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# THE SOUTH CHINA SEA: A NEW INTERNATIONAL HOTSPOT

SIDRA TARIQ

*The South China Sea... is now a principal node of global power politics, critical to the preservation of the world wide balance of power. While control of it may not quite unlock the world for China as control of the Greater Caribbean unlocked the world for America; the Caribbean, even with the Panama Canal, has never lain astride the great maritime routes and energy to the degree that the South China Sea presently does.*

— Robert D. Kaplan  
*Asia's Cauldron – The South China Sea  
and the End of a Stable Pacific*

## Introduction

The South China Sea (SCS) has in recent years become a hot spot in international conflict due to a complex set of overlapping and competing territorial claims among China, Vietnam, the Philippines, Malaysia, Brunei, Indonesia and Taiwan. Although the United States is not a party to any of the disputes, the Obama Administration's "re-balance" towards the Asia-Pacific has augmented America's profile in the region at a time when many of the regional players are seeking to evade China's increasing influence. A handful of islands that span across the South China Sea, making up an area known as the "cow's tongue," form the epicentre of this territorial row. Besides the issue of defending one's territorial sovereignty, much of the interest of the stake holders in the South China Sea is due to its global standing as a maritime superhighway, its abundant energy deposits, its copious marine resources and military bases, all of which are at stake in the increasingly recurrent diplomatic face-offs. China contends to uphold a massive area, extending almost down to Indonesia. Taiwan matches those demands but seldom pursues them boldly due to its limited role on the international stage. Paracel and Spratly Islands are claimed by Vietnam,

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while the Philippines, Malaysia and Brunei all have claims partially imbricating with that of China over the islands and other geological structures. Of the claimants, Vietnam and the Philippines have been most assertive against Chinese stance during the last few years. Malaysia and Brunei take a minimalist approach, which has been aided by the fact that Beijing has not made an issue over its conflicting demands with these countries. This paper explores a number of challenges that could potentially drive South East Asian countries, especially Vietnam and the Philippines, towards conflicts with China over the South China Sea. It focuses on the implications of regional responses to China's actions. In addition, it addresses the issue from the perspective of international law and explores the intricacies involved therein, particularly regarding numerous claims in the South China Sea. There are several key legal issues involved in the territorial claims, and all contenders present conflicting historical and legal evidences that, according to them establish their ownership of the different islands. None of the international dispute settlement systems can be used without the assent and cooperation of the parties involved, which have so far been lacking.

### Map 1

#### South China Sea

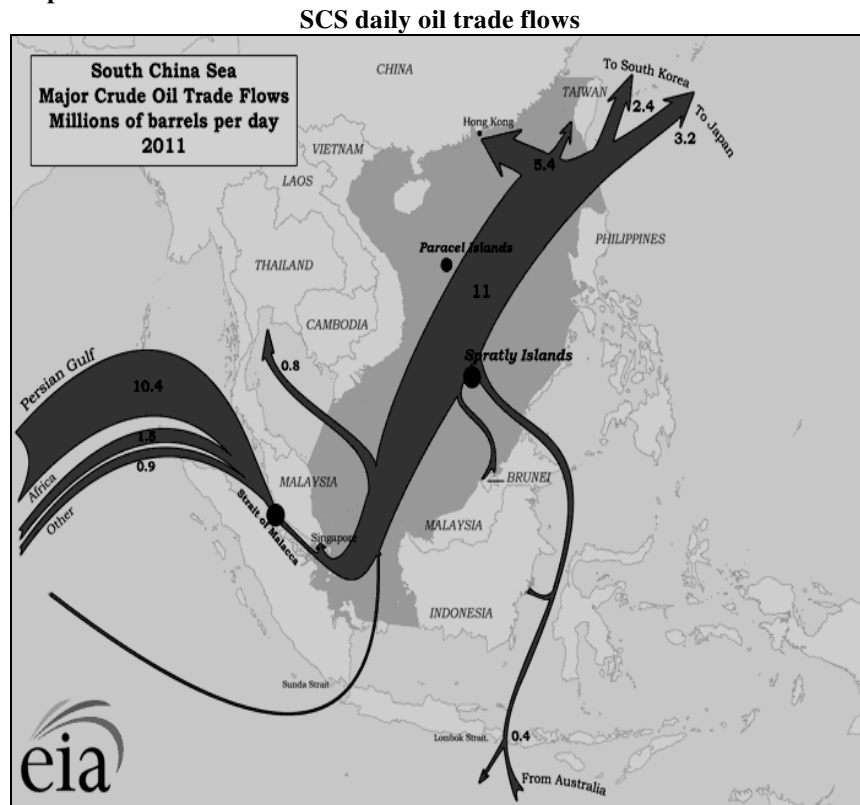


Source :< <http://www.eia.gov/countries/regions-topics.cfm?fips=scs>

## South China Sea – maritime expressway

The South China Sea covers an area of roughly 1.4 million square miles in the Pacific Ocean that encompasses a region from the Singapore and Malacca Straits to the Strait of Taiwan, spanning west of the Philippines, north of Indonesia, and east of Vietnam (See Map 1). The South China Sea islands constitute hundreds of islands, amongst which the biggest and most contentious territories comprise the Spratly Islands, Paracel Islands, Pratas Islands, Macclesfield Bank, and Scarborough Shoal, to which all of the six key Southeast Asian nations attach various claims. The islands are mostly uninhabited and have never had an indigenous population, making the issue of historical sovereignty a tricky one to resolve.<sup>(1)</sup>

Map 2



According to Kaplan, the South China Sea works as a “throat” of the Western Pacific and Indian Oceans — the mass of connective economic tissue where global sea routes coalesce.<sup>(2)</sup> Over 50% of the world’s merchant fleet tonnage crosses through the Malacca, Sunda and Lombok Straits, with the majority continuing on into the South China Sea.<sup>(3)</sup> The Strait of Malacca,

located between Indonesia, Malaysia, and Singapore, links the Indian Ocean to the South China Sea and the Pacific Ocean. According to the US Energy Information Administration (EIA), the tanker traffic that moves through the Malacca Straits is more than three times greater than the Suez Canal traffic, and well over five times more than the traffic of the Panama Canal.<sup>(4)</sup> The EIA estimated that by the end of 2011, oil trade passing through the Malacca Straits was greater than 15 million barrels per day (BPD), amounting to one-third of all seaborne oil and second only to the Strait of Hormuz<sup>(5)</sup> (see Map 2). Oil imported by Japan, South Korea, Taiwan and southern China is shipped through the Malacca Straits and the South China Sea, giving it a special strategic significance.

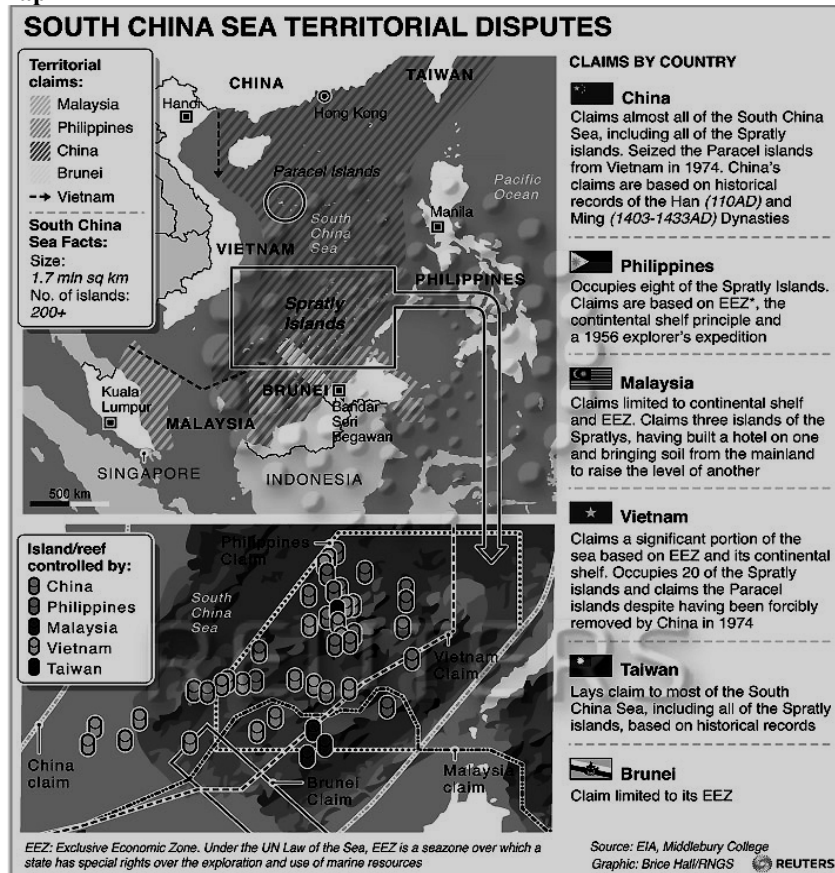
The EIA also reported that about 6 trillion cubic feet (Tcf) of liquefied natural gas, or more than half of global LNG trade, passed through the South China Sea in 2011. Half of this amount continued on to Japan, with the rest of it going to South Korea, China, Taiwan, and other regional countries.<sup>(6)</sup> Also, significant quantities of coal from Australia and Indonesia, the world's two largest coal exporters, are transported through the SCS to markets around the world, particularly China and Japan.<sup>(7)</sup>

### **Competing claims in South China Sea**

Regional approach to China's actions has largely been formed on the basis of special historical narratives, as well as domestic political and economic settings of each country. With China's escalating economic and political clout, other claimant countries carefully balance their competing territorial claims over the South China Sea with the administration of their relationship with their powerful neighbour. This is chiefly challenging for Vietnam and the Philippines as they have been the most unyielding vis-a-vis China's territorial claims.<sup>(8)</sup>



Map 4



Vietnam has been the most assertive regarding SCS since 2009, when tensions intensified following the submission of claims by claimants of the South China Sea to the UN Commission on the Limits of the Continental Shelf. However, Hanoi has remained vigilant enough not to mingle the sovereignty disputes with its bilateral ties with China.<sup>(9)</sup>

Starting in mid-2011, the Philippines adopted an equally forceful position.<sup>(10)</sup> Malaysia has been noticeably quiet, which many attribute to the high priority it places on economic relations with China, but Beijing's moderate stance on its territorial disputes with Kuala Lumpur also plays a role. Both Vietnam and the Philippines depend heavily on fishing and the former also greatly relies on energy resources in the sea; yet their economies are increasingly linked to China. China's rise coupled with shaky bilateral relations with Beijing have forced Vietnam, the Philippines, and, to a certain extent, the other claimants to dexterously manage between exploiting resources, defending sovereignty claims, and maintaining relations with China.

### China's claims in the South China Sea

The region has always held strategic importance for being resource rich and for serving as a vital maritime route between the Indian and the Pacific Oceans. That is why both littoral and occupying states have divergent views on the ownership of territories. The historical claims have been shaped by various disputes over the course of the last two thousand years.

In China's view, its jurisdiction over the South China Sea's "intermittent line" is a product of a progressive development of the China Sea territory during the Han, Tang, Song, Yuan, Ming and Qing dynasties. These claims are disputed by other claimants in the region on the basis of limited records and artefacts available. However, China tries to validate its position by coupling historical claims with contemporary legal mechanisms.<sup>(11)</sup>

On 21 December 1934, the *Amphibious Map Review Committee* of the National Government of China approved the names of various islands and reefs in the South China Sea Islands by publishing the "Table on Names of the Islands in the SCS" in both Chinese and English. The Table demarcated the South China Sea into four groups: Dongsha (Pratas) Islands, Xisha (Paracel) Islands, Nansha (Spratly or Zhongsha) Islands and Tuanha (also called Coral) Islands. In 1948, a "Republic of China Administrative Map" was published by the national government, which identified four island groups in the South China Sea, with Beilun Hekou in the west, Zengmu Beach in the south and the eleven-dashed line in Taiwan's northeast in the east, thus, establishing a "U" shaped intermittent line. After China's independence in 1949, the same maps were followed to mark China's maritime territorial claims in the South China Sea. However, in 1953, two dashes of the 11-dashed line were removed in the Beibu Gulf, thereby forming the current "nine-dashed line" in the South China Sea. Ever since, China's position on the claims have remained intact.<sup>(12)</sup> Scholars like Tylor Fravel emphasize that China has not been as assertive in the South China Sea dispute as many analysts believe. Beijing has not altered the substance or the scope of its claims, although uncertainty keeps bordering the meaning of the nine-dashed line.<sup>(13)</sup>

Supporters of the Chinese outlook contend that there may be disputes on sovereignty over the overlapping waters off the continental shelf between countries encircling the South China Sea. However, they insist that there was no dispute between them and China over the islands and islets in the South China Sea until 1970s.<sup>(14)</sup> Recently, for instance, Yi Sianliang, Deputy Director General of the Department of Boundary and Ocean Affairs in China's Foreign Ministry, pointed out that before the mid-1970s, the official documents, textbooks and maps of Vietnam all explicitly recognized China's sovereignty over the Xisha Islands.<sup>(15)</sup>

From an objective and legal standpoint, much has changed in the region since 1948 when China issued its intermittent line map. Regional governments are now free from colonial control and have achieved significant political and economic stability in the last few decades. Moreover, since the Second World War, the rules of International Law have evolved greatly and all the states in the region, including China, are bound to the International System.

The United Nations Convention on the Law of the Sea (UNCLOS) that originated in 1982 provides rules for what states can claim as territorial seas (which extend 12 miles from shore) and as Exclusive Economic Zones (EEZs, which extends 200 miles). According to UNCLOS, China's claim to several islets may have more legitimacy but not to areas within EEZs of other states or within open waters.<sup>(16)</sup>

Many scholars find China's approach of integrating historical and contemporary International Law problematic. As Leszek Buszynski wrote in *Washington Quarterly*:

“China's claim is based on history, but such claims do not carry much weight in International Law, which from a Chinese perspective downgrades China's ancestral heritage and is a source of resentment.”<sup>(17)</sup>

The Chinese, nevertheless, advocate that its historic rights in the South China Sea originate from historical development as well as from sovereign and jurisdictional practices, while China's EEZs and the continental shelf sovereign rights are based on the 1982 UNCLOS. The former echoes the extension of the government and state inherited rights while the latter mirrors the modern marine legal system. The South China Sea issue comprises multiple facets vis-a-vis, history, diplomacy, politics, economy, military and legitimacy. Therefore, the UNCLOS cannot serve as the only solution to these disputes. The affairs that are not clearly defined by the UNCLOS do not find applicability in the general principles and provisions of the International Law.<sup>(18)</sup>

### **Vietnam**

China and Vietnam hold the most competing and overlapping claims in the South China Sea. The two countries have already fought twice over the disputed islands in 1974<sup>(19)</sup> and 1988.<sup>(20)</sup> This resulted in China's occupation of the Paracel Islands and led many Vietnamese to believe that China would not hesitate to use force again to resolve sovereignty disputes.

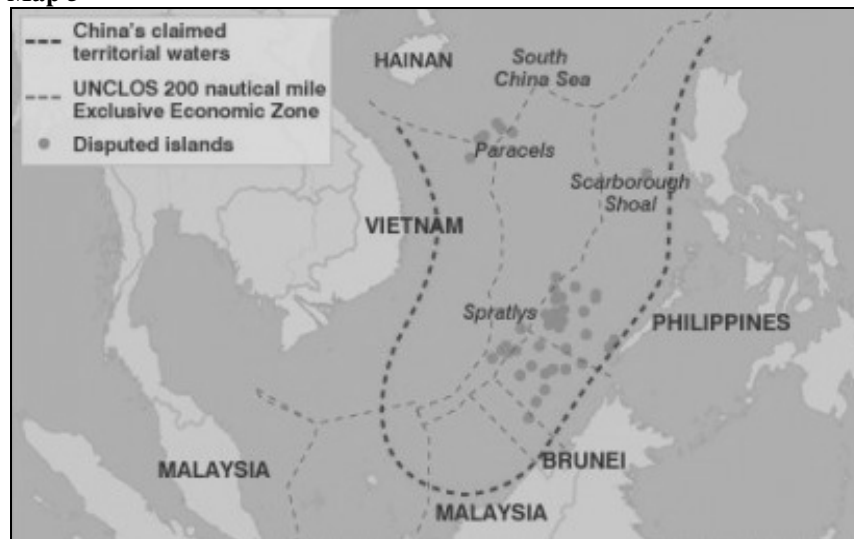
The history of these conflicts has raised the concerns and increased the political, nationalist and emotional sensitivity of the issue in both countries. Hence, Vietnam's forceful stance against Beijing. The legacy of the disputes has led observers to construe that military confrontation between the two countries cannot be ruled out as a possibility.

However, so far, Vietnam has proceeded with pragmatism. It has balanced its opposition to China's territorial claims with its need to maintain substantial economic relations with its neighbour. Despite Vietnam's expanding economic ties with other countries including the US, China's economic influence remains overpowering. Since the late 1980s, China has increasingly fashioned Vietnamese economy through a carrot and stick approach, and is now becoming its largest overall trading partner and main source of imports. It has invested through special loans and trade contracts to boost Vietnam's industrial and agricultural sectors and has successfully exerted this economic leverage in the territorial disputes time and again. China is expected to become Vietnam's top trading partner by 2030 after taking over the position of the US.<sup>(21)</sup>

Politically, both China and Vietnam are communist countries and maintain substantive communication through their ruling parties. For the Vietnamese Communist Party, this connection is a double-edged sword. Direct link to Chinese party officials provides Vietnam an invaluable edge over other claimant countries because it allows both sides to mend relations even after serious clashes. It has also allowed the two countries to classify their South China Sea disputes and to shield the overall bilateral relationship from them.<sup>(22)</sup> Yet, both the Vietnamese government and public are suspicious of China's intentions in the South China Sea, in spite of relatively cordial party-to-party relations.

From 2009 through mid-2011, tensions between the two over the South China Sea mounted alarmingly. In response to Vietnam and Malaysia's May 2009 joint submission of territorial claims in the South China Sea to UNCLOS, China submitted its nine-dashed line map, in which two dashes cut through Vietnam's exclusive economic zone (EEZ).<sup>(23)</sup> (See Map 5)

**Map 5**



**Source:** <<http://www.interaksyon.com/article/69553/philippines-given-until-march-next-year-for-submissions-against-chinas-nine-dash-line-claim>>

The map reiterated fears in Vietnam and other claimant states regarding Chinese intentions to persist not just for the island features, but all of the waters inside the nine-dashed line. Open differences relating to activities in the South China Sea continued during the first half of 2011. In May 2011, a China Marine Surveillance ship severed the cable of an oil and gas survey vessel operated by Vietnam's national energy firm, Petro Vietnam, in Vietnamese waters.<sup>(24)</sup> In June, the same year, a Chinese fishing boat cut the cable of a Vietnamese seismic survey vessel, heralding a diplomatic row between the two countries and fuelling nationalist protests in Vietnam.<sup>(25)</sup>

Apprehensive of China's growing influence, the Vietnamese government increased its defence budget and launched a programme to

modernize its air force and navy, purchasing military equipment from Russia and tentatively enhancing defence ties with the US.<sup>(26)</sup> It also turned to ASEAN and the US to “internationalize” the dispute, much to the chagrin of Beijing.<sup>(27)</sup> Vietnam’s efforts at championing the South China Sea issue during its chairmanship of ASEAN in 2010 secured two meetings of the ASEAN-China Joint Working Group on the South China Sea and discussion of the disputes at the ASEAN Regional Forum (ARF) for the first time.

However, tensions between the two countries over the South China Sea eased out after top-level interactions were held in October 2011 and Beijing adopted a somewhat milder approach. Despite Hanoi’s insistence that the disputes be solved multilaterally through ASEAN, the two countries signed a bilateral agreement on six basic principles guiding the settlement of maritime disputes. The agreement outlined the following measures: “friendly consultations between the two countries on managing maritime issues, the implementation of a basic and long-term approach for solving the disputes on the basis of legislation and UN Convention on the International Law of the Sea (UNCLOS) the principles, and the establishment of a defence hotline.”<sup>(28)</sup>

Relations again took a downturn when in June 2012 Vietnam passed a maritime law stating its jurisdiction over the disputed Parcel and Spratly Islands and declaring that all foreign naval ships entering these areas must notify Vietnamese authorities. China issued a strong response to this law, expressing its resolute and vehement opposition, and calling for an “immediate correction” by Vietnam.<sup>(29)</sup> On the same day, China announced the establishment of a prefecture-level city, Sansha, on the Parcel’s Woody Island (Yongxing Island in Chinese) to administer the Parcels, Spratlys and the Macclesfield Bank.<sup>(30)</sup> In another sign of rekindled tensions, a Chinese state-owned oil company contested the Vietnamese claims by inviting foreign oil companies to jointly exploit nine blocks in the disputed zones two days after the law’s passage in Hanoi.<sup>(31)</sup> In January 2014, China came up with new fishing rules that require foreign crews to request Chinese permission to work in much of the South China Sea, bolstering Beijing’s claims over the disputed areas, a move that drew criticism from Vietnam, the Philippines and the US.<sup>(32)</sup>

Such power plays are heightening regional tensions. Disturbingly, as China and Vietnam chart a course toward unpredictable incidents and conflict, their policy options become increasingly narrowed. Vietnam has returned to a tougher stance because now it views ASEAN as a less effective platform to promote its interests than in 2010.

### **The Philippines and the South China Sea**

The election of Benigno Aquino III to the presidency office in 2010 was a turning point in China-Philippines positions in the South China Sea. Unlike the previous Arroyo government, the Aquino government’s stronger stance was seen by Beijing as being provocative. Therefore, it responded by increasing its presence in disputed areas.<sup>(33)</sup> China’s occupation of the Mischief Reef in the Spratly Islands in late 1994 extensively shaped Philippines’ view on the South China Sea, particularly after Manila revealed the Chinese-built

structures on the reef in 1995. It caused severe antagonism between the two countries at the time and the structures were shortly expanded and fortified.<sup>(34)</sup> For Philippine policymakers, the occupation demonstrated the limitations of diplomacy and provoked discussion of the need for military modernisation.

