almost half the sellers were female and couples staffed many of the stalls. The day traders from neighboring Kazakhstan as well as shoppers coming off from the vans were also mostly women. Apparently gender did not pose as an impediment to do business or to mobility. Studies had shown that a disproportionate number of itinerant traders in the 1990s Soviet Union were women who took to trading to draw a second income at a time of financial austerity. The second visual observation was that both bazaars were multiethnic spaces. In Dordoy, majority of the sellers were Kyrgyz, followed by Russians, Han Chinese and Iranians while in Karasu, the sellers were mostly Uzbek followed by Kyrgyz and some Chinese. Thus, with a history of ethnic tension and violence between the Kyrgyz and Uzbeks in 1990 and 2010, the bazaars were an area where these ethnicities came together.

Karrar argued that besides people, information and capital also circulated in these bazaars. In fact most sellers had reached a point where they were comfortable placing orders through telephone or the Internet. Mobilities of people, merchandise, information and capital were a defining feature of these bazaars. These mobilities were a triple-signifier: they invited a reconsideration of how the bazaar was traditionally seen in post-war social sciences; they challenged meta-geographical scales; and provoked focused analysis of globalization in a region that was considered economically peripheral.



Discussing the significance of the term "bazaar", he explained that James Scott described it as an informal setting of non-standardized exchange in the pre and early modern world, while standardized measures were essential to the emergence of what Adam Smith described as a mercantile system—the policy of enriching the state through a favorable balance of trade. State measurements or standardized measurements were a result of market exchange and long-distance trade where a consensus on value and quantity across two points of trade was essential. The transition from bazaar to market appeared as commercial structures spanning large parts of Eurasia emerged. Historians had described this emergence of markets in Europe as an entry to modernity. Thus "bazaar" had remained synonymous with non-standardized exchanges, local practices, and termed distinctively non-modern.

Further, Clifford Geertz considered the salient feature of the "bazaar" to be an impulse to personal profit-maximization that allowed the town's entrepreneurs to rise above traditional pedaling. Paradoxically however, the impulse for personal gain was coupled with mistrust that existed within the bazaar, and prohibited sellers from developing firm-style economies. Revisiting the term "bazaareconomy" twenty years later, Geertz identified information, which was scarce, poor, mal-distributed, inefficiently communicated and intensely valued, as the defining feature of the bazaar. He further asserted that the search for information in its uncertainties and complexities was the central experience of life in the bazaar, while his earlier thesis that the bazaar continued to be characterized by interpersonal relations remained unchanged. Thus, Geertz claimed that bazaar economies were antithetical to rational transactions taking place in market places, the global capitalist system, because they were characterized by interpersonal exchanges.

However, Karrar considered Geertz's view of the bazaar as framed by the modernization period of the time. He argued that Dordoy and Karasu were organic and devolving institutions, which responded positively to changes in political economy and transnational commercial practices across all of Eurasia, and their dynamic nature emerged from the impact of globalization across post-Soviet Central Asia. He described anthropologist Arjun Appadurai's understanding of "trait geographies" as attributed by geographical, civilizational and cultural coherence on the basis of traits such as common practice, shared values, ecological adaption etc., and suggested that this characterized the evolution of states. On the other hand. "process geographies" was where human organization was shifting, determined by human processes of trade, warfare, pilgrimage, colonization and exile. Karrar argued that the mobility embedded in Kyrgyzstan's bazaars that developed incongruously after the collapse of the Soviet Union and was scattered untidily across Eurasia was an example of the later 'process geographies'. But rather than rejecting state thesis altogether, he stated that sellers were acutely aware of the sharp edges of state power; the necessities for passports and visas; bureaucrats who were expected to ignore regulations; officials who needed to be bribed, and most critically the closing of borders and on-going multilateral trade negotiations that were rumored to have the potential to cull trade in these bazaars.

Thus, 'process geographies' were not about to make meta-geographies irrelevant anytime soon. Instead, what

was discernable was what geographer Neil Smith identified as social economies based on commodity exchange leading to "a crack in the unity of place and nature". This alternative conception of space implied the possibility of extracting from immediate place and of conceiving spatial extension beyond immediate experience. Hence 'process geographies' of bazaar mobilities should be seen as representing dis-alignment between state regulation and commercial practices in the bazaar. While relative state power had not eroded since Perestroika, dis-alignments in regional dynamics had allowed people, goods, information and capital to slip through, occupying what Smith had described as "spatial extension". This process created the new agencies represented through bazaar mobilities.