President Aquino also sought to undo the damage caused by his predecessor's accession to the failed Joint Marine Seismic Undertaking (JMSU),<sup>(35)</sup> which he believes bolstered greater Chinese influence.<sup>(36)</sup> The government holds that the JMSU damaged Philippines' territorial claims by giving China and Vietnam admission to areas that formerly remained undisputed. After the JMSU expired in June 2008, the Philippines, like Vietnam, began to hope unilaterally for hydrocarbons in its claimed areas. Resultantly, China increased the presence of its vessels in the surrounds of the Paracel and Spratly Islands. In 2011, two Chinese patrol vessels were reported to have confronted a seismic survey vessel contracted by Forum Energy, operating in Reed Bank. China perceived the Filipino companies' cooperation with Western companies in an area formerly covered by the JMSU as a provocation indicating a move towards unilateral resource development and thus a violation of the "self-restraint" principle of the ASEAN Declaration of Conduct.<sup>(37)</sup>

After the Reed Bank incident, at least five significant skirmishes were reported within the first five months of 2011, although the Philippines' lack of modern surveillance equipment made it difficult to substantiate accusations. In response, the Aquino government began to ratchet up diplomatic efforts, accelerate military procurement and officially refer to the South China Sea as the "West Philippine Sea."<sup>(38)</sup> This approach set the tone for the Philippines' efforts to exercise its sovereign rights, including the enforcement of its fisheries code, and oil and gas exploration within its EEZ.<sup>(39)</sup>

Since 2011, the Philippine Department of Foreign Affairs (DFA) became proactive in shaping South China Sea policy. It pushed for the clarification of maritime boundary claims in the South China Sea by all parties, as well as for turning disputed areas into special enclaves where claimants can jointly pursue development projects. These ideas were encapsulated by the Philippine proposal for a Zone of Peace, Freedom, Friendship and Cooperation.<sup>(40)</sup> This proposal never gained much support within ASEAN despite Manila's concerted efforts in 2011.

### **2012 Scarborough Shoal incident**

In April 2012, Scarborough Shoal, north of the Spratlys, became a serious issue and led to a confrontation between the two countries. The standoff began when China blocked an attempt by the Philippines to arrest Chinese fishermen who were allegedly taking government-protected marine species from the area. As a result, the two nations stationed non-military vessels at the Shoal in an attempt to emphasize their sovereignty over the area.<sup>(41)</sup>

Repeated diplomatic attempts to soothe tension failed and bilateral economic relations also suffered. While the standstill ended when both the Philippines and China withdrew their civilian vessels at Scarborough Shoal in the middle of June 2012, the fuel that ignited the stalemate remains.<sup>(42)</sup>

Scarborough was also a litmus test for the Philippines' economic priorities with China. Although, China is the Philippines' third largest trading partner and both the countries decided to enhance bilateral trade to \$60 billion by 2016,<sup>(43)</sup> the Aquino administration remains steadfast on Philippines' territorial claims.

Nevertheless, the Philippine government tried to reconcile matters by not only engaging in discussions with China, but by also appealing to ASEAN and assessing its options under UNCLOS.<sup>(44)</sup> Moreover, it tried to reach out to the US for an assurance of assistance in case China used force, but remained unsuccessful. Chong observed:

The Obama Administration remains supportive at best but is increasingly non committal and wary of triggering an all-out strategic/diplomatic confrontation with China, one of the US major trading partner.<sup>(45)</sup>

Both the countries declared a fishing ban separately in May 2012 but to no avail.<sup>(46)</sup> China still allowed a large number of fishing boats to operate inside the contested area during the ban, claiming they did not violate its fishing regulation. Ever since, Chinese law enforcement vessels have remained near Scarborough Shoal. Manila did not take further action against Chinese fishing vessels in spite of its own ban, which indicated the weakness of such restrictions in the face of a stronger, more adamant rival.

In January 2013, Philippines instituted arbitral proceedings against the People's Republic of China under Annex VII to the UNCLOS, with respect to the dispute with China over the maritime jurisdiction of the Philippines in the West Philippine Sea. In its notification, Manila laid claims to Spratly Island, Scarborough Shoal, Mischief Reef, and other land features within UNCLOS allotted EEZ.<sup>(47)</sup> In March 2014, the Philippines submitted a 4,000-page memorial to the UN's Permanent Court of Arbitration seeking to nullify the nine-dash line that China uses to justify its claims in the South China Sea. Furthermore, the Philippines signed the Enhanced Defense Cooperation Agreement (EDCA) with the US, which allows for enhanced "rotational presence" of US military forces and for US supplies to be stationed at military bases in the Philippines for a period of 10 years.<sup>(48)</sup>

In the context of the above, the May 2014 announcements on the Sampaguita gas field and Area 7 (Reed Bank) are set to further raise the stakes between China and the Philippines. The Sampaguita gas is believed to contain 2.6 trillion cubic feet (tcf) of contingent in-place gas resources and 5.5 tcf of prospective in-place gas resources including possible condensates associated with the gas.<sup>(49)</sup>

### **Malaysia**

Malaysia appears to pursue a non-confrontational approach in the sovereignty dispute over Spratly Islands. The relative stability of its bilateral relationship is noteworthy, especially in the aftermath of the diplomatic fallout from Malaysia's joint submission with Vietnam to the UN Commission on the Limits of the Continental Shelf in 2009. Malaysia's pragmatic approach is due to a strong economic relationship with China, the absence of nationalist pressure

on the Malaysian government to act against China, the capability of Malaysian armed forces to defend territorial claims, and Beijing's special regard for Malaysia.<sup>(50)</sup>

Malaysia's relatively restrained stance toward China mirrors its political and economic priorities. Although it would like to see a solution to the South China Sea issue, both the countries seek to downplay this dispute in the pursuit of stronger economic ties. Malaysia continues to foster close economic and military ties with the US, both to safeguard its economic prosperity by maintaining a diversified set of trade partners, and to offset potential Chinese assertiveness in the South China Sea. It remains eager to avoid any armed conflict, especially one between the US and China.<sup>(51)</sup>

Unlike with Vietnam or the Philippines, Beijing has considered Malaysia with a degree of flexibility in their territorial disputes due to the fact that comparatively, its claims in the South China Sea are farther away from and overlap less with China's. Also, Malaysia is the lone claimant that supports China's view that other countries must request consent before carrying out military and surveillance activities within its EEZ. Despite a stable relation, Kuala Lumpur is vigilant about becoming too closely associated with Beijing in regards to the South China Sea. The Philippines has accused Malaysia of trying to cut a secretive deal with China regarding its claims, but this serves as an improbable scenario due to Kuala Lumpur's policy of maintaining equidistant relationships with Washington and Beijing.<sup>(52)</sup>

### **Taiwan**

Taiwan's quest of its claims in the South China Sea is tied to its own unresolved sovereignty status and its relationship with an increasingly confident China. Both lay claim to historical waters in the South China Sea. Today, both sides of the Taiwan Strait still agree that these areas in the South China Sea "belong to China" but different geographical interpretations of this have avoided disputes.<sup>(53)</sup>

China has not contested Taiwan's occupation of Taiping Island, in part because it sees Taiwan's claims as part of its own. However, any attempts by Taipei to become an independent claimant in the South China Sea would antagonize Beijing, which would perceive such actions as an assertion of independence.<sup>(54)</sup> Taiwan's unique political status and Taipei's rigid adherence to the "One China" policy make it impossible for her to participate in multilateral accords on the South China Sea, such as with ASEAN, or conduct bilateral negotiations, as it does not have official relations with any of the claimant states. This raises Taipei's concern that it may be left empty-handed if agreements on resources and sovereignty are finalized among the other claimants.<sup>(55)</sup>

Taiwan has reaffirmed its stake in the South China Sea and focuses its efforts on being included in international negotiations to defend its claims. Since the Kuomintang regained power in Taiwan in 2008, Beijing has repeatedly suggested establishing cross-strait joint patrols and resource development for a joint defence of the territories.<sup>(56)</sup> Beijing has proposed that Taiwanese state owned Energy Company CPC Corporation work with the Chinese National



Offshore Oil Corporation (CNOOC) to jointly develop oil and gas near the Pratas Islands, which are claimed by Taiwan and China but controlled by the former, in the northern part of the sea.<sup>(57)</sup>

Despite the economic prospects of joint development, Taipei has made clear that it will not cooperate with China to advance both countries' maritime claims. Many scholars in Taipei are of the view that cooperation with Beijing might not augur well for Taiwan's position in ASEAN and with the US.<sup>(58)</sup> Despite the government's interest in pursuing peaceful approaches to resolving territorial disputes, some Taiwanese policymakers and scholars iterate the need for Taipei's assertiveness. Rising tensions in the South China Sea have brought about an upsurge in political activities, as demonstrated by the April 2012 visit by members of the parliamentary Foreign and National Defence Committee to Taiping Island, where they were briefed by Taiping troops on their defence capability. There has also been a recent reinforcement of military personnel stationed on contested territories in attempts to demonstrate sovereignty. Although the current administration appears to favour caution and restraint, Taiwan's limited diplomatic space means that, if pressed, it has fewer avenues to exhaust before resorting to more provocative action to defend its sovereignty claims,<sup>(59)</sup> which would risk conflicts with other claimants.

### **Major factors in South China Sea dispute**

The countries around the periphery of the South China Sea encounter unique challenges with regard to natural resources and environmental trends. The immediate source of conflict in the region is competition over hydrocarbon assets, declining fisheries, expanding military and law enforcement capabilities, and growing nationalism. Vietnam, the Philippines, and Malaysia all believe that the South China Sea's potentially vast reserves of hydrocarbons could play a key role in their economic development. While the general perception is that disputed claims over the location of these reserves present the highest conflict risk in the South China Sea, no major encounters involving oil exploration vessels have occurred since the last reported cable cutting incident in June 2011. In fact, due to declining fishing stocks, fishing incidents have become the primary type of maritime confrontation.<sup>(60)</sup>

As tensions over resources rise, claimant countries are also expanding the presence of their naval and law enforcement vessels in the disputed areas, further increasing the likelihood and gravity of maritime incidents. This is particularly true of Vietnam, as the government has had to take a hard line on defending its sovereignty claims in response to deep public distrust of China and historical grievances.

### **Quest for energy resources**

Various geological studies have shown that the South China Sea has proven oil reserves of seven billion barrels, and an estimated 900 trillion cubic feet of natural gas. Some Chinese observers have called the South China Sea "the second Persian Gulf" containing more oil than any area of the globe even Saudi Arabia.<sup>(61)</sup> With rising global energy demands, competition for potential

hydrocarbon reserves in the South China Sea has exacerbated. In the South China Sea region, as Rogers has rightly observed:

Many regional countries are growing increasingly concerned about meeting their long-term energy needs. For example, China's oil reserve-to-production ratio — which indicates how long domestic petroleum supplies will last at current production rates — stands at just 9.9 years, according to BP [British Petroleum], and South China Sea production could more than double China's reserves.<sup>(62)</sup>

As negotiations over joint development stall, countries are increasingly vying to establish their territorial claims before other competitor claimants are able to develop the resources of the contested areas. China's placement of the giant state-owned oil rig HD-981 in Block 143 inside Vietnam's Exclusive Economic Zone (EEZ) on 2nd May 2014 is a case in point. The incident set a geopolitical storm in the region.<sup>(63)</sup> Even Taiwan is making plans to ensure its access to hydrocarbons in the future.

In Vietnam, soaring food prices, weakening confidence in the currency and a stagnating job market are forcing the government to develop energy sources in the South China Sea in order to improve its economic performance and shore up its legitimacy. Already highly dependent on South China Sea oil for revenue and energy, the government in 2007 embarked on its "Maritime Strategy to 2020" aimed at increasing the share of the maritime economy from 48 per cent of its GDP in 2005 to 55 per cent in 2020.<sup>(64)</sup> Its aim is to develop Vietnam into a chief maritime power to better exploit and direct its maritime domain. A key component of the plan is offshore oil and gas. Since then, Vietnam has stepped up its pursuit for new energy sources in the South China Sea.

The energy resources of the South China Sea serve as potential economic lifeline for the Philippines, a country that has been facing its own economic problems. A net importer of oil, the Philippines regards the South China Sea's potential reserves as vital to its energy security. The contested Reed Bank is believed to contain large reserves of natural gas. Reed Bank is likely to remain a flashpoint as the Philippines' Philex Petroleum plans to start drilling in the area in early 2016.<sup>(65)</sup>

In China's view, these developments forced Beijing to more assertively defend its claims as it, too, seeks to accelerate its exploitation of South China Sea energy resources. In an apparent response to Vietnam's passage of a maritime law in June 2012, China's National Offshore Oil Corporation (CNOOC) announced that nine blocks in the sea were available for exploration and development with foreign companies. CNOOC's move prompted immediate protest from Hanoi and Petro Vietnam, the latter of which claims that two of the blocks overlapped with those it offered.<sup>(66)</sup>

In the March 2011 Reed Bank incident, China intended to send the same message to the Philippines about its development of offshore petroleum, igniting Manila's fears that it might lose access to potential resources. As long as disputes over maritime zones and their energy resources continue, competition for these reserves will intensify tensions. To date, China has not objected to all

moves by South East Asian states to develop energy resources within disputed territory. Although it claims many Malaysian natural gas fields located offshore of Sarawak, it has not challenged their exploitation so far. Neither did it comment on reports that Brunei and Malaysia had reached an agreement on the joint development of energy resources<sup>(67)</sup> in a disputed area claimed by both countries that also falls within the nine-dashed line.

### **Disputes over fishery resources**

Fishing has played a vital role in asserting claims to maritime rights in the South China Sea. These waters have served as fishing hubs for all littoral states, and many of these traditional fishing grounds overlap. Fishing boats from countries like China, Vietnam and the Philippines are venturing further afield as stocks in their respective waters become depleted, worsening a trend of harassment, confiscation of catch and equipment, detention, and mistreatment of fishermen.<sup>(68)</sup> Fisheries are of significant economic importance, but they also provide a pretext for increased civilian patrols in the South China Sea and rally nationalist sentiment.

While China is the largest consumer and exporter of fish in the world, the fishing industry is even more crucial to Vietnam. Seafood is one of its biggest foreign exchange earners. In 2011, Vietnam's top ten largest seafood exporters accounted for over 20 per cent of the country's total export turnover.<sup>(69)</sup> According to a report released by the UN Food and Agriculture Organization (FAO), Vietnam's overall fishing economy features a number of different areas, including aquaculture, brackish water and sea fishing as well as the processing of fish. Vietnam valued its seafood exports at \$6.5 billion in 2013, about 5 per cent of the country's GDP.<sup>(70)</sup> The fishing catch of Vietnam also provides nearly half of the total protein intake of a significant portion of the population.

But in coastal and inland areas, stocks have significantly declined due to overfishing and environmentally harmful techniques. These problems are leading the government to encourage fishing fleets to go further offshore into the South China Sea to reduce the pressure on closer fishing grounds. Vietnamese fishermen now increasingly sail beyond the EEZ into the waters off the resource-abundant Paracel Islands. This puts them into more frequent contact with Chinese law enforcement vessels that patrol the islands occupied by China.<sup>(71)</sup>

Each year, from mid-May through 1<sup>st</sup> August, China imposes a fishing ban in most areas of the South China Sea above the 12th parallel. Initiated in 1999, this ban aims to protect the fish during the egg-laying season and endorse sustainable development of the fishing industry in the South China Sea. Vietnam and the Philippines have disputed the ban on the ground that portions of the ban extended into their EEZ.<sup>(72)</sup> Moreover, while the Chinese government has policies to push for the redevelopment of its fisheries, the country is utilizing factory-fishing vessels to process fish at sea. It is difficult for fishermen from smaller stakeholders, like Vietnam, to vie with such large scale operations.<sup>(73)</sup>

Similarly, run-ins between Philippine and Chinese vessels are also on the rise. Philippine policymakers appear more concerned about the political stakes involved in defending their fishermen's access to the South China Sea than about the fishing industry's economic significance. The industry accounts for less than 5 per cent of GDP, but employs close to one and a half million people. The annual catch, however, has been declining since 1990s. In the waters off Palawan, where stocks remain plentiful, Philippine authorities regularly intercept Vietnamese and Chinese fishermen. During the Scarborough Shoal standoff, the Aquino government denounced environmental degradation and violation of the country's fisheries code, seeking to demonstrate its efforts to enforce Philippine laws in its maritime zones.<sup>(74)</sup>

China, for its part, also encourages its fishermen to sail further afield. In addition to patrolling disputed waters, Chinese authorities offer fishermen incentives such as upgrading and equipping their boats with satellite navigation systems. These allow them to range even farther from home and immediately inform Chinese law enforcement forces in the event of confrontation. Beijing also issued an annual fishing ban over portions of the South China Sea, including some of the areas that Vietnam and the Philippines consider to be in their EEZs. Both countries object to the ban.

In many cases, Chinese harassment of Vietnamese fishing vessels stokes nationalism and anti-Chinese sentiment, limiting the government's ability to compromise, and increasing its willingness to respond robustly. For instance, in May 2014, Vietnam accused Chinese boats of ramming and sinking a Vietnamese fishing vessel, while Beijing hit back by blaming the Vietnamese craft.<sup>(75)</sup>

Chinese fishermen are also reportedly arrested, beaten and shot at, and their belongings allegedly seized by neighbouring countries. Such cases also incite public anger in China against other claimant countries, particularly Vietnam and the Philippines. Conflicts over fishing incidents in the South China Sea are likely to continue to increase, and the 2012 Scarborough Shoal standoff, triggered by Chinese boats fishing in disputed waters, exposed the need for a bilateral or multilateral conflict resolution mechanism over such incidents.

### **The military dimension**

Many South East Asian nations, buoyed by their GDP growth in the previous decade and the lobbying of arms companies, are expanding their militaries in response to China's position on the South China Sea issue and undertaking military modernisation. While increased military power is likely to raise the threshold for, as well as the expenditure of an armed conflict, it could also embolden countries to be more proactive in their territorial claims, making skirmishes harder to resolve. As Kaplan rightly examined: "Just as German soil constituted the military front line of the Cold War, the waters of the South China Sea may constitute the military frontline of the coming decade."<sup>(76)</sup> During the last decade, China has worked extensively on advancing its naval capabilities. As Fravel observes:

Within the People's Liberation Army Navy (PLAN), the South Sea Fleet (SSF) based in Zhanjiang, Guangdong, now boasts some of China's most capable surface combatants, including five of the seven modern destroyers that China developed indigenously in the past 10 years. It also includes the Kunlunshan, China's first modern landing platform dock, which displaces 20,000 tons and can transport one battalion of marines. The SSF is the most capable of the PLAN's three fleets....The SSF's infrastructure has also been upgraded recently, including the expansion of the important Yulin naval base at Sanya on Hainan Island. For many regional observers, enlarging the base symbolized China's expanding naval forces and its focus on projecting naval power throughout the South China Sea.<sup>(77)</sup>

After China, Vietnam and Malaysia are leading regional military build-up. Their growing defence budgets have resulted in contracts with Russia, India and other countries for more advanced items such as Sukhoi Su-30 fighter aircraft and Kilo class submarines. They are also developing their indigenous defence industries.

*Defense Industry Daily* reported that in November 2013, Vietnam started receiving its diesel-electric Kilo/Project 636 Class assault submarines from Russia. There have been some outside deals for items like maritime surveillance floatplanes, and a Dutch deal to provide high-end frigates. For the most part, however, Vietnam's new combat power in the air, at sea, and on land is coming from Russia.<sup>(78)</sup> In late August 2014, both India and Vietnam upheld their resolve to deepen cooperation in oil and defence areas.<sup>(79)</sup> Data from the *Stockholm International Peace Research Institute (SIPRI)* 2013 shows that from 2004 to 2013, Vietnam has increased its military spending to 113 per cent in real terms, in a clear response to China's military prowess.<sup>(80)</sup> Vietnam is implementing its own "anti-access/area denial strategy, including the launch of its first indigenously built gunship.

The Philippines lags behind its neighbours but President Aquino is committed to improving the armed forces, particularly the navy and the air force. In addition to nearly doubling the defence budget to \$2.4 billion in 2011, he has embarked on a military modernization programme that will cost almost \$1 billion by the time he leaves office in 2016.<sup>(81)</sup> His government relies on the US to assist with these purchases. The administration has also discussed buying F-16 fighter jets from the US and Washington has also offered to deploy spy planes and provide real time access to surveillance.<sup>(82)</sup>

There is growing interest in submarines from the various claimant states, but such equipment fundamentally alters the regional security equation. Despite their significance, the region's topography limits the space in which submarines can navigate and increase the likelihood of run-ins as rival claimants deploy submarines to the same areas, potentially leading to armed clashes. Naval vessels may be drawn into disputes more frequently as countries have limited options for responding with force on the sea. Maritime law enforcement units in both Vietnam and the Philippines are poorly equipped and understaffed, and sometimes rely on their navy to enforce maritime laws. The Scarborough

Shoal incident, in which a Filipino warship — the Gregorio del Pilar — was confronted by China Marine Surveillance vessels, is a case in point.<sup>(83)</sup>

Recognising the need to improve their ability to safeguard coastlines and maritime zones, some South East Asian countries are also beginning to modernise their coast guard and maritime law enforcement forces. Compared with China's powerful and expanding agencies, other claimant countries' coastguard and civilian agencies are small and ill-equipped. For instance, Vietnam's Marine Police only became independent of the military in 2008, and has only about 1,000 personnel. The Philippine coastguard lacks ocean-going capacity and is comprised of a small fleet of patrol boats, although other countries, such as Japan and the US, have respectively provided patrol vessels and funding for a radar system.<sup>(84)</sup>

### **Nationalism**

Vietnamese claims in the South China Sea have become an integral and emotional part of a national historical narrative that guides the internal political dynamics. Territorial disputes, coupled with a history of violent conflict and a staggering bilateral trade deficit, have fostered widespread suspicion of and animosity toward China. With China's greater assertiveness in the region since 2009, antagonism towards Beijing has been further consolidated among the Vietnamese. Political, military and pro-US personalities have accused Hanoi of failing to stand up to China over the South China Sea. As economic problems erode its credibility,<sup>(85)</sup> the Vietnamese leadership cannot afford being too tough with its leading trading partner, China, nor can it afford being too soft.