While a Central Asian bazaar and a Chinese supplier were embedded in complex institutional worlds belonging to different spatio-temporal configurations, an interface economy had emerged at the intersection of these operations.

Karrar further added that bazaar mobilities invited critical re-evaluation of globalization in regions that we might have considered economically and geographically marginalized, starting with reconsideration of tropes such as "core-and-periphery" used both as an economic class and spatial dimension. If turnover from the three largest bazaars of Kyrgyzstan's could be up to 40% or more of the country's formal GDP, then the formal economy was not a useful measure of peripherality. Similarly, if goods from Guangzhou, China ended up in wholesale markets of Moscow via Dordoy, then Kyrgyzstan might actually not be as peripheral as it traditionally appeared. Thus, rather than a center-periphery relation, he argued that Saskia Sassen's framework of core-terminus systems of capital operation better explained how globalization worked in this case. While a Central Asian bazaar and a Chinese supplier were embedded in complex institutional worlds belonging to different spatio-temporal configurations, an interface economy had emerged at the intersection of these operations. These interface economies were as old as global interconnectivity except that the scale and power of

these interface economies had changed. The interface of different capitalist systems had given rise to networks of global cities and global commodity value chains leading to bazaar mobilities that encompassed vast regions across which individuals, merchandise, information and capital circulated. Echoing Neil Smith's notion of 'spatial extension', Sassen stated that these networks created new territorial geographies embedded in sub-national terrains such as cities and again as an extension, bazaars.

Lastly, Karrar discussed the unevenness in these core-terminus systems of capital operation. He argued that it was the dichotomy between the Chinese provincial economy and the twenty times smaller Kyrgyzstan national economy that formed a critical part of the interface. According to Edward Socha, capitalism had two spatial tendencies. First, increasing homogenization, arguably of the experience of the global North with comparatively less economic and spatial unevenness across states. However, this tendency was in a dialectical tension with systems where profit maximization fed off geographical unevenness, thus asserting that the very existence of capitalism presupposed a sustaining presence and vital instrumentality of geographically uneven development. It was in this realm of geographical unevenness that super-profits (higher than average rates) were made. Sassen had made a similar point that the sharper the differentiation had grown between the two temporal systems of capitalist operation, the more intense the worlds of new business opportunities would be.

Karrar then revisited the question on what type of mobility was taking place in the bazaars and why it was important for trade. The answer revolved around the experience of economic marginality. His research had revealed that existing family businesses belonging to Karasu found trading there most lucrative; commonly, others found the working conditions agreeable while some responded that there were no other options for work. The answers revealed reasons which were very different from the academy looking from afar. From the outside, the roots of the bazaars in Perestroika signified continuity, rupture and mobility of goods, capital and information. Further, bazaar mobilities challenged our understanding of regions viewed otherwise as peripheries. However, the view from the bazaar floor was a lot less analytical. He stated that it

was crucial to imagine the dawn of independent Kyrgyz-stan when Dordoy and Karasu were mostly empty lands on the margins of cities where people sold their used goods. Though they now ranked amongst the largest bazaars in Asia where enormous personal fortunes continued to be made, they remained foremost sites of survival in an economically repressed republic, landlocked deep within the heart of Eurasia. While understanding this reality did not bridge the gap between bazaar as a site of survival and bazaar as an analytical category, it did bring us a step closer to comprehend how wide the gap might be.

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The talk was followed by a Q&A session. Answering a question regarding the importance of geography, and of the bazaar to Kyrgyzstan's economy, Karrar stated that the country had gone through an aggressive privatization drive during the Akayev regime (1991–2005). Thus, the bazaars were now in the best commercial interest of the state as they played a significant role in creating employment eg. Dordoy bazaar employed 60,000 in a city of 800,000. Similarly, though the geography was important, the state' allowance for the entry of duty free goods was a factor that was more important. He further added that in terms of geography, one also needed to look at the question of why modern trade routes seemed to shadow those of the past and how could one explain commercial logic in terms of geography?

Addressing a question on whether the bazaar marketplace dichotomy could be compared to informality versus formality of the economy, Karrar said that Geertz's understanding didn't necessarily relate to informality. Bazaars might be non-formal, however in the sense that the transactions taking place were deeply personal. For instance, price stickers might not be present and trade might be a result of haggling, while in a modern market place business would take place based on fixed exchanges.

:Mr. Olivier Mongin, a writer, publisher, co-editor of the journal Tousurbains, and vice president of the French Union for Cultural and Scientific Press was invited by the CPPG as part of the "Open Doors in Pakistan" seminar series in collaboration with the Embassy of France and the Alliance Francaise. He delivered a talk titled Changing Dynamics of being Urban, Urbane and Globalized on October 12, 2015. Mongin gave his presentation in French, which was communicated through a translator.



Mongin began by discussing urban globalization and its consequences in different parts of the world. He stated that in Europe, urbanization had always been linked to urbanity, and it was within this context that he would assess urbanization. The problem of violence was endemic and not limited to just the political or related to war between states. On occasions, cities had been linked with violence. Thus, it was important to assess whether urbanization today was a producer of violence or a promotor of peace.

He stated that urbanization could be seen as a major ingredient of globalization with the informal sector as a major component of urbanization itself. Viewed from Europe, this was the third globalization in history. The first was the coming out of one's own shell and reaching out to other areas, when Christopher Columbus went in search of the East but instead discovered the Americas. The second globalization came in the wake of the industrial revolution, when technological progress through the invention of the steam engine made large scale rural exodus possible, allowing people to move to cities. The current, third globalization again related to technological advancements but was wide-ranging and not specific

to Europe. This was disturbing for Europe, which was in a habit of appropriating previous globalizations.

66 ...even if countries today opted for protectionism, it would not be an obstacle in the connectivity brought about through the Internet. 99

Additionally, globalization differed according to the perspective of each country of the world, raising the question whether we should talk of globalizations in the plural form. Mongin observed that globalization was generally explained in an economic sense. Though figures such as GDP or unemployment rates were important, still restricting oneself to this data limited globalization as being related to technological progress or Internet connectivity. Also, internet connectivity differed drastically in different parts of the world, for example in 2015, it was 16% in Pakistan while France had almost universal access to it. However, the main progress had been connectivity, which had facilitated an easy flow of information to the extent that even if countries today opted for protectionism, it would not be an obstacle in the connectivity brought about through the Internet. The same connectivity also had an impact on geography while the role of the state was changing. The state was becoming increasingly devoted to security, and more disconnected from the market, while the city-state phenomena was becoming more apparent and disassociated from the state. For example in Colombia, the state had no role in the city of Medellin. He thus argued that rather than economy, it was important to focus on connectivity in all respects, and to understand that participation in globalization required one to be connected.

Mongin then delved into the question of territorialization, and suggested that "identity syndrome" was another issue related to urbanization, as the de-territorialized felt the need to re-territorialize themselves in order to find an identity. It was within this context that many European geographers saw globalization as urbanization. Major events such as the 2008 economic crisis that originated in the US and was linked to sub-prime loans for access to housing could be clarified through urbanization. In fact

access to housing or to property was a central problem everywhere in the world, as for instance, it was very difficult for a group of teachers to find lodging in central Paris due to high costs. Juxtaposed with the issue of identity, he stated that we also lived in a world where mobility was of utmost importance. Earlier, ports were connected, while now the connection prevailed upon the place itself. Because the flow (financial, people, goods, etc.) had more importance than the location, therefore, now it was critical to ask which territory to place oneself in, in this world of flows.

He classified today's cities into "unlimited cities" that kept spreading or "special cities" that were closed in themselves. Karachi in Pakistan, Sao Paolo in Brazil or Johannesburg in South Africa fell into the former group as cities without limits while "specials cities" like those in the Gulf were not comparable to these limitless cities. The question of limits was important with regards to traditional cities of Europe and the Ottoman Empire because the limits were placed, not to exclude but to integrate. More importantly, this raised the question whether we were going to lose urbanity with urbanization and if we were condemned to a choice between an unlimited city and a special city? He stressed that though there were concerns over the influx of refugees in Europe, it seemed that Pakistan had the most number of refugees globally with up to five million refugees of war in addition to internally displaced persons. Further, Lahore was going to experience the most rapid urbanization due to rural exodus, and achieve an urbanization in one generation that Latin American cities had in three or four generations. Thus, there was an anticipation attached to this urbanization as it related to violence. Every hour, 21 persons were added to the population of Lagos, 41 to that of Delhi and 60 to that of Manila. Overall, the present rate of urbanization was the fastest throughout history and the 8% urbanized figure in 1900 was now 50% and would reach 75% per cent in 2050 with almost 3.5 billion people living in urban areas.