The weeks following the May and June 2011 stand-off between the two countries illustrate the difficulties in managing nationalist outbursts. Again, in May 2014, China's placement of the giant state-owned oil rig near the Paracel Islands in the EEZ of Vietnam was seen as provocative and brought the Vietnamese out on streets in protests. This incident led to one of the worst breakdowns in Sino-Vietnamese relations since the neighbours fought a brief border war in 1979. Anti-China riots erupted in industrial zones in the south of Vietnam. Its Binh Duong and Dong Nai provinces are highly industrialized with dense concentration of foreign-invested industrial parks. Anti-China demonstrations there developed into a full scale worker riot, where factories were looted, smashed or burnt. Swarms of rioters on motorbikes erroneously attacked South Korean, Taiwanese, Hong Kong, Japanese and Singaporean businesses as Chinese and vandalized them. Taiwan's biggest investor in Vietnam, Formosa Plastics Group's upcoming steel plant in Ha Tinh, was set on fire after fighting erupted between its Vietnamese and Chinese workers. *Reuters* reported that more than 20 Chinese were killed in over 460 foreign factories mostly belonging to Chinese investors. China evacuated over 7,000 of its workers from Vietnam.<sup>(86)</sup> Although the Chinese removed the rig two months later, the incident continues to irk Vietnam.

The Philippine government is much less likely than Vietnam to be moved or inhibited by nationalist sentiment. Concerns about territorial integrity centre on the Muslim insurgency in the south more than the South China Sea.<sup>(87)</sup>

Only high-profile incidents in the sea attract public attention. Compared to Vietnam and China, public opinion in the Philippines with regard to the South China Sea is not a big problem. Nationalism is more troublesome for the government when it comes to the relationship with the US Likewise for the governments of Malaysia, Taiwan and Brunei,<sup>(88)</sup> nationalist sentiments with regard to the South China Sea are unlikely to constrain their options.

### **International perspective: Great power contest in the South China Sea**

Vietnam and the Philippines are both seeking to increase pressure on China by involving outside powers. Their efforts have focused on expanding and deepening their relations with the US and other countries concerned about China's growing power, particularly Japan and Australia. Manila sees stronger military ties as a way to bolster its defence capabilities in the face of China's expanding naval power. Vietnam, which is not a US treaty ally like the Philippines, is exploring enhanced defence ties with Washington. By encouraging Russia, India and other countries to join in energy exploration in the South China Sea, they are also increasing the number of non-claimant states with an economic stake in unresolved sovereignty disputes. China resents both US attention to the South China Sea and its plans to expand its military presence in the region.

#### **The US and the South China Sea**

The US pivot to Asia since 2011 is changing the strategic landscape for Vietnam and the Philippines. To counterbalance China's growing power, both the South East Asian claimants have intensified efforts to encourage the US to increase its presence as tensions in the South China Sea started to escalate in 2009. The US has asserted that a dynamic relationship with China is part of its "Rebalance to Asia". From the perspective of most policymakers in Beijing, the warming ties between Washington and Hanoi on the one hand, and the strengthening of a longstanding military alliance with Manila on the other, are proof of US efforts to contain China's rise. This puts the claimants and the non-claimants in the region such as Singapore, in an awkward spot. While stronger US presence, on one hand, is to their benefit, it equally puts them, inadvertently, at the centre of intensified US-China competition. Vietnamese and Philippine leaders also harbour doubts about the depth of Washington's commitment to South East Asia.

The United States' "pivot" towards the Pacific was introduced by the Obama administration in a succession of announcements toward the end of 2011. Addressing the Australian Parliament in November 2011, President Barack Obama stated:

As President, I have, therefore, made a deliberate and strategic decision — as a Pacific nation, the United States will play a larger and long-term role in shaping this region and its future, by upholding core principles and in close partnership with our allies and friends.<sup>(89)</sup>

The US presence in the region has made Beijing more suspicious of ASEAN's moves on the South China Sea issue, as it interprets the initiatives of the organisation as a product of American influence.<sup>(90)</sup> A greater US presence could intensify US-China strategic competition and further alarm regional states that seek to avoid having to opt between the two giants.

#### **Warming of relations between US and Vietnam**

For Vietnamese government, Washington's interests in Vietnam appear less threatening and broader than that of Beijing. The importance of US-Vietnam military collaboration is based on its proximity to China as much as it is based on capability. In 2010, its relationship with the United States was further highlighted at the 17th Meeting of the ASEAN Regional Forum in Hanoi when the former US Secretary of State Clinton stated:

The United States supports a collaborative diplomatic process by all claimants for resolving the various territorial disputes without coercion. We oppose the use or threat of force by any claimant. ...The United States is prepared to facilitate initiatives and confidence-building measures consistent with the declaration. Because it is in the interest of all claimants and the broader international community for unimpeded commerce to proceed under lawful conditions.<sup>(91)</sup>

This has opened the door for greater US presence in Asian waters, including joint search and rescue exercises and access to Vietnam's deep-water Cam Ranh Bay. An *International Crisis Group* report examines that while US-Vietnam defence ties have gradually evolved, it has provided Vietnam with an opportunity to use it to its advantage by (i) registering Washington's support for its vision of ASEAN as the primary venue for confronting China's claims in the South China Sea; and (ii) shifting the balance in its relationship with China.<sup>(92)</sup>

However, US-Vietnam defence cooperation is still in its evolving stage. Although the younger generation of Vietnam's Communist Party seems increasingly open to closer ties to the US, seasoned members attempt to avoid getting too close to one power as they are of the firm view that "distant water [USA] cannot put out a nearby fire [China]," to use a Vietnamese adage. Because of the failure of the Soviet Union to help Vietnam in 1979, the Vietnamese will never again trust a far-away power.<sup>(93)</sup> Vietnam is also fully cognizant of America's economic and political priority in terms of its relationship with Beijing, but hopes for "just enough" US involvement to keep China in check without tipping the balance in Washington's favour. A certain degree of tension between China and the US serves Vietnam's interest by ensuring some level of flexibility in its relations with each, so that Hanoi remains a more independent actor. Yet, bilateral relations with the US continue to expand. As in 2012, former US Defense Secretary Leon Panetta stated that his country was interested in working with Vietnam on critical maritime issues, including a code of conduct focusing on the South China Sea and also working to improve freedom of navigation in our oceans. Vietnam has also engaged in symbolic acts of enhanced military ties, such as flying out senior officials to visit US aircraft carriers.<sup>(94)</sup> Despite recurring tensions, China too, has been



trying to strengthen its diplomatic relations with Vietnam, especially in view of an expanding US-Vietnam partnership.

### **US and the Philippines**

The United States, a former colonial ruler of the Philippines and a treaty ally with Manila since 1951, has made the Philippines a part of its policy in which the Asia-Pacific region exists at the heart of US security and economic strategy. But even with more military funding and equipment from Washington, the Philippine military would still be a long way from being able to defend its territorial claims in the South China Sea.<sup>(95)</sup>

In November 2011 amid rising tensions between the Philippines and China in the post-Scarborough Shoal standoff, Manila and Washington commemorated the 60th anniversary of their association. A declaration signed by former Secretary of State Hillary Clinton, aboard an American warship docked in Manila Bay, underscored freedom of navigation and a rules-based approach in resolving competing claims in maritime areas. On the occasion, Mrs. Clinton stated:

We are now updating our alliance and all of our alliances in the region with three guidelines in mind. First, we are working to ensure that the core objectives of our alliances have the political support of our people. Second, we want our alliances to be nimble, adaptive, flexible so they can continue to deliver results in this new world. And third, we are making sure that our collective defense capabilities and communications infrastructure are operationally and materially capable of deterring provocation from the full spectrum of state and non-state actors....To that end, the United States is working ... to support the Philippines, particularly in the maritime domain as you move to improve your territorial defense and interdiction capabilities.<sup>(96)</sup>

While the 1951 treaty calls for the US to respond to an armed attack against the Philippines, the text leaves the extent of US obligations open to interpretation. Therefore, so far, the US has remained cautious in its approach regarding the region's territorial disputes, despite repeated efforts by Philippines to push Washington to reaffirm its treaty commitments.

Washington and Manila do, however, share the objective of bolstering the Philippine military to achieve "a minimum credible defence posture". During President Aquino's June 2012 visit to Washington, the US furthered its commitment to improving the Philippines' maritime defence and intelligence capabilities. The Pentagon then announced that it would provide Manila with a land-based radar system to track ships along its coastline.<sup>(97)</sup> Many observers describe this assistance as a calculated policy for the strategic military containment of China. Yet, even with enhanced access to US surveillance data, the military still lacks the equipment and technical expertise to make use of it.

The renewal of this alliance is likely to be very useful to the US as it reallocates military resources to the Asia-Pacific. Despite the closure of American bases in the country in 1992, the 1998 Visiting Forces Agreement and the 2002 Mutual Logistics Support Agreement make it relatively simple for the

US to station forces and material in the Philippines. In April 2014, the US and the Philippines signed the Enhanced Defence Cooperation Agreement (EDCA) at Camp Aguinaldo, Quezon City. Characterized by both governments as an executive agreement and not a formal treaty, the EDCA was the result of eight rounds of negotiations that initially commenced in August 2013. The EDCA is described as a framework agreement that raises the scope of the Mutual Defence Treaty 1951 signed between the two countries. The EDCA constitutes a legal framework for the “increased rotational presence” of US armed forces in the Philippines; more frequent ship visits; prioritising joint exercise and training activities related to maritime security. Under the Agreement, the Philippines will provide access to the US to Agreed Locations without “rental or similar costs” and will assist in the transit of US forces to public land and facilities, including those owned by local governments. It also allows the United States to contract materiel, supplies, equipment and services without restraint.<sup>(98)</sup>

Commenting on EDCA during his official visit to Manila in May 2014, the US President Barak Obama said:

With respect to the new Defense Cooperation Agreement that has been signed, the goal here is wide-ranging. We’ve had decades of alliance with the Philippines, but obviously in the 21<sup>st</sup> century we have to continue to update that. And the goal for this agreement is to build Philippines’ capacity, to engage in training, to engage in coordination — not simply to deal with issues of maritime security. But also to enhance our capabilities so that if there’s a natural disaster that takes place, we’re able to potentially respond more quickly; if there are additional threats that may arise, that we are able to work in a cooperative fashion.<sup>(99)</sup>

The two sides remain muted about where the US plans to deploy its forces and in what numbers. But since the deal serves to improve the Philippines’ deterrent strategy against China, priority will be given to the locations affording easy access to the strategically sensitive areas of the South China Sea. For example, Subic Bay and Cubi Point, as well as Western Luzon used to be the US Navy’s biggest strongholds outside the United States. In 2013 Philippine Defence Secretary Voltaire Gazmin announced that the government was planning to set up Philippine Naval and Air Force bases at Subic given its proximity to disputed territories in the South China Sea, notably Scarborough Shoal. Local leaders and business people in Subic Bay verify that the location has recently been examined by both Filipino and American defence officials. Clark Air Base, once the epicentre of American air operations in the Western Pacific, now serves as a commercial airport, and is listed to be the site of the Philippines’ next real-estate boom. Because a Philippine Air Force base is also situated there, US Air Force rotations could soon be passing through Clark in increasing numbers. Their tasks could be assisting with South China Sea surveillance as well as providing air combat capability — something the Philippines currently lacks. At Palawan, Oyster Bay and Brooke’s Point could serve as important strategic locations. Situated in the Luzon Strait at the northern end of the Philippine archipelago, Batanes was used as a station for the

US Navy. Though long since abandoned, the remote Batanes outpost would have obvious advantages if Manila and Washington are eager to advance their monitoring of Chinese activities.<sup>(100)</sup>

Nevertheless, Philippines' effort to expand bilateral military cooperation with the US faces domestic opposition from the left. Public opinion is also against hedging too much on Washington. Although, since 2011, US military assistance to Manila has augmented, the Philippines government seems troubled with the many requests from the Obama administration and what it has so far received in return.<sup>(101)</sup> The vows of a renewed partnership between Washington and Manila aside, it still remains ambiguous whether the enhanced military cooperation with the US will help Philippines advance its proposals for a solution to the South China Sea dispute. Besides, any perception that the Philippines is projecting US strategic ambitions in the Asia-Pacific may in fact limit its space with China.<sup>(102)</sup>

### **China's perspective on the US role**

From China's perspective, US intervention in the South China Sea increases the tension in the South China Sea. The majority of policy analysts in China view that the United States exploited the South China Sea issue to alienate China's cordial relations with regional countries, and established military alliance with the Philippines and Vietnam so as to contain China's growing influence in the region. For example, Sheng Jiru from the CASS Institute of World Economy and Politics focuses on the strategies of Vietnam and Philippines, arguing that these countries misinterpreted China's tolerance and patience and "internationalized" the South China Sea issue by dragging the United States into the picture.<sup>(103)</sup> Analyst Gao Zugui contends that China should elevate the issue to the national strategic level and not let the US and neighbouring countries push China into overreaction.<sup>(104)</sup> Strategic analysts such as Lin Limin view that the dynamics in the South China Sea have profound regional and structural roots and that an anti-China alliance directed by the United States is being shaped to include Southeast Asian countries, Japan, Australia and India.<sup>(105)</sup> In the wake of the swelling US presence in the region, China's goals are three-fold: deepening claimant countries' economic reliance on China; preventing them from developing the disputed areas; and avoiding outright confrontation with the US.<sup>(106)</sup> China intends to focus more on diplomatic engagement, investment and trade with neighbouring countries.

On the other hand, the perspective of some US scholars is that China's opposition to the internationalization of the SCS issue is tantamount to an attempt to de-internationalize an international sea. Once the South China Sea has been de-internationalized, China will be able to bring its strength to bear on the Southeast Asian countries and impose its own rules, rather than internationally accepted ones from international law on these waters.<sup>(107)</sup> The apprehension of the international community is that the Chinese, for the first time, labelled the South China Sea a "core interest," on par with its interests in Taiwan and Tibet. In response, Chinese scholars negate the use of such labels by Beijing. Zhu Feng, a Chinese political scientist, clarified that the Chinese officials did use the

term “core interest,” but the original text is that the diplomatic resolution of the South China Sea is the core interest of Chinese government, which was misinterpreted by the media.<sup>(108)</sup> A number of western analysts,<sup>(109)</sup> for instance, view the 2012 Scarborough standoff as a clear manifestation of China’s assertiveness. However, China’s official stance is that the Scarborough Shoal incident was a provocation by the Philippines founded in Manila’s misperception that the South China Sea dispute had reached a “now or never” stage, which led it to adopt hasty and more aggressive policy.<sup>(110)</sup>

In response to expanding US-Vietnam relations, Beijing has made efforts to further engage Vietnam through party-to-party talks and keep their disagreements at bay. Still, tensions between the two countries on the South China Sea disputes rise time and again over events such as the deepening US Vietnam military cooperation; the former US Defence Secretary Panetta’s historic visit to Cam Ranh Bay in June 2012; or American vocal support for Hanoi in May 2014 over the allegation against Chinese vessels for sinking a Vietnamese ship; and the placement of a Chinese oil rig in Vietnam EEZ in April 2014.

In a more recent June 2014 episode, the United States and China squared off at Singapore’s Shangri-La Dialogue, Asia’s biggest security forum. Using unusually strong language, US Defence Secretary Chuck Hagel chided Beijing’s handling of territorial disputes with its Asian neighbours. He said:

In recent months, China has undertaken destabilising, unilateral actions asserting its claims in the South China Sea....We firmly oppose any nation’s use of intimidation, coercion, or the threat of force to assert these claims.<sup>(111)</sup>

Warning China, he said the US was “committed” to its geopolitical stability to the Asia-Pacific region and will not look the other way when core principles of the international order are being challenged. Mr. Hagel’s remarks provoked an angry reaction from the deputy chief of staff of the Chinese Army, Lieutenant General Wang Guanzhong, who said the speech was aimed at causing trouble in the Asia-Pacific region and full of hegemonism, threat and intimidation.<sup>(112)</sup>

#### **Involvement of other non-claimants**

Vietnam and the Philippines have also turned to countries like Japan, South Korea and Australia for support. So far, this has produced only modest results. In late September 2011, President Aquino visited Japan and secured support for training and equipping the Philippine coast guard. The two countries recognised the need to resolve disputes in the South China Sea through a rules-based regime and the importance of compliance with UNCLOS.<sup>(113)</sup> During the state visit of South Korean President Lee Myung-Bak to Manila in late November 2011, President Aquino requested assistance to modernise the military. The Philippines has also sought the support of Australia; in May 2012, Manila announced that the military was expecting to obtain from Australia search-and-rescue vessels and training for its personnel.<sup>(114)</sup>

As part of its “three no’s” policy to avoid getting too close to one power, Vietnam has also looked to India and Russia. In September 2011, it

signed an agreement with India to jointly explore disputed waters and in the following month it announced a defence cooperation initiative with Japan. Hanoi has been trying to entice the Russians to enter the disputes by inviting them to engage in oil and gas exploration. It has also sought stronger ties with Australia, as a key supporter of Canberra's successful bid for East Asia Summit membership. By increasing the number of nations with a stake in a peaceful South China Sea, Vietnam hopes to force Beijing to recalculate the cost of future aggression.<sup>(115)</sup>

### **Legal measures to reduce South China Sea dispute**

International law should be a means to resolve the South China Sea disputes and thereby reduce tensions. The various claimant countries, however, selectively use it to support their overlapping claims and justify assertive action, including regular maritime patrols and detention of vessels that enter disputed waters. In addition, sovereignty claims are an ingrained part of the national consciousness in claimant countries, particularly China and Vietnam. This seriously limits the ability of policymakers to make even the smallest compromise needed for a legal solution. As a result, to date, a legal approach has not yet helped resolve the disputes.

### **The law of the sea and international arbitration**

The legal claims in the South China Sea are extremely complex. Different countries have a wide range of factors supporting their arguments, making it hard to determine their relative strengths. This affects the delimitation of maritime zones, since sovereignty over land determines ownership of the surrounding waters. Despite this, claimants could significantly reduce tensions if they were to agree on the size of the maritime zones surrounding each land feature, regardless of ownership, and then promote joint development or administration of areas where potential claims overlap. As of mid-2012, Vietnam, Malaysia and the Philippines reflected that the disputed islands were not capable of sustaining habitation or economic activity, and hence should not receive an EEZ or continental shelf. This potentially reduces the size of the disputed areas, and could make it easier to reach agreement on joint development. China, while ambiguous, seems to consider that many of the islands are entitled to additional maritime zones. It has also rejected to clearly relinquish potential "historical rights" within its nine-dashed line, a claim that would likely be unsupported by international law and is unacceptable to its neighbours.<sup>(116)</sup>

China has specifically rejected the mechanisms for international arbitration and adjudication provided by UNCLOS upon ratification, citing its right in the convention to opt out of such procedures. Andrew Billo, an *Asia Society* fellow, rightly posits the limitations of legal approach in South China Sea issue:

While International law provides mechanisms and guidelines for discussing barriers to cooperation, it is insufficient on its own to enforce egalitarian behavior because it fails to acknowledge the

political, economic and military realities that allow rules to be circumvented. In practice, the effectiveness of the UN Convention on Law of Seas is hampered by China's unwillingness to submit disputes to arbitration, as in the current Philippines case against China, as well as the fact that the US has yet to ratify the treaty, thus undermining its legitimacy.<sup>(117)</sup>

During the Scarborough Shoal standoff, the Philippines invited China to join it in submitting their dispute to the International Tribunal for the Law of the Sea (ITLOS). It declined on the grounds that it would not accept the presence of a third party in the search to solve disputes over the South China Sea.<sup>(118)</sup> Therefore, in January 2013, the Philippines filed a Notification and Statement of Claim<sup>(119)</sup> at the ITLOS, under Annex VII of UNCLOS, seeking to annul China's nine-dash Line, which encompasses almost the entire South China Sea. A ruling is not likely prior to 2015, but the submission has already jolted the region. In response, China has attempted to isolate Philippines; Vietnam, too, has announced plans to seek legal recourse against China. However, there remains considerable uncertainty about the ruling as outcomes could range from validating China's "Three Warfares strategy"<sup>(120)</sup> to fatally undermining China's soft power strategy and opening gates for the US to cast itself as a champion of international law.<sup>(121)</sup>

Dr. Ian Forsth, a former US Defence Department analyst on East Asia, is of the view that:

Any ruling will have an immediate impact on regional politics. If the PCA refuses to rule on this case China will likely see this refusal as a validation of its opting out of compulsory arbitration. This outcome would provide China with added leverage in its attempts to confine all dispute negotiations to the bilateral level. ...If ITLOS invalidates the nine-dashed-line, the ruling would be a loss of face and a blow to all three of China's 'three warfare' efforts in the region... emboldening challenges for the Philippines, Vietnam, Malaysia and possibly Indonesia. These countries would be less likely to accept China's insistence that all disputes be resolved bilaterally. Now bolstered by a clear ruling of its maritime rights issued by the highest legal authority for this issue, other competing claimants would be bolder about submitting ITLOS claims of their own, fishing in their claimed EEZs and awarding hydrocarbon exploration and drilling rights in their EEZs.<sup>(122)</sup>

### **The role of ASEAN**

In 1992, China claimed exclusive sovereignty over the bulk of the South China Sea by passing its Law of the Territorial Sea and Contiguous Zone of the People's Republic of China. The areas claimed by China clashed with the claims of four of the then six ASEAN members — Brunei, the Philippines, Malaysia and Indonesia.<sup>(123)</sup> Given a history of shaky relations between Beijing and many of the then ASEAN members, the Association promptly responded through its 1992 Declaration on the South China Sea. The declaration urged

constraint and a peaceful resolution of sovereignty and jurisdictional issues and was signed by all of its members. After successfully engaging China, ASEAN issued the Joint Statement of the Meeting of Heads of State/Government of the Member States of ASEAN and the President of the People's Republic of China in Kuala Lumpur on 16 December 1997, which states that:

the parties concerned agreed to resolve their disputes in the South China Sea through friendly consultations and negotiations in accordance with universally recognized international law, including the 1982 UN Convention on the Law of the Sea.