Discussing the linkages between urbanization and environment, Mongin stated that the impact of urbanization went beyond the urban centers and included—— forests and deserts in terms of pollution, carbon emissions etc. For instance, the entire Sub-Saharan Africa was affected

by desertification, implying the negative impacts of urbanization on deserts. Similarly, deforestation as a result of urbanization was impacting Amazonia in Brazil, a major source of water for the world. Similarly for Pakistan, the problem went beyond access to water and also included desertification. Additionally, the issue of speed efficiency in the context of connectivity had led maritime to overshadow aircrafts, and along with Internet and mobiles, there was also a trend towards containerization as 90% of global freight was through maritime routes. The development of countries like China and Brazil was occurring along coastlines, with each port linked to an in-land city. Relating these maritime developments to Climate Change was important because 60% of the world population lived less than 100 km off the coast and thus rising sea-levels was a major concern.

66 The question was whether universities were thrown outside the cities or whether cities were centred on universities. **99**

Mongin then discussed the issue of integration of urban populations, stating that 70% of urban development was taking place in the informal sector outside the orbit of the state. In Cairo, for instance, 70% of the population was living in irregular settlements, while China controlled internal migratory flows through a system of internal passports known as huku, which gave access to civic amenities and benefits. Citizens without the huku who had a right to work but not the right to live were expected to return to the slum areas after work hours. Such a system had created a peripheral population, which lived outside the city. Khartoum was another city that controlled the movement of people, in particular the war refugees. The state had set up camps attempting to organize these settlements. This was not an illegal population but one that was unable to find jobs. In contrast, Nairobi had a population of 8 million of which 50% was illegal and there was no state effort to settle this population. But regardless, all people still required housing. The authorities in Lima, Peru gave priority to civic amenities such as access to water, electricity or roads rather than housing to allow population mobility over disadvantages of being disconnected. Thus,

settlements could be found on mountain slopes where cable cars had been installed to stop people from becoming confined or restricted. The "springboard neighborhoods" in Istanbul were another example of where people migrating from villages would contact older villagers in the city to help them integrate.

While concluding his talk Mongin drew attention towards two critical questions related to urbanization. One, was it possible for us to not be limited between the limitless city and the closed, special city? Second, whether we were going to create cities with or without urbanity? Instead, he suggested the idea of the "metropol", which lied between the megalopolis and the special city. He stressed the necessity of integrating the population in the city while at the same time creating a city, which was not disconnected from globalization.

The talk was followed by an animated question and answer session. Answering a question regarding 'ruralization' of urban centres, he mentioned that a number of European scholars were talking about villages coming to the cities in the context of Africa. These were neither villages nor cities but a form of their own. Similarly in Gulberg, Lahore, one saw large villas in conjunction with less structured accommodations. Ibn Khuldun had talked about how ruralization destroyed cities in the 14th century when considering cycles of urbanization.

66 ...60% of the world population lived less than 100 km off the coast and thus rising sea-levels was a major concern.

Answering a question regarding city transportation, Mongin said that cities like Lahore and Islamabad were constructed for cars. It was problematic that there were no lanes for bicycles, and public transport was indeed a major issue, which required action before things got out of control. In Europe on the other hand, cities were created around trade and universities because a city needed education. The question was whether universities were thrown outside the cities or whether cities were centred on universities.

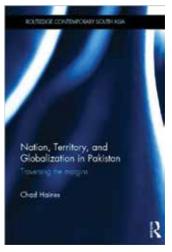
With regards to a question about special cities, he mentioned Singapore which had the largest port connection in the world, a volume greater than all European ports together. While the motto of Singapore was "global, green and connected", a fourth point that was missing was "democratic". The problem with special cities was whether they could integrate and this had nothing to do with the dichotomy of vertical or horizontal development.

66 ...in Lahore planning could not be expected as there was no municipal governance. **99**

Answering a question regarding urban governance,
Mongin stated that town planning in Europe was a result
of controlling the working class revolution and violence,
while in most of the world there was no urban planning.
For instance, in Lahore planning could not be expected
as there was no municipal governance. Lastly, he stressed
the importance of "urban imagery" which was shaped by
geography, history and a narrative, while stating that the
inhabitants needed to be taken into account when designing a project.

Review Essay

Learning from KKH, While Envisioning the CPEC Dr. Saeed Shafqat



Chad Haines, Nation, Territory and Globalization in Pakistan Traversing the Margins (Routledge 2012, Manohar 2016).

In the past few decades the works of Robert Kaplan, Revenge of Geography (Random House 2012), David E. Bloom and Jeffrey Sachs, Geography, Demography and Economic Growth in Africa (Brookings, 1998) and more recently Jeffrey Sachs' critical review of Why Nations Fail: The Origins of Power, Prosperity, Poverty by Daron Acemoglu and James Robinson (Crown Business, 2012) in Foreign Affairs (September/October 2012) titled, Government, Geography and Growth: The True Drivers of Economic Development underscores the salience of geography and geo-political factors in modernization and development of states in developing countries. Literature focusing in particular on theories of "new economic geography" has emphasized the role of spatial factors in contributing towards economic development and regional inequality that in turn are inextricably linked to the interaction of economies in a globalized state of affairs. Geographical factors such as territorial location, size, shape, borders and access to oceans/seas thus directly impact aspects such as development, security and formation of the nation-state. In geopolitics, there are two schools of thought: one asserts that geographic location determines while the other claims that it influences the security, development, formation and growth or decline of nation states. Geographical location consequently offers

risks and opportunities, leading to questions such as why and how are some nation-states able to convert these into sustainable development while others suffer from uncertainties? Pakistan's geographical position remains pivotal to its development and in that spirit infrastructure investment could play a critical role in promoting internal harmony and shaping its external relations. Yet, preciously few scholars have focused on the centrality of 'roads' as identity markers, drivers of competition, rivalry and connectivity among nations. It is in this broader geo-political context that American anthropologist, Chad Haines' book Nation, Territory and Globalization in Pakistan Traversing the Margins (Routledge 2012, Manohar 2016) provides some refreshing insights and interpretations on the importance of geographical location, its role in nation-state formation and its interface with forces of globalization. A distinguishing feature of this research is its extraordinary focus on the Karakoram Highway (KKH) as a centerpiece of identity, booster of China-Pakistan friendship and promisor of economic growth and development in the case of Pakistan. Was the KKH indeed conceived as a potential 'game changer'? In Zulfikar Ali Bhutto's imagination it was, as Haines perceptively reminds us, 'The KKH is two roads'-Sinkiang-Gilgit road connecting Pakistan with Central Asia, and national highway integrating Pakistan (p.66). It has certainly increased mobility, connectivity and transport of goods and people, hence transforming locale and communities. In any case, it has been China's pioneering road construction engineering in the mighty Himalayan peaks, a project in which Pakistan contributed substantially. Haines' work becomes all the more relevant and timely as Pakistan deliberates, contests and evolves consensus on building another 'road' -the China-Pakistan Economic Corridor (CPEC).

66 ...KKH has traversed the 'margins' in multiple ways, integrating it with the larger nation-state, yet it has also polluted the ecology of the region and the socio-cultural life and values of Gilgit-Baltistan... 9 9

Haines draws attention towards two critical aspects; Firstly, he explains how the colonial rulers' policy or inaction on creating 'undefined borders' and its thrust for infrastructure development created 'British India', and secondly, he explains how in the post-independence period 'undefined borders' and the KKH continue to resonate as identity markers, as sources of territorial integrity, providing marginalized communities an opportunity to relate with the nation, opening space and locality and enhancing state security (as it passes through 'disputed territory'). The KKH links the unequal and remote parts of the country to its economic 'cores' making them interdependent. Haines persuasively argues that KKH is a 'unique story', not simply as an iconic engineering landmark manifesting China and Pakistan's strategic partnership but, 'in the production of its symbolic meanings as the Silk Route'. Highlighting how it situates the Pakistani nation to 'an ancient past', he points out that the KKH affirms 'a distinct national horizon from Pakistan's birth out of colonial South Asia, and thus differentiating the country from the nation-state of India' (p110). That is what makes KKH a national identity marker and in this spirit, the road is not simply a development project but also contributes towards solidifying a national identity. It recognizes the sacrifices of Chinese and Pakistani engineers, workers and defense personnel who laid down their lives for building this highway—a monument of national importance. Yet this also reminds us (the people and may be policy makers) how social, cultural and political lives have transformed in marginalized areas. The central thesis of the book is that the KKH has traversed the 'margins' in multiple ways, integrating it with the larger nation-state, yet it has also polluted the ecology of the region and the socio-cultural life and values of Gilgit-Baltistan (GB) and communities on location along the road. Center staging the KKH, Haines unbundles the paradox that forces of modernization and globalization unleash by transforming the socio-cultural values and politics of these marginalized communities and the region.