Toward the end of the statement, ASEAN member states reaffirmed their commitment to the “one China” policy.<sup>(124)</sup>

After a decade of prickly tensions in the South China Sea leading to perceptions of a “China threat” among South East Asian countries, Beijing agreed to discuss a Code of Conduct (CoC) with the ASEAN. In 2002, the Declaration on the Conduct of Parties in the South China Sea was signed by China and ASEAN nations, including the newly admitted members of Cambodia, Laos, Myanmar, and Vietnam. These discussions led to the Declaration of Conduct (DoC) in 2002. However, since the DoC was not binding, it could not enforce any of its principles. Nonetheless until 2007, it successfully eased out the regional tensions, before China’s reassertion in the region.<sup>(125)</sup>

The first half of 2011 was marked by several incidents in the South China Sea that heightened tensions and highlighted the fact that no real progress towards resolving border disputes had been made. In July 2011, a breakthrough occurred when China and ASEAN adopted “Guidelines for the Implementation of the Declaration on Conduct of Parties.” The guidelines aim at ensuring concrete implementation of the DoC and encouraging resolution of disputes through cooperation and negotiation.<sup>(126)</sup> Diplomatic efforts seemed to advance when ASEAN and Chinese senior officials met in Beijing in January 2012 and agreed to set up four expert committees on maritime scientific research, environmental protection, search and rescue, and transnational crime. The next step planned was the “Regional Code of Conduct” for the South China Sea, as called for in the DoC. The purpose of this CoC is to define limits of action by each nation in order to avoid confrontations such as the one at Scarborough Reef between the Philippines and China in 2012. However, during the August 2014 ASEAN Regional Forum (ARF) in Myanmar, no real further movement was made on the issue.<sup>(127)</sup>

ASEAN is often criticized because diplomatic progress proceeds at a snail’s pace. The main cause for this is due to ASEAN’s fourteen principles in its charter that call for consensus through unanimous decision-making. Another handicap of ASEAN is its rotating chairmanship of all member states, which changes annually.<sup>(128)</sup> It therefore becomes almost impossible for the states like Cambodia (2012) or Brunei (2013) or Myanmar (2014) to challenge, through the Forum, assertions made by other powerful members. Moreover, out of the ten ASEAN countries, only four face South China Sea dispute with China. The other six nations pursue their own individual policies with China with their

unique economic interests at the forefront. This lack of common interest has prohibited ASEAN from developing a consensus on how to approach China on its territorial claims.

During the 2012 ARF and accompanying ASEAN Ministerial Meeting (AMM), China was able to split ASEAN's consensus on the South China Sea by employing its considerable influence over Cambodia, which then served as the chair of ASEAN. This was made easier by the fact that the primary source of tension then was over China's seizure of Scarborough Shoal from the Philippines — an act for which it found some success by blaming Philippines' missteps. In the 2013 ARF in Brunei, several ASEAN members were hesitant to fully blame Beijing for tensions, believing that Manila had overreacted with its decision to bring a case against China for international arbitration.<sup>(129)</sup>

In the annual ARF of August 2014, the US secretary of state, John Kerry, formally presented a proposal under which China and members of the ASEAN that have competing claims to territory in the South China Sea would voluntarily halt provocative actions.<sup>(130)</sup> ASEAN has generally backed US suggestions on easing tensions, including endorsing the progress of a binding code of conduct to govern activities involving conflicting claims. But China's defiance on the code of conduct has been halting the progress over the past several years.<sup>(131)</sup>

### **South China Sea: Can joint management work?**

Cooperation on resource management in the South China Sea has been proposed by experts as a way to de-escalate tensions. By addressing the two major resources at the core of current disputes — energy and fish — joint development and preservation allow claimants to share the wealth of the sea. Since joint management requires claimants to put aside, not renounce, their territorial and maritime claims in favour of peaceful collaboration, it can be a practical way to shelve disputes for tangible benefits. However, the failure of joint hydrocarbon development, unilateral fishing bans and increased military and law enforcement vessels patrolling the sea signal that sovereignty claims remain more important than resource sharing.<sup>(132)</sup> Joint development is unlikely to take place due to complications inherent in negotiating cost and resource sharing arrangements amid high political tension. The involvement of non-claimants in joint exploration in the South China Sea also feeds Beijing's fears of containment.

As for fishing disputes, which are at the heart of underlying sovereignty disputes in the South China Sea, agreements between claimant countries on protecting stocks could help ensure the abundance of the fish and reduce the risk of conflicts in the future.<sup>(133)</sup> However, collective reluctance towards — at least — temporarily suspending claimed maritime rights seems to have obstructed further attempts on possible fisheries agreements like those between China and Japan and China and South Korea.



## Conclusion

The South China Sea has become an epicentre of global territorial and energy conflicts in recent times. The national, economic and political exigencies of the major claimants have hampered the prospects of a negotiated resolution of the issue. Mounting demands for energy resources and fisheries exploitation have particularly pushed Vietnam and the Philippines deep into disputed areas. Rising nationalism and the unwillingness of claimant countries to compromise on territorial claims have brought them to a greater confrontation with China.

At the moment, a major clash in the South China Sea is improbable. Although Beijing carefully avoids using force to assert its claims, other players are aware of China's rising military might and their economic connections with China. Still, conflicting claims keep surfacing incessantly and continue to soar. With no political resolution to the disputes in sight, China and most South East Asian claimant countries have continued to expand and modernise their navies and coastguards. The regional build-up of arms increases the likelihood of unintentional escalation, and the aggressive use of law enforcement vessels to assert respective stances lead to more frequent contact with civilian vessels and other coastguards. Nonetheless, even with efforts to bolster their defence forces, claimant countries are no match for China, and are engaging in force modernization and seeking enhanced security ties with the US. Recent actions taken by the Philippines to align its defence postures more closely with Washington, and Vietnam's efforts at bringing in other regional powers, are perceived by China as attempts to contain its rise.

There seems to be a growing absence of restraint and long-term vision among the claimants regarding matters of the South China Sea. Their stances are often overwhelmed by harmful rhetoric and fervent nationalism. Domestic pressures have prevented policymakers in claimant countries from making even the slightest compromises in their claims, which would be a precondition to any legal solution. Instead, they have drawn upon international law to further their national interests and justify assertive actions in the region. Therefore, a new approach to discussion is desirable. Stakeholders need to direct the dispute in a way that minimally disrupts overall economic and political cooperation, especially for those working in the disputed territories in fisheries, energy and shipping.

ASEAN is at the heart of efforts to engage China multilaterally on its South China Sea claims, but its members - even just the four claimant states - cannot agree on a way forward. Meanwhile, joint development, while serving as an opportunity for claimants to cooperate and thereby reduce tensions, has stalled as claimants continue to resist China's demands that they first accept its sovereignty over the disputed areas. ASEAN, therefore, needs to advance the development of a Code of Conduct (CoC) with China in order to prove that the issue can be handled at a regional platform, even if the CoC will only manage, rather than resolve, the outstanding disputes.

The unrelenting attitude of the major claimants demonstrates that trends in the South China Sea are moving in the wrong direction. Considering the ever escalating tensions in the region, the involved parties could devise plans to allay

the possibility of a major clash through increased dialogue and joint management of hydrocarbon and fishing resources. In the absence of such a mechanism, it appears that only crisis will trigger the necessary change of attitude over the South China Sea.

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# THE 16<sup>TH</sup> LOK SABHA: INDIA'S LURCH TO THE RIGHT

HEBA AL-ADAWY

As jubilant supporters of what was once a fringe Hindu nationalist party celebrated the results of a nine-week election marathon, there was arguably some element of incongruity in the scenario. Holding face-masks of the controversial Narendra Modi (NaMo) and waving saffron symbols of lotus flowers were not merely members of the *Sangh parivaar* or hardline Hindu nationalists, but also young, liberal Indians as if rejoicing a crucial cricket victory. India finally delivered its verdict on 16<sup>th</sup> May, giving an overwhelming mandate to the Bharatiya Janata Party (BJP). Even Indian psephologists, whose reputation had wavered in the previous national polls, were caught surprised. Their projections of a 'Modi wave' not only came true but also surpassed expectations by decimating the era of coalition politics altogether. India's longstanding Congress party suffered a massive meltdown and was reduced to a mere minion with only 44 seats in the Lok Sabha — and 59 as United Progressive Alliance (UPA) coalition. Aam Aadmi Party's howling promise of a political overhaul, too, became a 'tinkling cymbal, sounding brass.' Meanwhile BJP managed to capture 282 seats on its own, giving Modi ample space to steer the ship without experiencing counter-currents from its allies. Indeed BJP's resounding victory marks the first time in 30 years, since the assassination of Indira Gandhi in 1984, that a single party has commanded such support across the country. It not only marks a symbolic end to the Nehruvian era of dynastic politics; but also the unprecedented rise of a Hindu nationalist party under a leader whose reputation has been tainted by charges of complicity in the Gujarat communal violence of 2002.

Voter fatigue and disillusionment with UPA's economic record, including the massive scale of corruption, only partially explain the results. They fail to account for India's reversion to single-party rule in 2014 as opposed

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to a more divided mandate given Modi's controversial communal past. While regional parties in West Bengal, Tamil Nadu and Orissa remained tough nuts to crack, the surge of voters in the Hindi belt (northern, central and western), amounting to approximately 32 per cent of the total electorate, allowed Modi to take home the trophy. Although many blame India's first past-the-post system for failing to represent the constellation of opinions in India, there is no denying that the 16<sup>th</sup> Lok Sabha, in many ways, signals the beginning of a new era in Indian electoral politics. The new Lok Sabha, in a break from the past two decades, showcased an inverse relationship whereby the existence of more parties actually led to lesser – and not greater – vote fragmentation. According to a study carried out by the Carnegie Endowment for International Peace, this weaker electoral competition existed alongside a surge in popular participation in the polls.<sup>(1)</sup> India logged a record high voter turnout in 2014 at 66.4 per cent of the total electorate. The figure is particularly impressive when matched against the recent decades, which showcased a declining rate of voter turnouts. Since its apex in 1984, when 64 per cent of the electorate voted Congress into power, voter turnout has fluctuated between 56 and 62 per cent with a relative stagnation at 58 per cent in the previous two polls (2004 and 2009). Meanwhile the vote share of regional parties, which had risen from 49 per cent in 1999 to 52.6 per cent in 2009, dropped to 48.6 per cent in 2014. Having come a long way since the era of Congress hegemony, the 2014 elections indicate a shift away from federalization and towards a “re-nationalization” of Indian electoral politics.

The larger than life persona of Modi remains decidedly crucial to any analysis of the 16<sup>th</sup> Lok Sabha. But while the exact course of his tenure, from a structuralist point of view, remains difficult to predict, the seismic rise of Modi, nonetheless, begs the question: So what has prompted India's Lurch to the Right? Is this the beginning of a new era for India? Arguably Indian secularism — albeit a defining norm in the Constitution with its corollary set of checks and balances — has not been left untainted by secular parties occasionally pandering to communalism in order to capture vote banks. Does the 16<sup>th</sup> Lok Sabha, then, signal a mere shift in referents from secularism to development or a qualitative shift in the ethos of Indian mainstream politics?

### **The long road to Modi**

For some of Modi's fiercest critics, the Indian scenario demands a retrospective glance at history. It is one that echoes the early warning signs of Sinclair Lewis in his political novel *It Can't Happen Here* (1935) — set in the context of rising fascism in post-World War II Europe. Still, more have likened the cult of Modi among the Indian electorate to the ideology of “Decisionism” that mobilized the German intelligentsia to defend the Third Reich in the 1930s. First expounded by political theorist Carl Schmitt, decisionism seeks to validate the form of the law (by exalting the right of the sovereign to deliberate) over the contents of the law. In both the Indian and German contexts, it speaks of a desire among the electorate for a sovereign leader who would take “bold decisions” following periods of indecisiveness or ‘policy paralysis.’<sup>(2)</sup> Indeed, fascism may

be too loaded a term for contemporary India, the contextual and regional specificities may differ vastly, but for critics of this camp such an analogy serves to forewarn the dangers of blind support to populist leaders. Equally significant to them is the ideological affinity of the Rashtriya Swayamsevak Sangh (the ideological parent of BJP) with Nazism in its foundational years.

But perhaps a better way to understand the current Indian predicament is to take a walk down the memory lane of the past few decades and examine the trajectory of Indian economic liberalization initiated in the early nineties. While the tenure of UPA I-II was characterized by a series of economic woes and upward inflation, causing much concern for a regional power that is aspiring for global prominence, it is useful to point out the absence of negative growth. Economic growth has been on the rise, albeit at a halted rate of 4.5% in 2012-13 compared to a high of 9.6% during the term of UPA-I in 2007. In fact, the Indian economy is likely to become the third biggest economy after USA and China according to purchasing power parity (PPP), a figure that takes into account relative costs and inflation rates in different countries. The statistic sets India apart from historical instances where mass economic depression has triggered right-wing politics. Equally important in India is the support base of modern urban middle class voters for Narendra Modi, also dubbed as the “aspirational class.”<sup>(3)</sup>

What is significant about the Indian context, however, is that the economic growth has not been channelled in a redistributive fashion. In hindsight, one could argue that the loci of Indian politics began to shift three decades ago, when a balance of payments crisis forced the incumbent government to introduce structural economic reforms as part of their bailout plan with the International Monetary Fund (IMF) in 1991. The neo-liberal policies included opening for international trade and investment, deregulation, privatization, tax reforms and inflation controlling measures. Though not all policies were enforced in their totality, today much of India’s economic triumphs and woes can be traced back to these reforms. While India gained its place amongst the rising economies of the world, the era of privatization also brought forth its social costs, concentrating wealth in the hands of a few and triggering a series of corporate land grabs as well as of natural resources at the expense of the lower echelons of society. Since 1991, income inequality has deepened, triggering debates over a more inclusive growth strategy. Some of the contradictions of India’s growth story can be glimpsed in Arundhati Roy’s evocative description:

In India, the 300 million of us who belong to the new, post-IMF ‘reforms’ middle class – the market – live side by side with the spirits of the nether world, the poltergeists of dead rivers, dry wells, bald mountains and denuded forests: the ghosts of (2,50,000 debt-ridden farmers who have killed themselves, and of the 800 million who have been impoverished and dispossessed to make way for us. And who survive on less than 20 rupees a day.<sup>(4)</sup>

In a country of 1.2 billion, Arundhati Roy asserts that the country’s 100 richest people own assets that are equivalent to one-fourth of India’s GDP. She

moves on to juxtapose the image of an ordinary farmer (surviving on a mere 20 rupees) with one of India's leading business giants – Mukesh Ambani from Reliance Industries Limited whose business interests range from petrochemicals, special economic zones, fresh food retails to high schools, life sciences, stem cell storage services, and more recently, Infotel, a TV consortium controlling 27 TV channels in almost every regional language.

Neo-liberal policies initiated in the early nineties, on the one hand, led to the creation of an aspirational, urban middle class, wooed by promises of prosperity and upward mobility during NaMo's election campaign. At the same time, they rendered the plight of low-level labourers and farmers even more acute. Despite the statistics showcasing industrial growth, approximately 58 per cent of the population has depended on agriculture since 2001. While the size of the agriculture sector has remained relatively constant (53 per cent in 2012-13), the share of agriculture in GDP has been steadily declining. By and large, agribusiness companies and their stakeholders have been the prime beneficiaries while landless rural families have increased from 37 per cent in 1987 to 55 per cent in 2005. The disastrous impact of food inflation can be gauged from the annual average of suicides committed by farmers, which increased from 15,369 in 2003 to 1,46,000 in 2012. In the last 20 years, casualization of the formal sector has also prevailed rampantly, with 65 per cent of the formal sector serving as contract labours, without security benefits, on less than a quarter wages of the permanent workers in similar positions. Between 1999-2011, labour productivity increased by 12.6 per cent while real income went down by 2 per cent, suggesting that workers were constantly asked to tighten the belt even as their productivity increased.<sup>(6)</sup> In the last five years, an unprecedented deterioration in the living standards of ordinary people coupled with rising inflation have catapulted longstanding grievances within the society to the forefront of electoral concerns. While BJP's mantra of development and "India Shining" has remained unchanged over the course of the past few elections, India's economic woes, particularly heightened after revelations of mass corruption scandals under the Congress-led UPA, created an environment in which the incumbent party could be severely delegitimized. The sheer weight of the incumbency factor allowed the BJP to exploit popular anger over the inconsistencies of "Brand India" – an image of a burgeoning regional power – versus the stark realities on the ground.

### **The 'Imagineries of Social Justice'**

One is tempted to question, at this point, the curious support base of Narendra Modi in the post-IMF reforms era, in that it marries people from all three tiers of the society — the corporate giants, the middle class and the marginalized. Ironically, the same neo-liberal policies that were responsible for widening income inequalities also allowed, through the initiation of privatization, for the flourishing of Gujarat — the iconic model of economic development during BJP's election campaign. Notwithstanding the ideological differences and the strong rivalry between the Congress and the BJP, there is an oft-overlooked continuum in the policies and practices of the two parties. By

1991, when big businesses no longer required the protection of statist intervention, the Congress gradually reconstructed the role of the state to facilitate greater participation of the private sector. In hindsight, the model success story of Gujarat can hark back to the rules that were set out by the Congress and eventually outplayed by the BJP.<sup>(6)</sup> Even now, India's budget report released by Arun Jaitley, the new finance minister, reveals only incremental changes from the previous budget of the Congress Party Minister P. Chidambaram, alongside a number of perks for various interest groups. Owing to the similarities, the budget report has also been dubbed as a "Chidambaram budget with saffron lipstick."<sup>(7)</sup>

Does the 16<sup>th</sup> Lok Sabha, then, represent a collective delusion or false consciousness of the much-touted Gujarat model of economic development? In part, yes. In the run up to the polls, the topic of Gujarat remained deeply politicized, as supporters of Modi hailed its economic growth while his detractors argued that Gujarat's relative prosperity preceded the Modi era. Modi's public relations campaign, nevertheless, ensured that the success of Gujarat is packaged and sold as purely Modi's achievement. But for all its fame in economic freedom, it is true that Gujarat under the Modi regime has continually lagged behind in the social indicators of development such as the average rate of literacy, the infant mortality and life expectancy rates. Using the physical quality of life index for instance, Nagaraj and Pandey conclude: "The findings reinforce earlier research that reported a divergence between Gujarat's economic performance (which is almost at the top of the table) and its social development (which is close to the national average)."<sup>(8)</sup> In order to understand the rise of BJP, therefore, one must also place the elections in a semiotic universe where speeches and electoral campaigns carried great meaning for the populace. Equally important in the analysis are the perceptions, or to use a phrase coined by Indrajit Roy, the "imaginaries of social justice" existing in India.

In one of the prevailing perceptions in the pre-election scenario, poverty was seen as a direct consequence of "bad politicians" alone. Revelations of mass corruption scandals under the Congress regime helped augment this view. Although not all scandals were limited to Congress MPs per se, revelations regarding the alleged involvement of Sonia Gandhi's political secretary in the 'chopper scam' (2013) and the real-estate empire of her son-in-law, Robert Vadra, seem to have sealed the reputation of the Congress government.<sup>(9)</sup> This colossal amount of money — metaphorically extorted from the sweat, blood and tears of Indian people, and siphoned away by politicians — made the current economic predicament seem even more atrocious. The concept of corporate corruption took a less prominent space in the imagination of the Indian populace, as well as the fact that income inequalities could also be a result of the *type* of economic growth chosen by India<sup>(10)</sup> For all the rampage against corruption and the promise of development, then, it mattered little that Modi's economic policies in Gujarat were, in fact, in continuum with a model of growth that favoured economic indicators over social ones.

Indrajit Roy explains that the collective fascination with Modi is the

product of an electoral strategy that tapped into perceptions of social justice among impoverished Dalits and OBCs.<sup>(11)</sup> The identity of Modi as one of the members of the Other Backward Castes was effectively played upon during the election campaigns in stark contrast to the dynastic ties and elitism of Rahul Gandhi. For members of the Other Backward Castes, who represent approximately one-third of the Indian population and are mostly organized as smallholding agrarian communities, Modi's "rags to riches" story from a tea-vendor to an aspiring politician was not mere rhetoric. It served as an effective means of political mobilization in a society where caste identities are relevant and can structure economic outcomes in significant ways. BJP also organized social justice forums on a regular basis for members of the OBC and Dalit communities in a way that would speak to their day-to-day struggles. Local leaders portrayed BJP as a party that eschews caste distinctions and practices equality despite the historically upper-caste and Brahminical character of the Hindu Nationalist movement. It is this strategy that lies at the heart of Modi's appeal among the more marginalized sections of the community. Although the urban to rural vote ratio was higher for BJP, Modi nevertheless succeeded in winning a considerable number of rural votes through the façade of enforcing radical equality via development.<sup>(12)</sup>

### **Hindutva development?**

In many ways, the success of Modi and his popularity among the lower echelons of the Hindu community also represents the fruition of Rasthriya Swamsevak Sangh's Sanskritization policy, i.e. the incorporation of the lower castes into the Hindutva fold. The RSS has long espoused an organic view of Hinduism where castes, for all the inequities, are considered harmonious components of the society. In 1990, the RSS was one of the most vocal opponents of the Mandal Commission, which called for positive discrimination and affirmative action on behalf of the Other Backward Castes. In response to the caste-based politics of the nineties, the RSS launched a new programme called "samarasya sangama", i.e. "the confluence of harmony", in which RSS workers adopted different villages and promoted the ethic of social assimilation among the Hindu sections of the community. Within this context, social welfare work on behalf of their co-religionists became the bedrock of the RSS strategy, especially in instances of natural disaster or of political conflict as an attempt to integrate poorer Hindus into the mainstream. In the ensuing years, the Sangh Parivaar has gradually expanded its footprint by pursuing Hindutva welfare in a systematic and even institutionalized fashion. Within the context of job insecurity and economic informalization, Hindutva outfits have offered the promise of social mobility through politically ascendant organizations. They have equally offered a sense of rootedness and a communal identity, often by re-directing frustrations towards the "otherness" of religious minorities. Even in the state of Gujarat, Hindutva outfits have been crucial in absorbing and diluting the social backlog caused by neo-liberal policies in the post-1998 period. The efforts have not only been confined to the socially marginalized, but have also extended to public servants and government officials through various informal training

camps and workshops. As one RSS official expressed: “We do not try to influence the government but it is a natural process. If a worker from the RSS goes into politics and is successful, his thoughts will enter the government.”<sup>(13)</sup> Considered within this social milieu, the complicity of police and government officials in the violence of Gujarat in 2002 is not surprising. Oral testimonies have described how attacks on Muslim properties were often followed by graphic graffiti, stating: “Yeh andar ki baat hai, Police humare saath hai [the inside story is, the police is with us.]”<sup>(14)</sup>

In what Christophe Jaffrelot described as the “division of labour” within Hindu nationalism, the RSS has historically served as the ideological wing of the Hindutva movement whereas the BJP, among others, act as the political front.<sup>(15)</sup> Although the BJP exists as an offshoot of the RSS, it is true that the two have not always been in consensus in the past few decades, especially over BJP’s economic policies inviting foreign direct investment. Beleaguered by claims of “double membership,” BJP in the past has also felt the need to play a more pragmatic card and distance itself from the more vocal stances of the Sangh against caste reservation policies. For the 16<sup>th</sup> Lok Sabha, however, the figure of Narendra Modi — a sworn member of the Parivaar — represents a confluence of interests, or a reunion of the party with its ideological parent. In an incisive criticism, Nikita Sud makes the argument that Modi’s political ascent is no less dynastic than that of Rahul Gandhi:

A tea vendor may or may not have come far in Indian politics, but the man blessed by the RSS from the day he entered politics certainly has. Rahul Gandhi may well be in politics today because of the Nehru-Gandhi family. But Modi’s story would have been very different without the imprint of another family: The Sanghparivar.”<sup>(16)</sup>

Despite Modi’s consecutive victories in the assembly elections of Gujarat, his tenure has not been without opposition or contestations from various segments of the community. In describing the politics of Gujarat over the past decade, Sud aptly uses the phrase “development and deprivation” to convey Modi’s authoritarianism and the systematic exclusion of certain socially and historically marginalized interest groups<sup>(17)</sup> In the “division of labour” between the BJP and the RSS, the latter has been successful in quashing out rebellion from a number of social quarters by infiltrating trade unions and farmers associations. While the same cannot be said about the Muslim constituents, the Hindutva agenda has nevertheless ensured that the discontents of development remain somewhat diluted.

It is through Modi and his policies that we see the materialization of *Hindutva* development in which economic liberalism and political illiberalism go hand in hand. While the context of economic insecurity in the eighties marks the rise of Hindutva sentiments, it is Modi who blesses the movement with a corporate flavour. During his time as a chief minister, for instance, many of the economic summits and “Vibrant Gujarat” events were held during Hindu festivals such as Utrayan or Navrati. In an attempt to bring economic enterprise and wealth creation into the Hindutva fold, ceremonies such as *chopda puja* or the blessing of account books were also incorporated during Diwali. The

initiation of the Narmada water pipeline and the dam project in the Dangs were made to coincide with major events in the religious calendar. For the Narmada pipeline, ostensibly bringing water to the mythical “Saraswati”, the state irrigation department organized a grand event of celebration presided by Narendra Modi and attended by approximately 1,500 Hindu priests. The dam project in the Dangs, i.e. the Pampa Sarovar, was also given religious symbolism in that it brought water from various Hindu holy spots. Adivasis from the Dangs and other parts of India were invited to take a dip in the waters, symbolically integrating them with the Hindu whole. ‘Reconversion’ ceremonies, inviting thousands of devotees, were also part of the programme. The *Kumbh*, which was held on 11–13 February 2006, received widespread coverage by the RSS mouthpiece, the *Organiser*. In its praise for the administration of the *Kumbh* festival, Modi’s development agenda was sanctioned simultaneously. Narendra Modi was hailed for ensuring that his government provided adequate security, living facilities for the visitors, a newly built road network, electricity connections, and dams to replenish the lake in what was now the centre of a new Hindutva landscape.<sup>(18)</sup> Such events and traditions, in the words of Nikita Sud, served to “morally sanction[...] material gain, irrespective of means and without limits.”<sup>(19)</sup>

It is this blend of Hindutva culture and economic enterprise that helps us understand Modi’s diverse support base in the 2014 elections. Much in the same way, Narendra Modi also structured his campaign for the 16<sup>th</sup> Lok Sabha by appealing to middle class religiosity through an emphasis on soft Hindutva. Alongside promises of development were strong, patriotic slogans to put “India first” and revive “Brand India.” The promise to clean the holy Ganges river was at once a religious obligation and a display of environmentalism. When Gujarat was held up as a model to be emulated elsewhere in India, therefore, its appeal did not merely lie in the statistics of growth, but also in the marriage of Hindu culture and enterprise that existed in the state. While the Hindutva agenda was relatively diluted in the 2014 elections as compared to the previous two ones, it was not altogether absent. Rather, it existed as a subliminal undercurrent permeating through the liberal promises of prosperity and progress. Caste and communal mobilization was not the overarching strategy, but selectively employed where needed. Following the Muzaffarnagar riots in Uttar Pradesh, for instance, BJP candidates did not hesitate to exploit post-conflict polarization so as to gain the support of the upper-caste Hindus. Similarly, when BJP’s main campaign manager for Uttar Pradesh described the Muslim town of Azamgarh as a “den of terrorists” or when Amit Shah asked voters to avenge Muslims through the ballot, they served as attempts to divide the electorate along religious lines. In the words of Bharat Bhushan, the BJP used a complex set of campaign strategies, taking religion, caste and other local factors into account: “Besides running a presidential-style campaign centred around Narendra Modi and his claims of good governance,” he writes, “the BJP made ample use of communalism and, for good measure, also underwrote it with caste.”<sup>(20)</sup>

## Modi under spotlight

Any discussion of Modi's persona in determining the outcome of the 16<sup>th</sup> Lok Sabha elections would be incomplete without a mention of the media. If the axiom is true that there is no such a thing as "bad publicity," then the polarizing coverage of Narendra Modi also helped contribute to his victory, by ensuring that Modi remained an ever-constant talking point. One can also not dismiss the public relations enterprise that forms the backdrop of Modi's victory. The 16<sup>th</sup> Lok Sabha election campaign saw an unprecedented amount of funds flow to one party, which, according to an independent estimate, ended up spending more than Rs 5,000 crore on just advertising, second to that of President Obama in the 2012 presidential campaign<sup>(21)</sup> In actuality, the gradual makeover of Narendra Modi from an aggressive Hindutva nationalist to an icon of development dates back to 2007. The Gujarat violence of 2002 and the international condemnation of the administration's role had created a public relations crisis for builders of the neo-liberal 'Brand Gujarat'. An international public relations firm, APCO, was hired by the Gujarat government to market the state as a fertile ground for investment, with Modi presiding as a "business-friendly" administrator.<sup>(22)</sup> The efficiency with which Tata Nano, India's largest automobile manufacturer, was able to transfer its industry to Gujarat in 2008, particularly after its cumbersome experience in Communist-ruled West Bengal, further reinforced Modi's administrative credentials. Subsequently Ratan Tata, chairman of India's Tata Group, publicly praised Modi by proclaiming: "It is stupid if you are not Gujarat."<sup>(23)</sup>

As Indian industrialists leaned towards Modi one by one, they received exceptional compensations from the Gujarat administration in land prices, tax concessions and clearances from environmental and labour protection rules. By the 2009 general elections, a chorus for Modi as the PM had gradually emerged from the helm of business quarters. Unsurprisingly, then, Modi's campaign for the 16<sup>th</sup> Lok Sabha, spearheaded by India's business giants, also took a very early start. Among the sponsors and supporters of the campaign were also large sections of the Indian diaspora, particularly in the US where the Vishwa Hindu Parishad (World Hindu Council) has played a strong function in promoting a sense of Hindu identity and merging it with notions of market friendliness.<sup>(24)</sup> Modi was hailed as the messiah of a new order in a way that overshadowed the image of his own party or veteran comrades altogether. It was a strategy of "replicate and pervade"<sup>(25)</sup> in which Modi masks and holograms served as "evocative substitutes to his physical presence in mass rallies," while the electronic media, including regional language media, provided an unstinting coverage of the Modi factor. Much in the same way, Modi's campaign took full advantage of the social media with Facebook pages and vigilante groups ready to shoot down any criticism hurled towards their future leader.

Besides the external contribution to Modi's larger-than-life image, there is much to be said about Modi's own personality, his *pracharak* sense of discipline in work and his rousing oratory. While on the one hand, Modi is reputed to have a commanding and authoritarian personality with a take-no-prisoners approach in his ambition, he is simultaneously known for establishing



personalized linkages with his constituents. When Modi promised to revolutionise governance and administration through the use of technology in the 2014 manifesto, he had, in many ways, already proved his mettle. In the state of Gujarat, Modi was a pioneer of communications and technology, using audiocassettes, blogs, SMS and mobile ring tones to convey his election messages to his constituents.<sup>(26)</sup> Nikita Sud's anecdote from her extensive field study in Gujarat describes one such an approach to connect with the masses:

In 2004 a group government Village Level Workers (VLWs) told me that they had recently completed a training module with the chief minister, [...] I was surprised [...] wondering how the highest authority in the State had managed to find the time [...] why the many layers of government between this group and the chief minister — from the taluka development officer to the district collector and above — had not performed this task. Their reply was that these officials were also updating their skills, thanks to the chief minister. The latter had addressed VLWs and their bosses in all of Gujarat's districts via video conference.<sup>(27)</sup>

Through his dynamic speeches during the election campaign, Modi sought to symbolically displace the Congress outside the realm of the Indian national imagination. The Nehruvian dynasty, through the figures of Rahul and Sonia Gandhi, was reduced to puppetry in the hands of an external force. This external force was no other than a form of neo-colonialism, as evidenced by the institutionalized indifference of the Delhi government. In contrast, Modi chose to fight his seat from Varanasi. The choice of Varanasi was not only to win over Uttar Pradesh which, as a state with the most number of Lok Sabha seats, was a crucial deal-breaker. But Varanasi, as the oldest city of India, was replete with metaphors of Hinduism. Modi was equally brilliant in weaving a tapestry of words and phrases to legitimize his agenda and de-legitimize that of his opponents. Institutional inefficiency and policy paralysis, for instance, represented the “government” of the Congress, whereas Modi offered a fresh promise of “maximum *governance*, and minimum *government*.”<sup>(28)</sup> In other words, his promise was to *deliver*, rather than to *deliberate*. His campaign was at once futuristic in its approach and filled with a sense of historical justice towards past wrongs. By symbolically displacing the Nehruvian dynasty and propping up alternative, historical figures for inspiration, such as Malaviya, Ambedkar and Vivekananda, Modi sought to turn over a new leaf. In this new era, development was the catchword alongside strong and secure borders, social justice for the marginalized was symbolized by his own “rags to riches” story and the Hindu culture was reinvigorated as the spirit that subtly permeated the task ahead.

## Conclusion

Is the 16<sup>th</sup> Lok Sabha the beginning of a new era for India? While the long road to Modi began much earlier, with the loci of Indian politics shifting with neo-liberal policies that both converged and contested with the Hindutva agenda, BJP's meteoric success would not have been possible without two major

factors in the immediate run. Firstly, the tremendous failure of the Congress to reclaim its political space and salvage its reputation from corruption scandals, weakening economy and an elitist leadership; secondly, and perhaps more importantly, the aptness with which Narendra Modi, backed by his public relations team, used the existing fissures in society to sell himself as the saviour of India. In doing so, the appeal of Hindutva was not the sole strategy, albeit deeply relevant among his base of middle class supporters, but also the strategic deployment of different referents for different constituents in the vision for a *Modi-fied* India.

That the 16<sup>th</sup> Lok Sabha marks a watershed moment in Indian history is evident, but it is also a scenario fraught with contradictions. In an emotional acceptance speech at the party headquarters, Modi waxed poetic, hailing the “temple of democracy” that was India and comparing service to his country as service to his mother.<sup>(29)</sup> Being trained in RSS, Modi is known for his *pracharak* sense of law and order where the nation state serves as a disciplinary space and an organic moral apparatus. The speech, not to mention his rare display of emotion, only helped him further settle into the hearts and minds of Indian supporters. On the international front, Modi stunned his wary South Asian comrades by extending to them a generous invitation to his inauguration ceremony on 26 May. Most notable in the vast audience of parliamentarians, India’s business giants and Bollywood film stars and SAARC leaders was no other than the Prime Minister of Pakistan, Nawaz Sharif.<sup>(30)</sup>

But amidst optimistic slogans of a New and *Modi-fied* India are also some uncomfortable signs. The 16<sup>th</sup> Lok Sabha, for instance, represents a historic low in the number of Muslim MPs since 1952, a scenario that already tempers BJP’s election mantra of inclusive development and governance. In what was perhaps a harbinger of times ahead, the albatross of communal disharmony reared its head on the eve of Modi’s swearing-in. A small car accident was enough to unleash Hindu and Muslim mobs against each other in Modi’s heartland of Gujarat. In another twist of dramatic irony, the 16<sup>th</sup> Lok Sabha — for all the pre-election rampage against corruption — holds the highest proportion of MPs with criminal cases against them. According to the Association for Democratic Reforms (ADR), 34 per cent of the new MPs face criminal charges based on the analysis of election affidavits filed before the Election Commission of India. This contrasts with 30 per cent of criminality in 2009 and 24 per cent in 2004. With the assets of 82 per cent of its members exceeding Rs. 1 crore each, the present Lok Sabha is also the richest compared to that in 2008 (58 per cent) and 2004 (30 per cent).<sup>(31)</sup>

For Jawaharlal Nehru University (JNU) academic Zoya Hasan, the BJP has always displayed a characteristic ‘double-speak,’ in continuation of the “division of labour” between the BJP and the RSS. “As always, the BJP speaks in two voices,” she writes, “in moderation and in polarisation.”<sup>(32)</sup> Many believe that this trend is also likely to manifest itself during the course of Modi’s term. Shobit Mahajan, for instance, writes:

There won’t be any official racism or communalism. The storm troopers will do their vandalism and intimidation while the

administration treats them with kid gloves. Socialism and secularism will still be our official doctrine. The overt militarism will be missing but only because it won't be required. Maybe the use of the term "fascism" to describe the scenario painted above is inappropriate. But then, a rose by any other name...<sup>(33)</sup>

In many ways, the 2002 Gujarat violence represented a crystallization of the Hindu Rashtra project, long envisioned by the Sangh Parivaar. It was a moment characterized by widespread nationalist sentiments in Gujarat alongside a campaign to systematically exclude or terrorize Muslim minorities.<sup>(34)</sup> Although the spectre of the 2002 Gujarat violence continues to haunt the political tenure that lies ahead, many surmise that the scenario is unlikely to repeat again. Once the dust had settled over the Gujarat violence, its coverage in the international media proved to be detrimental for the corporate builders of Gujarat, instigating a makeover campaign for a "Global and Vibrant Gujarat." Many scholars have, therefore, cautioned that social disruption will be antithetical to the project of economic development promised by Modi. Mass expectations to deliver in the realm of economics may put pressure on the incumbent government to avoid any major eruptions of conflict, internally and externally. BJP's low representation in the Rajya Sabha (Upper House of the Parliament) as compared to that of the Congress may serve as an additional check to some of Modi's legislative plans. That, however, may still not hinder the gradual (top-down) implementation of soft Hindutva in the socio-political realm of India.

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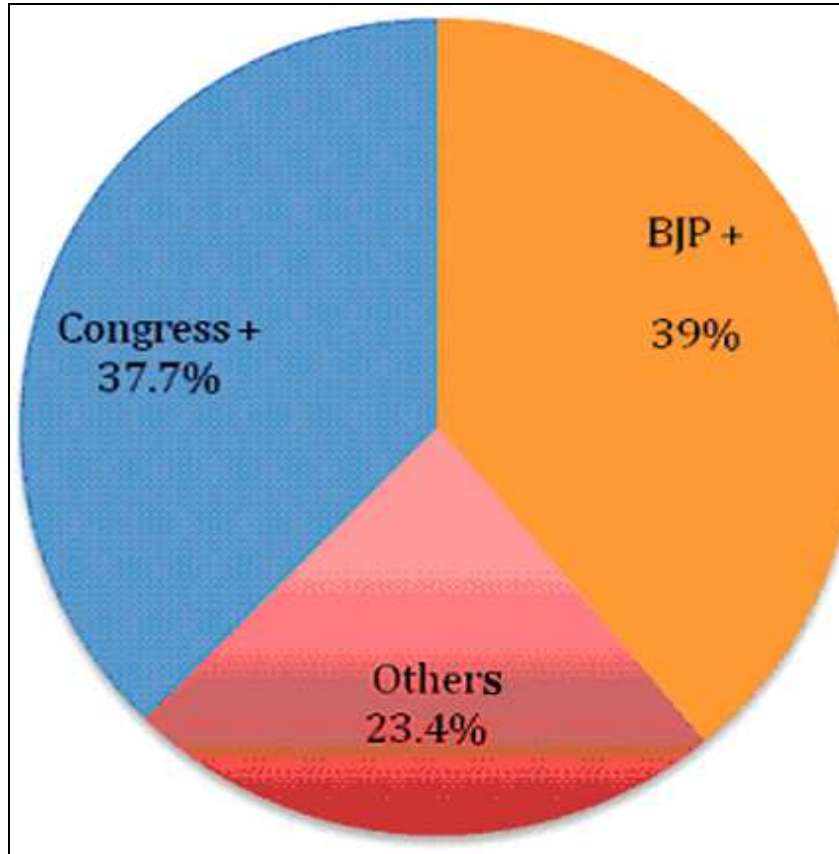
Appendix**Figure 1: Election Results: Lok Sabha Seats**

<b>BJP+</b>	<b>336</b>	<b>+195</b>
BJP	282	+166
SS	18	+7
TDP	16	+10
LJP	6	+6
SAD	4	0
RLSP	3	+3
AD	2	+2
NPF	1	0
SWP	1	0
AINRC	1	+1
NPP	1	+1
PMK	1	+1
HJC	0	-1
MDMK	0	-1
DMDK	0	0
IBJP	0	0
RPIA	0	0
RSPB	0	0
RSPS	0	0
Cong+	59	-175
Cong	44	-162
NCP	6	-3
RJD	4	0
IUML	2	0
JMM	2	0
KECM	1	0
RLD	0	-5
JKNC	0	-3
BOPF	0	-1
BVA	0	-1

MHD	0	0
SJD	0	0
Others	148	-20
ADMK	37	+28
TMC	34	+15
BJD	20	+6
TRS	11	+9
CPM	9	-7
YSRC	9	+9
SP	5	-18
AAP	4	+4
AIUDF	3	+2
PDP	3	+3
JDU	2	-18
JDS	2	-1
ILDF	2	+2
INLD	2	+2
IND	1	-8
CPI	1	-3
RSP	1	-1
AIMIM	1	0
SDF	1	0
BSP	0	-21
DMK	0	-18
AIFB	0	-2
AGP	0	-1
JVM	0	-1
VCK	0	-1

(Source: [www.indian-elections.com](http://www.indian-elections.com))

**Figure. 2: Total Vote Share**



**Figure 3: Votes won & lost by key candidates in their constituencies**

<b>Candidate</b>	<b>Fighting From: Constituency</b>	<b>Won/Lost</b>	<b>Total Votes</b>
Narendra Modi	Varanasi	Won	581022
Rahul Gandhi	Amethi	Lost	408651
Arvind Kejriwal	Varanasi	Lost	209238
Sonia Gandhi	Rae Bareli	Won	526434
L. K Advani	Gandhinagar	Won	773539
Mulayam Singh Yadav	Azamgarh	Won	340306
Rajnath Singh	Lucknow	Won	561106
Sushma Swaraj	Vidisha	Won	714348
Rabri Devi	Saran	Lost	314172
Arun Jaitley	Amritsar	Lost	380106

(Source: Figures 2 & 3: [ndtv.com/elections](http://ndtv.com/elections))

**Figure 4: BJP Support in Key States****Uttar Pradesh (80 Lok Sabha Seats)**

<b>Alliance</b>	<b>Results</b>	<b>Change</b>
BJP+	73	+63
SP	5	-18
Cong+	2	-24
BSP	0	-20
Others	0	-1



**Bihar ( 40 Lok Sabha Seats)**

<b>Alliance</b>	<b>Results</b>	<b>Change</b>
BJP+	31	+19
RJD+	7	+1
JDU+	2	-18
Others	0	-2

**Maharashtra ( 48 Lok Sabha Seats)**

<b>Alliance</b>	<b>Results</b>	<b>Change</b>
BJP+	16	-5
Cong+	11	-14
MNS	2	+2
Others	19	+17
Awaited	0	

**Delhi (7 Lok Sabha Seats)**

<b>Alliance</b>	<b>Results</b>	<b>Change</b>
AAP	4	+4
BJP	2	+2
Cong	1	-6
Others	0	0
Awaited	0	

**Karnataka (28 Lok Sabha Seats)**

<b>Alliance</b>	<b>Results</b>	<b>Change</b>
JDS	8	+5
BJP	7	-12
Cong	7	+1
Others	6	+6
Awaited	0	

**Assam (14 Lok Sabha Seats)**

<b>Alliance</b>	<b>Results</b>	<b>Change</b>
BJP	7	+3
Cong+	3	-5
AGP	0	-1
Others	4	+3
Awaited	0	

**Jammu and Kashmir (3 seats)**

<b>Alliance</b>	<b>Results</b>	<b>Change</b>
BJP	3	+3
PDP	3	+3
JKNC+	0	-5
Others	0	-1