The book is reader friendly, well structured, and organized into five chapters with a concise introduction and summary conclusion. It provides food for thought to a wideranging audience. For those interested in the history of GB Agency and its links with Kashmir and colonial instruments of state formation, chapters one and two are instructive, insightful and informative. They also illuminate how 'undefined borders' encourage contested narratives about history, demonizing the 'other' all the while infusing

nationalist sentiment. According to Haines, 'undefined borders' and infrastructure development were twin pillars of colonial policy that had created 'British India' (pp11-12). Pakistan inherited 'undefined borders' and a network of railroad and irrigation infrastructure from its colonial rulers. In fact, in most developing countries, colonial rule created such projects to expand control over the occupied territories and centralize powers. Weaving relationships between marginalized territories and nation-state formation, Haines highlights the pivotal role that 'Roads and Routes' play in accelerating mobility and intensifying connectivity. Analyzing the twin issues of 'problem of security' and 'problem of development' from colonial to modern times, Haines raises the salience of marginalized territories like marginalized individuals in society. "Margins," he argues, "do not pre-exist state formation." His analysis of marginalized GB leads him to aver, "the modern state is dependent on the production of the margins that give legitimacy to the centralizing powers." (p.109). The margins play an integral role in bringing together the territorial components of the nation state in an age of globalization. Roads and Routes demolish physical barriers and connect margins with the core—the center. Thus, the nation-state is formed through the construction of both external and internal borders. In a nuanced way it exemplifies how infrastructure development and geopolitics are intertwined.

...the nation-state is formed through the construction of both external and internal borders.

For the tourist and those interested in tourism policy formulation, chapter four, "Emplacing the Karakoram Highway: from tourist spots to truck stops" provides a fascinating description about domestic and international tourists; their differing observations, and interests. Along KKH, Haines perceptively remarks, people are simply like passers-by that one "encounters along the way" but the real attractions are physical in terms of nature, the 'highway, the deep river gorges, the glaciers and the mountain peaks" (pp.78 – 80). Haines is a sensitive and perceptive observer as he draws attention towards the reality of how within a 'marginalized' geographical entity, the sectarian divide reflects levels of wealth and poverty. He claims that Hunza attracts more tourists, given its location and the

dynamism and support of its Ismaili community; and is more popular and rich. On the other hand, Nagar depicts and signifies the depressed Shiites who appear 'marginalized', relatively poor and less attractive for tourists. Haines incisively remarks, "History, folk culture, nature," these are three qualities tourists come to "consume in Gilgit Baltistan." (p. 78) Based on this understanding, he describes three types of tourists: domestic tourists are divided into two categories, first, family tourists, who are primarily interested in shopping (smuggled goods from China) rather than history, culture and people of GB. The second group is that of students, who ostensibly visit these areas as part of study tours but even for them understanding the history, culture and conducting research remains peripheral. The third group is of international visitors, though declining on yearly basis because of insecurity and terrorism, is more enthused about exploring the natural beauty of the region and its culture, history and the social transformation that the people of the region are going through. In a way the author laments that the tourism potential of KKH remains unexplored.

66 ...when the KKH was being built, environmental assessment impacts, transparency and issues of human rights were not prioritized;... **99**

For the environmentalists, he insists on the urgency to preserve the beauty of nature, traditional values and life styles of the local people. In the 1960s and 1970s when the KKH was being built, environmental assessment impacts, transparency and issues of human rights were not prioritized; today these issues are of increasing concern under the gaze of the media and public scrutiny. Chapter Four illustrates how ecology and the environment of GB has undergone transformation and is impacting the culture and daily life of communities along the KKH.