**Madhya Pradesh (29 Lok Sabha seats)**

<b>Alliance</b>	<b>Results</b>	<b>Change</b>
Cong	15	+3
BSP	8	+7
BJP	4	-12
Others	2	+2
Awaited	0	

**Gujarat (26 Lok Sabha Seats)**

<b>Alliance</b>	<b>Results</b>	<b>Change</b>
BJP	26	+11
Cong+	0	-11
Others	0	0
Awaited	0	

**Punjab (13 Lok Sabha Seats)**

<b>Alliance</b>	<b>Results</b>	<b>Change</b>
SAD+	6	+1
AAP	4	+4
Cong	3	-5
Others	0	0
Awaited	0	

**Chandigarh (1 Lok Sabha Seat)**

<b>Alliance</b>	<b>Results</b>	<b>Change</b>
BJP	1	+1
AAP	0	0
Cong	0	-1
Others	0	0
Awaited	0	

(Source: [ndtv.com/elections](http://ndtv.com/elections))

# **GWoT, FATA & NON-TRADITIONAL SECURITY THREAT: A CASE STUDY OF POLIO IN NWA**

**AMIR ULLAH KHAN**

## **Theoretical framework**

Advocates of different security paradigms define the concept of security from their own perspectives. Broadly speaking, there are two major security paradigms, i.e., traditional and non-traditional security paradigms. Among traditional security paradigms, the realist security paradigm centres on power politics and security of state.<sup>(1)</sup> Paul R. Viotti and Mark V. Kapuri say:

*The concept of state is overemphasised in realist paradigm. The significance of the state in world politics cannot be relegated. The realist thinkers paid no heed to other important actors and outrightly neglected those actors. They kept out the non-state actors such as transnational organizations, financial institutions, terrorist organizations, and global institutions from the realist world view.<sup>(2)</sup>*

The theoretical framework exploring security changed following the end of the Cold War. In the post-Cold War era, strategic thinkers and policy makers developed a new discourse that took into account non-military security issues like lack of healthcare, poverty, illiteracy, unemployment, poor food, poor sanitation system, poor governance and environmental issues as non-traditional security issues. This innovative paradigm shift has helped expand the horizon of security studies. The contribution of Copenhagen School is noteworthy in this connection. Buzan and Hansen from The Copenhagen School note that;

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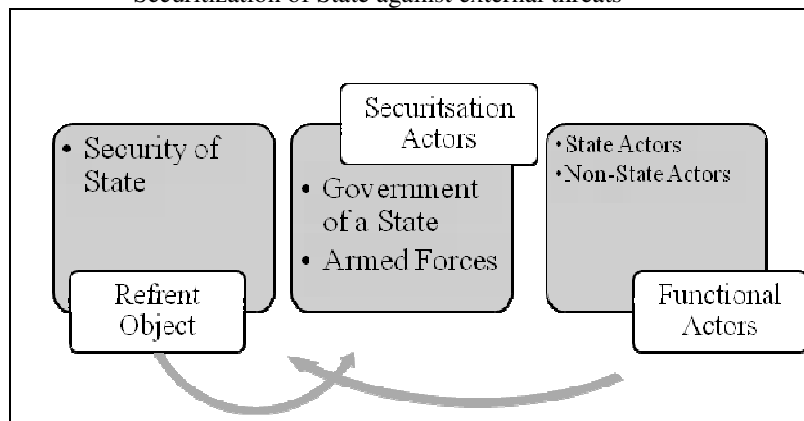
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*The leading concept of security in International Security Studies has been the one of 'national'/'international' security, it has been the concept of Realist Strategic Studies. This concept of security regards the state as the referent object, the use of force as the central concern, external threats as the primary ones, the politics of security as engagement with radical dangers and the adoption of emergency measures, and it studies security through positivist, rationalist epistemologies.<sup>(3)</sup>*

They criticize the traditional school of International Security Studies on the ground that it views security issues as predominantly military in nature and pays attention only to the "state's use of military force," the external threats a state is confronted with, conflicts and tactics of employment of military power. (See Fig. 1)<sup>(4)</sup>

**Figure-1**

Securitization of State against external threats



Both Buzan and Hansen have discussed the concept of security from different perspectives, including objective, subjective and discursive viewpoints. Wolfers has elaborated these concepts. He argues that "security, in an objective sense, measures the absence of threats to acquired values, in a subjective sense, the absence of fear that such values will be attacked."<sup>(5)</sup> He further states that it is never possible to measure security 'objectively', and that subjective evaluations played an inevitable part in states' assessments.<sup>(6)</sup>

To Barry Buzan, Wolfers' formulation illustrates well the tension between an objective conception of security (the absence/presence of concrete threats) and a subjective one (the feeling of being threatened or not). It is worth noting that in an objective sense, threats are viewed as existential threats which are in material or physical shape. In subjective sense, threats are viewed as psychological feelings of being under threat. More precisely, subjective approaches to security emphasize the importance of history and norms, of the psychologies of fear and (mis)perceptions, and of the relational contexts

(friends, rivals, neutrals, enemies) within which threats are framed. The objective/subjective debate has remained a focal point in the International Security Studies during the pre- and post-Cold War eras, while Strategic Studies focused largely on assessing supposedly objective security threats.<sup>(7)</sup>

In addition to objective and subjective aspects of security, it may also be understood in discursive context. The discursive context of security studies is connected with ‘Speech Act Theory’ of linguistics. According to Copenhagen School, security is a speech act and ‘by saying “security,” a state representative declares an emergency condition, thus claiming a right to use whatever means<sup>(8)</sup> are necessary to block a threatening development.<sup>(9)</sup>

To understand the Copenhagen School’s concept of security, it is essential to understand Ole Waever’s famous ‘Speech Act theory’.<sup>(10)</sup> Original idea of a ‘speech act’ was conceived by J. L. Austin, who defined words as ‘performatives’, i.e. types of action, not simply statements. Ken Booth, quoting Ole Waever, says:

*The process of securitisation is what in language theory is called a ‘Speech Act’. It is not interesting as a sign referring to something more real. Security utterance is a special kind of communicative activity concerned to produce a particular effect on the listener. To name something ‘security’ is to give what is proposed the particular significance attached to dealing with ‘existential threats’ and ‘extraordinary measures.’<sup>(11)</sup>*

In simple words, Copenhagen School considers security as a ‘self-referential practice’.<sup>(12)</sup> This does not imply that anything can be covered as ‘security’; first, because not all political issues can attain ‘security importance’ at the same time, and, secondly, because the discursive construction of ‘security threats’ will be influenced by a state’s history, its geographical and structural position, and the (discursive) reactions it generates from others, internationally and domestically. For security speech acts to be successful, they also need to convince their relevant audiences.<sup>(13)</sup>

The Speech Act Approach to security requires a distinction among three types of units involved in security analysis.<sup>(14)</sup>

1. **Referent Objects** — the objects that need security or whose security is held prime by the securitizing actor.
2. **Securitizing Actors** — the actor or actors that are responsible for provision of security to referent object/s.
3. **Functional Actors** — those actors who affect the dynamics of a sector,<sup>(15)</sup> or actors that influence decisions.<sup>(16)</sup>

Barry Buzan has introduced a multi-sectoral concept of security, deviating from the traditional security paradigm. To him, there are other referent objects apart from the state. The ‘non-traditional’ security issues, i.e., non-military threats on the security agenda, have gained currency since the late 1980s. It is also noteworthy that before Buzan’s multi-sectoral concept, three-level concept of security analysis was predominant in international relations.<sup>(17)</sup>

Barry Buzan attaches importance to security sectors by deviating from traditional military sector. He states that, "If a multi-sectoral approach to security was to be fully meaningful, referent objects other than the state had to be allowed into the picture."<sup>(18)</sup> To Buzan, sectors might identify distinctive patterns, but they remain inseparable parts of the complex whole. The purpose of selecting them is simply to reduce complexity to facilitate analysis.<sup>(19)</sup> Buzan has categorized the issue areas for a broadened security agenda in relation to five 'sectors', each identifying 'specific types of interaction':<sup>(20)</sup>

- a) Military sector ('relationships of forceful coercion')
- b) Political sector ('relationships of authority, governing status, and recognition')
- c) Economic sector ('relationships of trade, production, and finance')
- d) Societal sector ('relationships of collective identity')
- e) Environmental sector (relationships between human activity and the planetary biosphere).

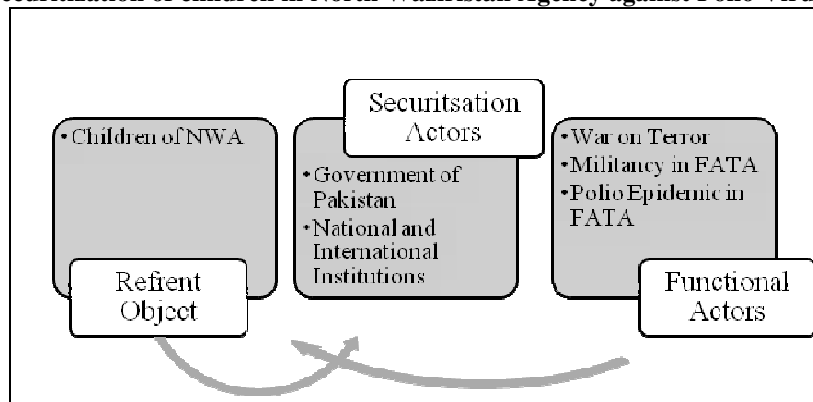
In support of Barry Buzan's referent object concept, Ken Booth states:

Human beings are the ultimate referent objects for a theory and practice of politics (including security). They are the basic units of human society. They are alpha and omega of an agency. The status of any society can be determined by the status of its citizens living in it. In simple words, they are the litmus test of the health of a society.<sup>(21)</sup>

### **Doctrine of securitization and polio epidemic in North Waziristan**

Within the Copenhagen School's security framework and Securitization theory, the children in the Federally Administered Tribal Areas (FATA) can be seen as the referent objects in need of health security against the polio virus (a functional actor). It is the responsibility of the Government of Pakistan, and other national and international organizations to ensure their health security. This is illustrated through Figure 2.

**Figure-2**  
**Securitization of children in North Waziristan Agency against Polio Virus**



### **Global war on terror and non-traditional security threats**

The 11 September 2001 terrorist attacks on Twin Towers, the World Trade Centre in New York and the Pentagon led to a complete transformation of global, regional and national politics in various states. Pakistan could not escape the ramifications of this event. The government of Pakistan initially had to support the United States in the war on terror as a key ally. General Pervez Musharraf, then president of Pakistan, succumbed to immense external and internal pressure.<sup>(22)</sup> September 17, 2001, was a turning point in the history of Pakistan when Gen Musharraf agreed to providing generous logistic support to the United States. On 19 September 2001 Gen Musharraf said:

*Let me say that I am concerned about Afghanistan and the Taliban. I have tried my best, but sadly without much success... I have done everything for Afghanistan and Taliban when the world is against them....In the present situation we have been trying to convince the Taliban to be wise. We have also asked the US for evidence about Osama bin Laden. Also how do we best serve Afghanistan's interests? By going against the world community or by working with the international community, I am sure you will agree with me that we can only do the latter.<sup>(23)</sup>*

The former American president, George W. Bush, in the midst of post-September 11 security strategizing, publicly said that "Either you are with us, or you are with the terrorists."<sup>(24)</sup> One of the key American diplomats, Secretary Powell held that the United States had to make it clear to Pakistan, Afghanistan, and the Arab states that the time to act was now.<sup>(25)</sup> In his address at the 58<sup>th</sup> United Nations General Assembly session, Gen. Musharraf said,



*The tragedy of 9/11 transformed security policies and geopolitical calculations. Pakistan took a strategic decision, based on the principles of humanity and our national interests, to support the war on terror... Pakistan will remain in the forefront...it is a decisive moment in history. We must decide whether to flow with the currents that threaten confrontation and the collapse of our civilization, or muster the collective will to chart the course of history towards a peaceful and cooperative global society.<sup>(26)</sup>*

Despite Pakistan's official support for the war, and the position as a key ally, various measures from the United States security forces have brought into question the authenticity of this alliance. One of the prime examples of such measures are the American drone attacks in Pakistan and its North Waziristan Agency, the focus area of this research study, that has remained the prime target of American drone warfare. The divergence of Pak-US interests in FATA is greater than the convergence of interests in those areas.<sup>(27)</sup>

During the Cold War and in subsequent Afghan Civil War, Pakistan helped the US and the Kingdom of Saudi Arab supported warlords against the communists. Muslim youth from across the globe rushed to Afghanistan to participate in the war against communism.<sup>(28)</sup> The collapse of the Soviet Union was a satisfactory end for the United States, but the US and its allies lacked a post-Communist-collapse strategy. This left Afghanistan, the state used for proxy war, in an extremely volatile state. Additionally, neighbouring countries and other states started to seek their objectives in Afghanistan. Prof. Dr. Taj Muharram Khan in this connection says:

*The power politics at global level and Pakistan's struggle for seeking defence of traditional security, several inter-connected non-traditional security threats came to surface. This gave rise to militancy, drug-mafia, influx of Afghan refugees in Pakistan, exploitation of religion for ulterior motives, unemployment, poverty, residential issues, environmental issues, and above all the health issues like polio. All these threats have been revisited by taking sides with the US in the September 11, 2011 war against terrorism."<sup>(29)</sup>*

The Government of Pakistan plunged into the Global War on Terror without making proper strategic assessments of its repercussions. It has taken only the traditional or military security into consideration, i.e., the security of the state. The government seems to have paid no heed to non-military threats, and so non-traditional security threats do not feature at all in the security doctrine. In this connection Muhammad Amir Rana says:

*Civility perishes when people are confronted with imperious necessity and the government has often been the target of popular rage for failing to prevent destruction and loss of human life. Such large-scale discontentment creates space for non-state actors, mainly militant*

*organisations, who have regularly showed keen interest in the void left by the failure of state's institutions.*<sup>(30)</sup>

So, it can be inferred that the grey areas in the political system of the country and failure of both political and security institutions in Pakistan have led to the uprising and militancy in FATA. The militancy and the counter military operations have severely jeopardised health security in FATA particularly in North Waziristan Agency (NWA).

### **Mechanism for the implementation of anti-polio campaign**

Before highlighting the prevailing threat of the spread of Polio virus in FATA, it is essential to study the mechanism adopted for the implementation of anti-polio campaign. The government of Pakistan has designed a proper mechanism to control and eradicate polio with financial and technical assistance from various agencies, donors and organisations. The polio eradication campaign consists of three main phases.<sup>(31)</sup> These are as follows:

#### **1. Pre anti-polio campaign phase**

In this stage, officials are engaged to make an implementation roadmap by taking into account the security situation, and financial and human resources. It consists of the following steps:

##### **a. Micro plan**

A micro plan identifying areas for vaccination is prepared. The target population and their vaccination requirements are researched and finally the polio teams along with side-area in-charge are recruited.

##### **b. Union Council Polio Eradication Committee (UPEC) meeting**

The UPEC is mainly composed of area in-charge, local Ulema (religious scholars), teachers, and influential personalities of the locality. The committee is chaired either by a doctor or Expanded Programme on Immunisation (EPI) technician. Its meeting is held 15 days before the campaign.

##### **c. Agency Polio Eradication Committee (APEC) meeting**

The APEC is mainly composed of area Political Agent, army colonel/local commandant, agency surgeon/field supervisor (doctor), and nominees or representatives of various departments in the Agency.

##### **d. Civil-Military Coordination Committee (CMCC) meeting**

The CMCC is mainly composed of area Political Agent, army colonel/local commandant, and agency surgeon. Its meeting is held 10 days earlier to ensure accessibility of the target areas and population.

##### **e. Team training & area in-charge training (TT & AIT)**

Four days before launching the campaign, training is imparted to the participants and area in-charge.

##### **f. Inauguration of campaign**

The inauguration ceremony is launched by an influential local figure two days before the operationalization of the campaign.

#### **2. Operational phase of the campaign**

The campaign runs for three days. Every evening, meetings are held under the auspices of the Political Agent. In these meetings, daily activities are evaluated.

### 3. Post-campaign phase

On the fourth day of the campaign, data tracking phase starts, which lasts for 15 to 20 days. Market survey is conducted in which kids are questioned so as to ascertain whether polio vaccines were administered or not. In addition to this, Lot Quality Assurance Survey is conducted. It is held by World Health Organization through independent monitors to analyze the execution of the programme.

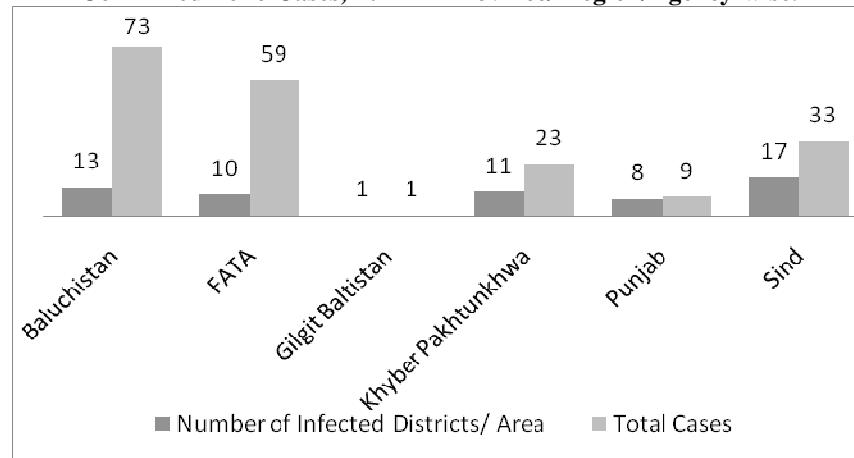
### Polio virus in NWA: A non-traditional threat

Polio virus has proved to be a severe threat in Pakistan, particularly in those areas which are affected by the GWOt. Taliban-imposed ban on polio vaccination in NWA, the virus had already affected various areas in the country. Polio virus is found in the environment of Khyber Pakhtunkhwa and FATA because these are the frontline areas in GWOt.

During 2011, 59 polio cases emerged in 10 agencies frontier regions (FR) in FATA, one in Gilgit-Baltistan, 23 in 11 districts of Khyber Pakhtunkhwa, nine in eight districts of Punjab, and 33 in 17 districts of Sindh. A total of 198 confirmed polio cases were diagnosed in 60 affected districts of Pakistan as shown in Figure 3.<sup>(32)</sup> Here it is worth noting that in Balochistan, 73 polio cases occurred which was a higher ratio than the rest of the areas. These were mainly due to vaccination refusal on the part of children's parents or guardians.<sup>(33)</sup>

**Figure 3**

**Confirmed Polio Cases, 2011 — Province/ Region/Agency-wise.**



The Figure below shows that 2012 proved comparatively less disastrous year with respect to the occurrence of confirmed polio cases. In

Balochistan, four cases in two districts, 20 in six areas of FATA, 27 in 13 districts of Khyber Pakhtunkhwa, two in two districts of Punjab, four in four districts of Sindh and one in Gilgit-Baltistan were reported. The total, 58, confirmed polio cases occurred in 28 affected districts of Pakistan during 2012 as shown in Figure 3.<sup>(34)</sup>

**Figure 4**

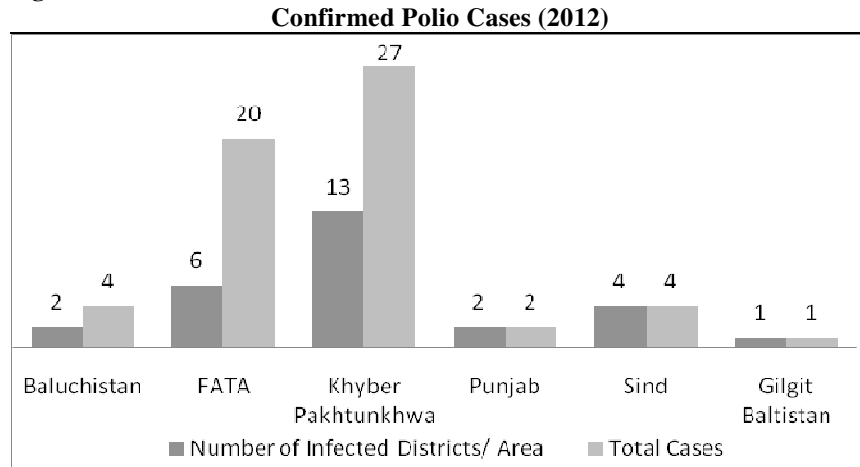
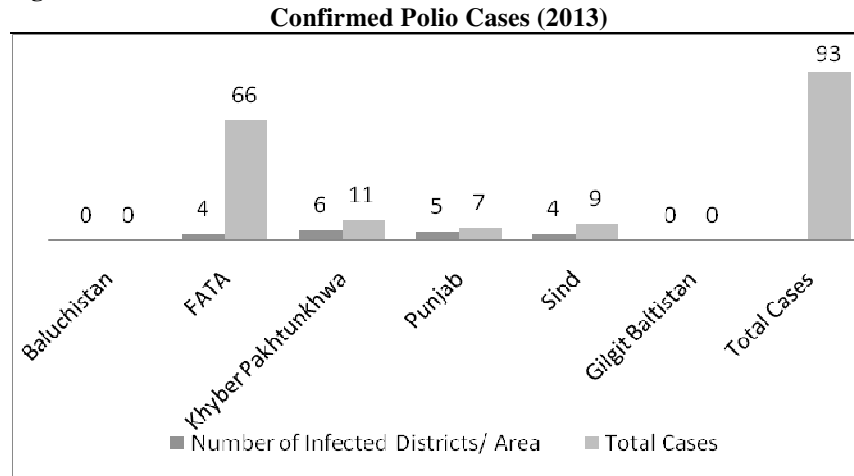


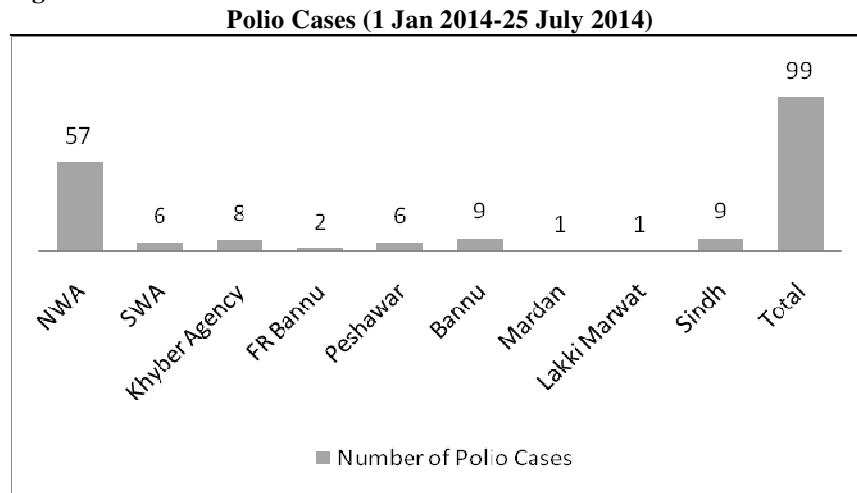
Figure 5 shows that no case was reported from both Balochistan and Gilgit-Baltistan. However, 66 in four areas of FATA, 11 in six districts of Khyber Pakhtunkhwa, seven in five districts of Punjab, and nine in four districts of Sindh were reported. The total 93 of confirmed polio cases occurred in 19 affected districts of Pakistan during 2013. The data reflects that both FATA and Khyber Pakhtunkhwa were health security risk areas of Pakistan during 2013 in contrast to the rest of the country.<sup>(35)</sup>

**Figure 5**

It is a great achievement on the part of the agencies involved in polio eradication from Pakistan that the number of cases has been reduced in various parts of the country. However, children in Khyber Pakhtunkhwa and FATA are still at risk.

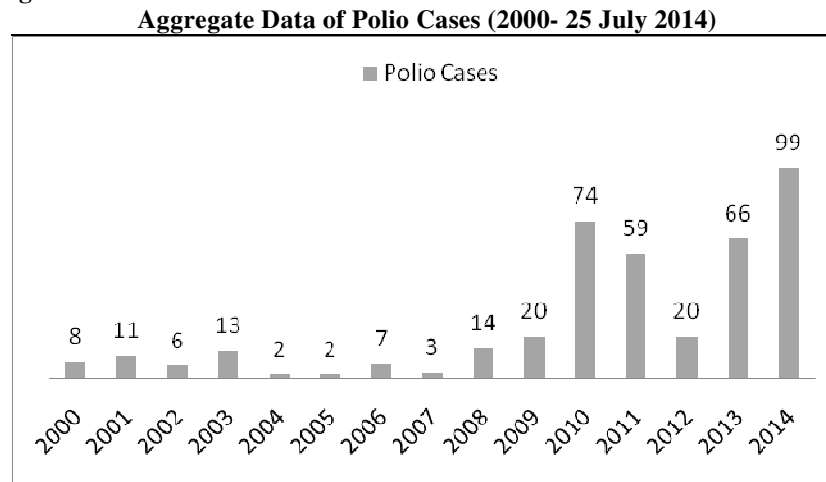
The year 2014 has taken a start with severe polio risk in Pakistan. By 6 June 2014, a total 74 confirmed polio cases were reported from various parts of the country. The highest number — 57 — occurred in FATA. Eleven cases were reported in Khyber Pakhtunkhwa and six in Sindh.<sup>(36)</sup> In FATA, 48 cases in NWA and five cases in South Waziristan Agency (SWA), two cases in Khyber Agency and two in the Frontier Region of Bannu (FR Bannu) have been reported. In Khyber Pakhtunkhwa, there were four cases in Peshawar and seven in Bannu. In addition to these, six cases occurred in Sindh.<sup>(37)</sup>

Figure 6 shows the number of polio-infected children rose to 99 from 74 in a short period from 6 June 2014 to 25 July 2014. Among these, 17 were reported in Khyber Pakhtunkhwa (six from Peshawar, nine from Bannu, one from Mardan and one from Lakki Marwat), 73 cases from FATA (57 from NWA, six from SWA, eight from Khyber Agency, and two from FR Bannu). Two cases reported recently, on each from Sheikh Muhammadi (a suburban area of Peshawar) and Zakha Khel area of Khyber Agency.<sup>(38)</sup> The ongoing proliferation in polio cases in both FATA and Khyber Pakhtunkhwa reflects that these areas are highly at health security risk.

**Figure 6**

**Source:** Polio Control Cell, FATA Secretariat, Peshawar.

The cumulative data shows that FATA, particularly NWA, is always found to be a reservoir of polio virus. There were fluctuations in reported cases in different years since 2000. However, years 2010, 2013 and 2014 happened to be the most lethal years due to highest number of occurrence of cases in tribal areas, especially in NWA. It is noteworthy that before the self-imposed ban on anti-polio vaccination in North Waziristan,<sup>(39)</sup> 209 polio cases were reported during 2000 to 2011. Figure 7 shows that 185 polio cases have been reported in two and half years since 2012 up to 26 July 2014.

**Figure 7**

**Source:** Polio Control Cell, FATA Secretariat, Peshawar.

The year 2014 dawned with 19 polio cases in FATA. North Waziristan Agency is the declared reservoir of polio virus.<sup>(40)</sup> In 2013, a total 93 cases were reported. Now by July 25, 2014, 99 cases including nine cases from Sindh province have been reported.<sup>(41)</sup>

World Health Organization has declared North Waziristan Agency as the most vulnerable place in FATA where the largest numbers of polio-affected children have been observed. These children have fallen prey to poliovirus (both wild and cVDPV2).<sup>(42)</sup>

## **Impediments in polio eradication**

Polio is considered at all tiers of government as an existential threat to people of Pakistan and particularly to the people in NWA. Despite this realisation, polio virus has proved very deadly. Several factors have been observed as the main obstacles in the way of eradication of this deadly virus. These can be broadly categorised under four main headings, i.e., militancy, politico-cum-administrative, infra-structural, and environmental.

### **A. Militancy**

The major impediment in the way of polio eradication from NWA is militancy post-September 11, 2001. The ongoing militancy has given birth to several interlinked problems which have been proven obstacles in the global war against polio virus.

#### **1. Anarchical situation**

Militancy has generated an anarchic environment in FATA in general and NWA in particular. It has drastically affected international and national efforts for polio eradication from NWA. This has halted anti-polio campaigns to be implemented in letter and spirit.

#### **2. Security risks**

The anarchic situation has created severe security risks for officials engaged in battling polio virus. They are very much reluctant to operate in the tribal areas where the government has launched polio eradication campaigns in tribal areas. However, it is restricted to some areas with lesser security risk. The security forces and political administration in tribal areas have extended assistance to polio eradication teams. Yet North Waziristan has remained deprived of polio vaccination due to security risks.<sup>(43)</sup> Polio officials have faced different incidents in tribal areas including torture, kidnapping and death. In some areas of Frontier Region of Bannu like Jani Khel, Hindi Khel and Sin Khel, the officials often receive security threats.<sup>(44)</sup> Recently, there were two bomb attacks on polio workers and tribal militia which claimed the lives of seven security personnel in Jamrud, Khyber Agency.<sup>(45)</sup> Fear of local militants on the part of parents has severely sabotaged the anti-polio campaign in FATA and particularly in North Waziristan Agency.<sup>(46)</sup>

#### **3. Ban on polio vaccination**

The ban on anti-polio campaign in NWA further aggravated the situation. The Taliban faction led by Hafiz Gul Bahadur banned polio immunization in June 2012 in North and South Waziristan.<sup>(47)</sup> In

reaction to American drone strikes the local population in North Waziristan has stopped getting their children immunized. This self-imposed ban has severely jeopardized the life of more than 350,000 children.<sup>(48)</sup> No doubt the government has established 22 vaccination points on the Pakistan-Afghanistan border. However, it is feared that a considerable section of kids in Bara Tehsil of Khyber Agency and South and North Waziristan will not have access to vaccine.<sup>(49)</sup>

**4. Inaccessibility to children**

Security risks have generated inaccessibility to children in NWA. It has affected the anti-polio campaign in FATA. Consistent administration of polio vaccine drops is required up to five years of age to build up children's immune system.<sup>(50)</sup> It is observed that most polio cases have been reported in NWA where children have no periodic access to polio vaccine. A recent *Lancet* research shows:

*Majority of the kids have no access to sufficient doses of vaccine to wipe out polio in Pakistan and Afghanistan. The findings of the research further revealed that Bivalent Oral Poliovirus (BOP) vaccine is essential to eradicate polio in these countries provided sufficient numbers of children get access to polio vaccine drops. The research also declared FATA, specially North Waziristan, and some areas in South Afghanistan as the reservoir for the virus. This has severely affected the global polio eradication programme.<sup>(51)</sup>*

**B. Politico-cum-administrative issues**

Political and administrative issues also hampered the efforts for curtailing polio in the country and particularly in the NWA. These issues seriously aggravated health governance in NWA. Poor health governance and the anarchic situation in FATA severely eroded health security.

**1. Misappropriation of funds**

Malpractices and misuse of funds allocated for polio eradication are also hampering the campaign. Saira Afzal Tara, State Minister for National Health Services, Regulations and Coordination, said:

The misappropriation of funds donated by international and national donors to combat the diseases under the auspices of Expanded Programme on Immunization (EPI) has been observed.<sup>(52)</sup>

**2. Lack of political will**

Additionally, insincere efforts on the part of officials also hamper the campaign.<sup>(53)</sup> The efforts made for polio eradication in FATA are found to be unsatisfactory. Nobody did ever bother to hold regular meetings of the National Steering Committee on Polio Eradication. The federal government has placed Prime Minister's Polio Monitoring and Coordination Cell under the Expanded Programme on Immunization (EPI).<sup>(54)</sup>



### 3. Lack of monitoring system

The structural factor is a hindrance in the way of eradication of polio from FATA. There is lack of a proper checks and balances system. Saira Afzal Tara observed:

*It is very ironic that there is lack of proper monitoring mechanism to ensure the execution of vaccination campaigns in their true spirit.<sup>(55)</sup>*

### 4. Weak government writ

Militancy has severely weakened political administration in NWA. It is also said that the militants and influential people in North Waziristan have shown their loyalty to Maulana Nazir (a warlord), and the political administration works through that prism.<sup>(56)</sup> Militants, in turn, often accommodate the political agent (PA) provided he does not undermine their interests. Political agents (PAs) and assistant political agents (APAs) are even known to have channelled development funds and contracts to the militants.<sup>(57)</sup> The political administration is restricted to its office. It cannot move freely. Consequently, it was unable to conduct polio vaccination campaigns in NWA.

## C. Environmental issues

Unhygienic environment of NWA cannot be ignored as one of the reasons for the growing polio threat. The overall environment in North Waziristan is not up to the mark. Unlike like metropolitan cities, there is no concept of municipalities. Poor sanitation, and lack of drinking water supply further aggravate the situation.<sup>(58)</sup>

## D. Infrastructural issues

### 1. Poor quality of vaccine

Poor quality of polio vaccine is another obstacle in the way polio eradication from the country. United Nations Children Emergency Fund (Unicef) has declared that the polio vaccine in Pakistanis of poor quality.<sup>(59)</sup> It is observed that this vaccine changes its colour. Category-B vaccine is used, which instead of eradicating polio, has a poisonous effect.<sup>(60)</sup>

### 2. Poor health facilities

Poor health facilities in FATA, shortage of staff, absence of staff from duty, lack of trained laboratory technicians have further exacerbated the polio risk in North Waziristan. This is proved by a recent report that said in the Pakistan-Afghanistan border region polio vaccine was not available. Ironically, Indian vaccine was administered to children due to the unavailability of Pakistani vaccine.<sup>(61)</sup> Table 1 reflects the overall picture of health facilities in FATA.

**Table 1**  
**Poor Health Governance in FATA (Health Institutions)<sup>(62)</sup>**

Agencies/FRs	Hospitals		Rural Health Centres		Dispensaries	F. B. Clinics/Hospital	Basic Health Units	Mother Child Health Centres	Community Health Centres	Total		Population Per	
	Health Institution	Beds	Health Institution	Beds						Health Institution	Beds	Health Institution	Beds
FATA	32	1605	8	80	295	34	173	19	97	2343	1685	1849	2571
Bajaur	2	373	2	32	8	3	20	0	7	447	405	2445	2698
Khyber	4	192	0	0	12	3	13	2	10	237	192	4003	4941
Kurram	4	302	0	0	49	3	22	3	1	384	302	1663	2115
Mohmand	2	118	1	1	11	5	25	0	14	182	126	3351	4840
N. W	9	360	1	1	31	6	15	10	28	467	368	1096	1391
Orakzai	3	88	2	2	25	4	25	0	2	169	106	1820	2901
S. W	4	140	0	0	51	1	17	2	18	236	140	2402	4049
F. R. Bannu	0	0	0	0	48	1	11	1	3	64	0	418	0
F. R. D. I. Khan	1	8	0	0	5	1	2	0	2	19	8	2799	6648
F. R. Kohat	1	8	0	0	8	1	9	1	0	28	8	4558	15952
F. R. Larki	0	0	0	0	8	1	3	0	4	16	0	596	0
F. R. Peshawar	1	8	1	1	3	1	7	0	3	32	16	2305	4609
F. R. Tank	1	8	1	1	36	1	4	0	5	62	14	599	2652

Source: Bureau of Statistics (FATA Cell)<sup>(63)</sup>

#### E. Socio-cultural issues

Militancy has severely damaged the social and cultural fabric in NWA. The GWoT and militancy in FATA have severely eroded the legitimacy of maliks.<sup>(64)</sup> They have been replaced with the local militants. The militants have consolidated their power by killing several hundred maliks, while others have been forced to adjust their loyalties. Many now accept the authority of local militant leaders.<sup>(65)</sup> Militants have also dismantled or hijacked tribal forums such as *jirga*<sup>(66)</sup> and *hujras* (tribal councils), exposing the state's weaknesses in depending on individuals, proxies and informal processes to govern, rather than strong institutions. FATA has turned into a no-man's-land for government officials and civil society. These traditional local elites could play an active role in the polio immunization and eradication campaign in the NWA. The erosion of their role also indirectly affected the global efforts in this campaign.

#### F. PM cell's inadequacy

The number of polio cases in Khyber Pakhtunkhwa and FATA is multiplying day by day due to the ongoing militancy and local insurgency, while the effectiveness of the Prime Minister's Polio Monitoring and Coordination Cell is found not up to the mark.<sup>(67)</sup>

#### Ramifications of unabated polio epidemic

The prevailing polio situation in North Waziristan and other areas has serious global, regional and national implications.

#### 1. Global implications

The growing numbers of polio cases in Pakistan has forced the World Health Organisation (WHO) to impose travelling restrictions and make

it mandatory that its citizens show vaccination certificates before they could leave the country. In response to the WHO's recommendations, the government has set up mandatory immunisation counters at all airports, seaports and border crossings.<sup>(68)</sup> Pakistani travellers going abroad have begun queuing up at these special counters, which do not have enough resources to make the required arrangements for implementing WHO's recommendations.<sup>(69)</sup> The federal government has refused to provide funding for polio vaccine on the ground that health is now a provincial subject under the 18<sup>th</sup> amendment to the Constitution. The provincial governments will require 11.8 million polio vaccines, which will mean an extra burden on their exchequers.<sup>(70)</sup>

WHO in Pakistan operates through a large network of partners, including governments of member states, civil society organizations, academic research institutions, donor agencies, national stakeholders and the international community.<sup>(71)</sup> Beside Syria and Cameroon, Pakistan is in the spotlight. It is being seen as posing the greatest threat of exporting the virus and undermining a UN plan to eradicate it by 2018. If the war against polio fails then all the efforts made at international level will go in vain and the funds allocated for it will be wasted.<sup>(72)</sup>

## 2. Regional implications

The outbreak of polio has also severe regional implications. Pakistan has its borders with Iran, China, India, and Afghanistan. There are frequent migrations of the citizens among these countries. Even the people in Pakistan on borders have relationships across the border with Iran, Afghanistan and India. They have trade relationships too. There are huge chances of transmitting of polio virus from Pakistan to other neighbouring countries and vice versa. Afghanistan and FATA with respect to polio epidemic pose grave threats to the entire region. This is evident from a *New York Times* report where Rod Nordland states:

*Afghanistan is one of only three countries where polio is still endemic and it has been inching closer to its goal of eradicating the disease. But it is next door to Pakistan, where polio is much more widespread, especially in the tribal areas along the border, and most of Afghanistan's remaining polio cases are traceable to Pakistan.*<sup>(73)</sup>

It is very alarming that India has imposed the first ever travelling restrictions on Pakistani visitors.<sup>(74)</sup>

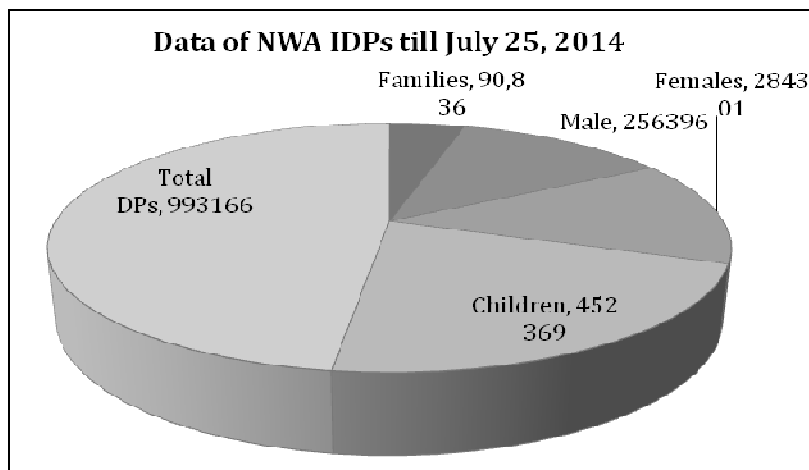
## 3. National ramifications

The spread of polio virus is a looming threat to the rest of the country. This will endanger the nation as a whole generating severe socio-economic problems. Displacement of the local population<sup>(75)</sup> also increased the chances of non-traditional security threats. FATA residents are the main victims of an ongoing cycle of violence and the region has produced few counter-insurgency successes. The conflict

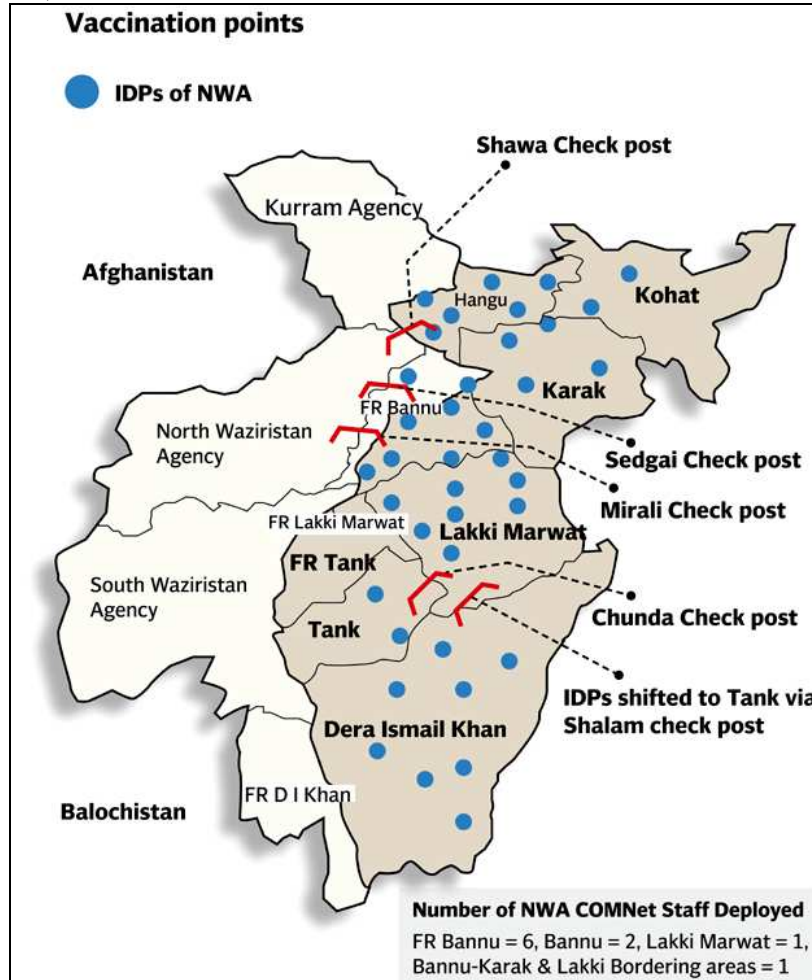
has previously displaced and affected 3.5 million people. According to FATA Secretariat, in July 2009, 550,000 people were displaced from Bajaur and Mohmand; 80,000 from Kurram; 50,000 from North Waziristan; and 250,000 from South Waziristan, more than half of this agency's population, with ongoing military operations rapidly increasing their numbers.<sup>(76)</sup> Fresh military and paramilitary operations in Khyber Agency in September 2009 have caused an estimated 56,000 to 100,000 IDPs.<sup>(77)</sup> According to World Health Organization report,

*The geno-typing results of over 85 polio cases during 2013 have shown that the active poliovirus strain type 1 circulating in Peshawar is spreading the cases to other parts of the country including North Waziristan.*<sup>(78)</sup>

The federal government in its meeting held on 25 February 2014 has made talks conditional on ceasefire on the part of Taliban. It also gave approval for surgical attacks against the hideouts of banned Tehreek-e-Taliban Pakistan (TTP).<sup>(79)</sup> Now limited military operations have been launched in different parts of tribal areas, especially in NWA. The surgical strikes will generate different problems. The Hafiz Gul Bahadur group distributed pamphlets among the people of NWA to vacate the area so that they could retaliate against the ongoing military operations.<sup>(80)</sup> The growing mass migration in the form of internally displaced persons (IDPs) will pose serious non-traditional threats, particularly health security threats. According to Federal Disaster Management Authority (FDMA), 90,836 families have migrated from North Waziristan. The total number of displaced persons reaches up to 9,93,166. Among this, 2,56,396 are males. Displaced females and children are 2,84,301 and 4,52,369, respectively.<sup>(81)</sup>



The data shows that children constitute the majority of the displaced persons. It is significant to mention that the Ministry of States and Frontier Regions (Safron) working in collaboration with the Khyber Pakhtunkhwa health department has launched polio vaccination campaign after the launch of the Zarb-e-Azb operation in NWA. It is reported that a total of 76,565 children have been vaccinated at the permanent transit points established at FR Bannu, 13,500 are immunized at the transit points at Hangu/Thal while 1,648 children are vaccinated at DI Khan. While in Bannu and Lakki Marwat, 3,500 IDP children and 1,274 children have been served with oral polio vaccine (OPV) respectively. The federal government is engaged in vaccinating these displaced children under the Emergency Vaccination Plan (EVP) for internally displaced persons (IDPs).<sup>(82)</sup>



Source: Prime Minister’s Polio Cell.<sup>(83)</sup>

There is already scarcity of health facilities and shortage of medical staff in areas of Khyber Pakhtunkhwa (Bannu, Lakki Marwat, Dera Ismail Khan, Karak, Hangu, and Tank) where NWA people migrated.<sup>(84)</sup> There is shortage of doctors, paramedical staff, laboratory assistants, nurses, etc in District Headquarters Hospital Bannu. Medicines are also not available in the hospital. The displaced children are exposed to various diseases like diarrhoea, malaria, dehydration, and skin infections.<sup>(85)</sup> These people are exposed to various diseases and will also carry various diseases to adjacent areas including district Bannu. This forced mass migration will pose health security threats to the local people of Bannu.<sup>(86)</sup>

The failure of the government to eradicate polio has severely tarnished the image of the country in the comity of nations. It is also evident from the fact that Dr. Ghulam Qadir (Director General, Health, Khyber Pakhtunkhwa) and Dr. Fahim Marwat (in charge, Malaria Control Programme) have been stopped at Bacha Khan Airport, Peshawar, due to lack of polio certificate. Both officials were scheduled to pay an officials visit to Egypt.<sup>(87)</sup>

### **Policy recommendations**

The federal government in collaboration with the provincial government of Khyber Pakhtunkhwa and other organizations engaged in anti-polio drive needs to design short-term and long-term policies to stop the possible outbreak of polio in the country.