As we plan, imagine and surround ourselves with ecstasy based on CPEC as a 'game changer', the book offers a terrific opportunity to policy makers, academia, and those who are interested in the future generations of Pakistan to learn and apply the lessons of history and from the current status of KKH. The book is a must read and could

energize and improve our understanding on how harnessing geography could foster socio-political synergies and economic development in Pakistan. I do hope this study will provoke some Pakistanis to reflect on how effectively we have cashed upon the opportunities that the KKH offers for ameliorating the socio-economic wellbeing of the communities along the KKH. In an era of globalization characterized by heightened connectivity through technology and infrastructure development, it is necessary to understand how road infrastructure investments re-shape the geopolitical significance and growth potential of nation-states and regions. Under these changing dynamics 'Traversing the margins' offers Pakistan an unprecedented opportunity to re-charter its course to pursue national harmony through territorial integration and emerge as a hub of regional connectivity, peace and development. Re-imagining geography holds the promise of the 21st century for Pakistan.

66 Re-imagining geography holds the promise of the 21st century for Pakistan. 99

Visitors and Activities

August 10, 2015

The CPPG organized a policy dialogue on How can the performance of the Punjab Bureaucracy be improved.

August 11, 2015

The CPPG organized a Round Table Discussion on GSP Plus and its Implications for Pakistan in collaboration with Home Net.

September 17, 2015

The CPPG organized a seminar with Dr. Bilal Ahmad Butt on Industrial Growth: Challenges and Development in Punjab.

October 8, 2015

The CPPG organized a special event with presentations by eminent scholars Chad Haines on Being Muslim, Being Modern: Informality and Transgression on the Streets of Cairo, Dubai, and Islamabad and Yasmin Saika on History, Again: Narrating Lived Experiences.

October 26, 2015

As part of the Open Doors in Pakistan seminar series in collaboration with the Alliance Française, Dr. Hamit Bozarslan gave a talk on Religion, Secularism and Nation in Turkey at the CPPG.

November 19, 2015

The CPPG organized a seminar on Poverty, Food Security, and Public Policy in Pakistan with Dr. Sohail Jehangir Malik.

November 23, 2015

As part of the Open Doors in Pakistan seminar series, Dr. Laurent Bonnefoy gave a talk on Yemen at War: A Political and Strategic Assessment at the CPPG.

December 4, 2015

The CPPG organized a seminar with Dr. Chris Galloway on Media Jihad: Lessons from Islamic State's public relations masterclass.

December 11, 2015

The CPPG organized a seminar with Dr. Madeline Clements on Writing Islam from a South Asian Muslim Perspective.

December 15, 2015

The CPPG organized Christmas and Alumni Get Together.

February 17, 2016

The CPPG organized a panel discussion on Democratic Cultures: Insights from South Asia with Dr. Lucia Michelutti, Dr. Paul Rollier, Dr. Ashraf Hoque, Dr. David Picherit & Dr. Arild Ruud, a group of scholars working on a collaborative ethnography of "Muscular Politics" in India, Bangladesh and Pakistan.

March 1, 2016

The CPPG organized a seminar with Dr. Miles Toder on Changing Dynamics of US – China relations and its Impact on Pakistan.

March 23-24, 2016

The Director CPPG talked about China's 'New Silk Web': How is it impacting Iran, Pakistan and Beyond? in the 2nd Annual International Conference organized by The College of Arts and Sciences (CAS)' Qatar University; Department of Central Eurasian Studies Indiana University; Center for Turkish Studies, Shanghai University; and Sociology of Islam Journal (Brill), Maltepe University.

April 26, 2016

The CPPG launched an action research report on Improving Governance: Reforming Provincial Services in Punjab at the Planning & Development Board, Punjab.

May 22, 2016

The Director, CPPG gave a talk on China's Rise: How it is impacting Gulf, Iran & Pakistan? at the conference on 'The Arab World & China: Future Prospects of Relations with the Rising Power' organized by the Arab Center for Research & Policy Studies.

May 26, 2016

The CPPG launched the Internal Migration Study Report on Pakistan: The Case of Punjab in collaboration with UNFPA & Migration Research Group.

Raza Shahid and Mohammad Ahmad Raza, students of M.Phil in Public Policy and Governance have been awarded the Punjab Education Endowment Fund (PEEF) scholarship for the year 2015–17.

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