#### **A. Long-term policy recommendations**

1. The current military operation against terrorists needs to be completed at the earliest. The federal government should design a long-lasting solution for the ongoing insurgency in FATA. By addressing the militancy and anarchic situation, the aforementioned issues will be resolved as these are the offshoots of militancy and the consequences of GWoT.
2. As an integral part of its peace efforts, the government should take concrete sincere steps to introduce political and administrative reforms in FATA. The legal and judicial system of FATA should be revised. The authoritative power of the political administration needs to be curbed and democracy introduced. Democratic institutions, particularly local government institutions, need to be introduced and strengthened. An official of the FATA Secretariat stated:

*Democracy is a far cry in FATA. Since the inception of Pakistan, FATA is run under the colonial framed laws. The Frontier Crimes Regulations (FCR), 1901, provide both legal and judicial frameworks for the people of the tribal belt. This document has been declared a draconian legal instrument by the residents of FATA. It has established authoritarianism in FATA by empowering the Political Administration with unbridled powers. There is no concept of audit of the financial*

*resources. Lack of auditing means lack of financial accountability.*<sup>(88)</sup>

3. The growing militancy in FATA has destroyed most health facilities institutions. The government should take rebuilding initiatives. Basic health units should be established in the far-flung areas of NWA.
4. The government should take initiatives to modernize those institutions including laboratories manned by trained laboratory technicians. There is also need for an efficient surveillance mechanism to have an eye on health officials in the tribal areas.

#### **B. Short-term policy recommendations**

1. The federal and provincial governments should declare 'Health Emergency' in areas where people of NWA have migrated on large scale. Competent doctors and paramedical staff should be deputed in those areas. There is an urgent need to proclaim health emergency particularly in Bannu, Dera Ismail Khan, and Tank districts and adjacent areas because majority of IDPs have taken shelter there.<sup>(89)</sup>
2. There should be special medical cells or units in hospitals of Bannu district and other areas where tribal people are expected to migrate. That would ensure proper medical facilities to them. These IDPs should be vaccinated against various diseases and their children safeguarded with polio vaccines to ensure success of polio eradication initiatives.<sup>(90)</sup>
3. The availability of vaccines must be ensured. The migrants should be vaccinated while entering these areas.
4. The government needs to adopt a follow-up vaccination programme for the IDPs so as to reduce the chances of polio eruption due to inaccessibility.

### **Conclusion**

Put simply, in the light of the above data North Waziristan Agency is the epicentre of polio virus. The GWO has intensified militancy in NWA which consequently gave birth to non-traditional threats. These include the weakening of the social fabric, unemployment, personal insecurity, poverty, psychological problems and, above all, environmental and health problems. The growing militancy and countermilitancy actions have made the people of North Waziristan very vulnerable in health security.

In a nutshell, a 'new social contract' is needed to wipe out the sense of alienation and abhorrence from the minds and hearts of the tribal people and to make them part of an integrated whole. Regarding coping with the health problems and biosecurity threats, Robert E. Antosia and John D. Cahill stated:

*Training for work in a complex emergency environment is essential before deployment. Rapid assessments provide for quick identification*

*and analysis of vulnerable populations, setting priorities requiring immediate aid, which is then followed by more detailed surveys and ongoing surveillance and monitoring of the populations at risk. Research suggests that certain health-related issues should be the focus of assistance to minimize mortality and morbidity. Endemic disease control is always a priority. Surveillance, outbreak investigation, and preventive control measures — such as ensuring adequate quantity and quality of water and sanitation facilities, food and shelter, and immunizations for measles, tetanus, diphtheria, and polio, as well as vector control for malaria — are priority measures, especially in the developing and smouldering country models.<sup>(91)</sup>*

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# CHINA GOES WEST: REVIVING THE SILK ROUTE

AARISH U. KHAN

## Introduction

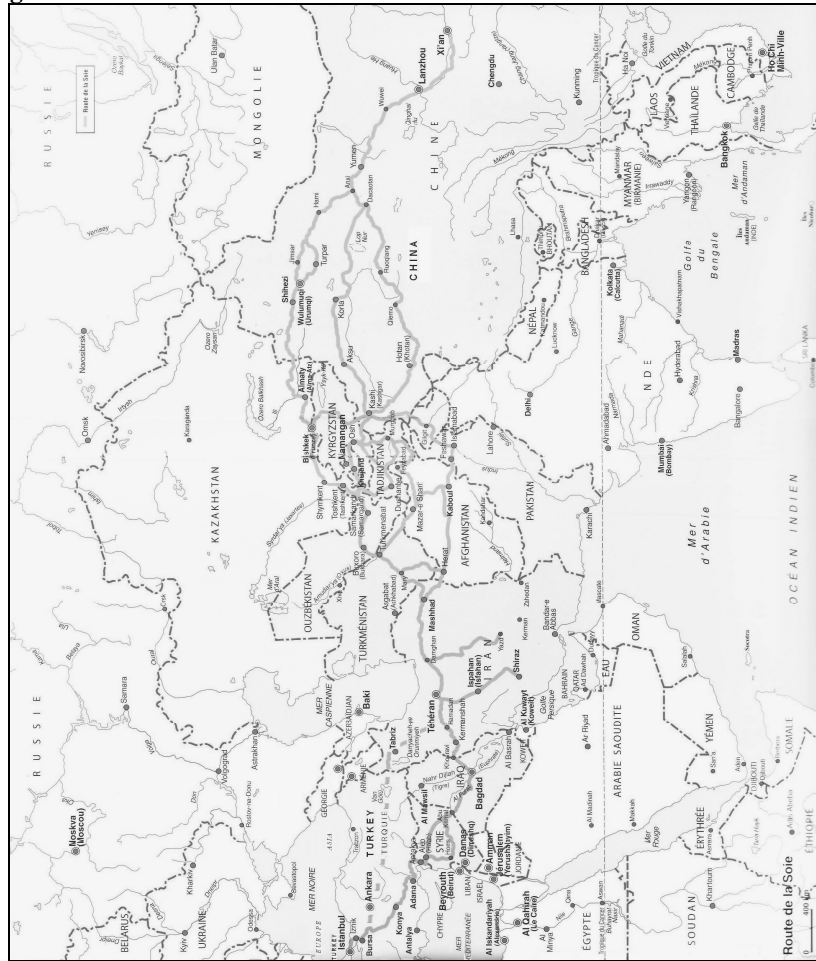
While on a tour of the Central Asian Republics of Kazakhstan, Kyrgyzstan, Turkmenistan, and Uzbekistan in September 2013, Chinese President Xi Jinping made a historic speech at Nazarbayev University in Almaty. He gave a vision of the revival of the ancient Silk Routes from China through Central Asia to Turkey and other parts of Europe. The importance of the speech is amplified by the fact that he gave a roadmap for the realization of his vision. While proposing an “economic belt along the Silk Road,” he called for starting “work in individual areas and link them up over time to cover the whole region.”<sup>(1)</sup>

The over 6,000 miles ancient Silk Routes that have been connecting China with India, Persia, Asia Minor, and countries of the Mediterranean for 3,000 years also passed through Central Asia, connecting various trading centres of the region.<sup>(2)</sup> The three distinct ancient overland routes crisscrossed Central Asia like a web before entering Persia, the Middle East, and eventually Europe (see Figure 1 below).<sup>(3)</sup> As shown in Figure 1 below, the southern route passed through the northern part of what is now Pakistan on its way to Persia and the Middle East.

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Figure 1



Source: <<http://www.silkroutes.net/Images2/MapSilkRoadRoutesTurkeyChina.JPG>>.

It is also interesting to note that while talking about the region in the context of the revival of the Silk Road, President Xi did not forget mentioning South Asia. “We will actively discuss the best way to improve cross-border transportation infrastructure and work toward a transportation network connecting East Asia, West Asia and South Asia to facilitate economic development and travel in the region,” said President Xi.<sup>(4)</sup> With an agreement on building an economic corridor from Pakistan’s Gwadar port on the shores of the Arabian Sea to the Xinjiang Uighur autonomous region of China already in place, revival of the Silk Road could help a great deal in linking Pakistan’s warm-water ports to Central Asia through China.

Earlier in 2011 — in an effort to buttress its dwindling influence in Central Asia — the then US Secretary of State, Hilary Clinton, had announced the concept of New Silk Road to connect Central Asia with India through

Afghanistan and Pakistan, thus, bypassing China.<sup>(5)</sup> The contours of the American idea of the New Silk Road tilted more toward geopolitics than geoeconomics though. By virtue of connecting Central Asia with South Asia, the US wanted to disengage them from China and Russia.<sup>(6)</sup> The Chinese concept of the New Silk Road, on the other hand, dwells more on the economic dimensions, which is a more conducive approach towards such long-term plans with economic potential.

How does this whole idea of the two economic corridors (Pak-China and China-Central Asia) bring prosperity to Pakistan, the Central Asian Republics (CARs), and the less developed western region of China would depend on how the resolve shown by the stakeholder countries turns it into a reality. The resolve of all the stakeholders would, in turn, depend on how much they get to gain from it. This paper analyzes the future of the Silk Road Economic Belt (SREB) within the context of the history and current state of China's relations with Central Asia. It also discusses the prospects of Pakistan-China Economic Corridor (PCEC) and how that could help in linking Pakistan with Central Asia through the SREB.

The Chinese project also envisages a modern-day maritime Silk Road that would connect China through an array of ports in other countries of the region, including Pakistan's Gwadar port, but that is beyond the scope of this paper.

### **China's energy interests in Central Asia**

As stated in his SREB speech at Nazarbayev University by President Xi, China has enjoyed historical trade relations with Central Asian countries. China's relations with Central Asian countries have acquired a new significance as a source of energy since the advent of economic liberalization. Since the time China started growing rapidly starting in the 1990s, its thirst for energy has been growing at an astounding rate as well.

China still relies heavily on coal for power generation. From 2000 to 2007, coal production capacity of China increased by an annual rate of 230 million tons, thanks to abundant and well-distributed domestic coal resources.<sup>(7)</sup> Owing to its environmental and efficiency costs, however, reducing reliance on coal power is a major Chinese concern.<sup>(8)</sup> Moreover, the domestic coal, as well as oil and gas resources have still been unable to quench China's thirst for fossil fuels. Despite strides in the exploration of domestic oil and gas resources, China's petrochemical import bill has been increasing primarily because of increase in demand for transportation fuel as also other uses.<sup>(9)</sup> In 2012, China surpassed the US as the second largest importer of fuels and mining products with an import bill for the two categories to \$533 billion, out of which \$ 313 billion accounted for fuel imports.<sup>(10)</sup> A lot of emphasis is placed in China lately on moving towards cleaner sources of energy generation and away from over-reliance of fossil-fuels.<sup>(11)</sup> Considering China's energy needs and its growing fuel import bill, however, there is a long road ahead for it in that direction. Until that is achieved, China would keep relying on fossil fuel imports for meeting its energy needs, especially in the ballooning transport sector. It is in the backdrop

of this quest for energy security that China has sought to rapidly improve its relations with the Central Asian countries.

While the Kazakhstan-China pipeline from Caspian to Xinjiang is supplying more than 11 million tons of oil to China already, there is a plan for increasing this volume to 20 million by 2020.<sup>(12)</sup> An additional gas pipeline between the two countries is already scheduled for completion by 2014.<sup>(13)</sup> This pipeline will also help Kazakhstan transport its gas from its western territory to the more industrial south, thus reducing its reliance on gas imports from Uzbekistan.<sup>(14)</sup> It is estimated that Chinese extraction constituted 25 per cent of the total Kazakhstan oil extraction in 2006.<sup>(15)</sup>

China and Kazakhstan are also cooperating in the nuclear field. Besides making loans worth \$ 1.7 billion and \$ 5 billion to the Kazakhstani National Welfare Fund and its petrochemical industry, respectively, the Chinese government also pledged to buy \$ 8 billion worth of Kazakhstani uranium in 2011.<sup>(16)</sup> Kazakhstan started exporting uranium ore to China in the same year.<sup>(17)</sup>

China is cooperating with other Central Asian countries in the field of energy as well. According to a 2006 agreement with Turkmenistan, a 7,000-km gas pipeline was to ship 30 billion cubic feet of gas every year to China for 30 years, starting in 2009.<sup>(18)</sup> While China has already imported more than 50 billion cubic metres of gas since the launch of the pipeline in 2009, it has also signed an ambitious new gas import deal with Turkmenistan.<sup>(19)</sup> Under an agreement signed by the presidents of the two countries in 2013, Turkmenistan will export another 25 billion cubic metres a year to China by 2020 from its Galkynysh gas reserves estimated to hold 13.1 trillion to 21.2 trillion cubic metres of gas.<sup>(20)</sup>

### **Not just energy though**

China's interests in Central Asia are not just limited to energy supply though. Central Asia abuts the sparsely populated western Xinjiang region of China that has sizable Uighur Muslim population with a history of separatist unrest and violence. There are around 19 million Uighur Muslims in Xinjiang, and they also have presence in Central Asia: 350,000 in Kazakhstan, and around 50,000 each in Kyrgyzstan and Uzbekistan.<sup>(21)</sup> Therefore, Central Asian countries could be instrumental in tackling any social unrest in Xinjiang.

This partly explains the creation of the regional grouping, the Shanghai Cooperation Organization (SCO) incorporating four of the five Central Asian countries along with China and Russia that strives to fight the three evils of "separatism, terrorism, and religious extremism." China has actually made a very effective use of multilateral diplomacy under the banner of the SCO to safeguard against separatist, terrorist, or extremist influences coming into Xinjiang from Central Asia.<sup>(22)</sup> While China began participating in bilateral military exercises with Central Asian states in October 2002,<sup>(23)</sup> it has also participated in several military exercises involving them under the banner of the SCO. Starting from the first SCO Peace Exercises in Vladivostok, Russia, in August 2005, China has participated in three more such exercises in August 2007, July 2009, and September 2010, greatly improving its military expertise

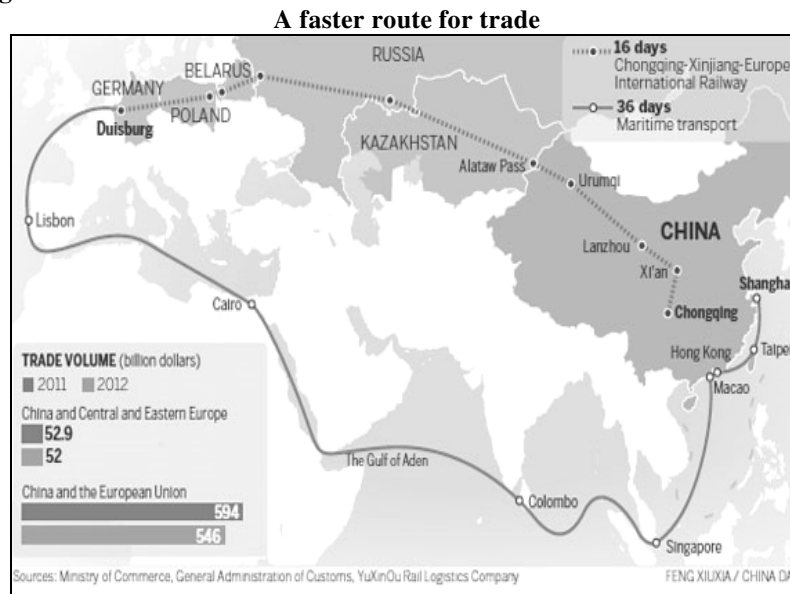
and collaboration with the Central Asian states.<sup>(24)</sup> It is also important to note that despite their competition in the field of energy resources, both China and Russia have a common interest in a stable Central Asia in keeping with the goal of fighting the “three evil forces” of separatism, terrorism, and religious extremism.<sup>(25)</sup>

Bilateral and multilateral security arrangements with the Central Asian countries are one aspect of China’s quest for securing its restive Xinjiang autonomous region though. Trade between the western part of China and the Central Asian states is as important. China is the largest trade partner of Kazakhstan and Turkmenistan. As China attempts to improve economic conditions in the restive Xinjiang province and builds Special Economic Zones (SEZs) in cities like Kashgar at the confluence of Central Asia, West Asia, South Asia, and China, it is also looking for trade partners in the region for Xinjiang. Since more than half of Xinjiang’s foreign trade is already with Central Asia,<sup>(26)</sup> Beijing considers the improvement of trade relations with Central Asia instrumental in the development of the less developed and volatile western part of China.<sup>(27)</sup> Improvement of road and rail networks in Western China to connect it with Central Asia for trade is an important element of China’s go-west approach. Development of Khorgos International Centre of Boundary Cooperation, a transnational free trade centre on the border of China and Kazakhstan that encompasses the territories of both the countries, is a glaring example of the importance China attaches to improvement of trade relations with Kazakhstan and Central Asia through the western part of its territory.

Moreover, trade relation with Central Asia itself is only part of China’s westward economic thrust. Revival of the Silk Route implies that Central Asia is a transit route for China’s quest to improve land-based access to Europe. Improvement of the rail-link between north-western part of China and Kazakhstan onward into Russia and Western Europe was at the top of negotiation agendas between the two countries even before the Silk Road speech of President Xi Jinping.<sup>(28)</sup> The railway line is operational but is not being utilized to its full potential. Expansion of this railway line was on the agenda of discussions during President Xi’s visit to Germany in the end of March. President Xi used the opportunity to greet a train carrying trade goods from China on the last stop of this 11,000-km-long railway line in Duisburg, Germany, in the heart of Europe.<sup>(29)</sup> As shown in Figure 2 below, utilization of this railway line to its full potential would be of great benefit for trading relations between China and mainland Europe, as it would decrease the transportation time by 20 days.



Figure 2



### What's in it for Pakistan?

While addressing the opening plenary of the Boao Forum for Asia (BFA) Annual Conference 2014 in April, Prime Minister Li Keqiang of China evidently signalled the importance of regional connectivity involving Pakistan. He said:

Infrastructure connectivity is a basic condition for integrated development. Countries in the region should join hands and speed up infrastructure construction including rail, road, air and water transportation. China is ready to work with countries involved to draw up plans for building the Bangladesh-China-India-Myanmar (BCIM) Economic Corridor and the China-Pakistan Economic Corridor, and upgrade China-ASEAN FTA. China will continue to promote the important projects of the Silk Road Economic Belt and the 21st Century Maritime Silk Road this year ... We the Asian countries should take advantage of our geographical proximity to deepen cooperation across the upstream, mid-stream and downstream industrial chains, and build an industrial network and economic system that draw on our respective comparative strengths.<sup>(30)</sup>

In his speech at the same opening plenary of the conference, Pakistan's Prime Minister, Muhammad Nawaz Sharif also highlighted the importance of peace and security, regional connectivity, investment in research, development and technological innovation, creating economic opportunities for the youth, and environmental sustainability for driving the new growth in Asia.<sup>(31)</sup> Furthermore, in his keynote address at the session on "Reviving the Silk Road – A Dialogue

with Asian Leaders,” Prime Minister Nawaz Sharif called for ingenuity in the following four fields:<sup>(32)</sup>

- Promotion of mutual understanding and goodwill to create a win-win situation for all the stakeholders;
- Enhancement of regional coordination among regional countries on legal and trading matters;
- Improvement in physical infrastructure, and
- Easing financial transactions across borders.

No doubt, enhanced economic connectivity between China and Central Asia means additional opportunities for Pakistan to access Central Asian markets. A lot of how Pakistan can benefit from it, however, would depend on Pakistan’s export competitiveness in comparison with products originating from China. For instance, although China is the second largest importer of Pakistani textile products, its imports are limited to yarn and basic fabric instead of the value-added products, because of the problems Pakistan’s textile industry is facing owing to the energy crisis.<sup>(33)</sup> To begin with, it would be important for Pakistan that PCEC and SREB are interlinked. Development of a special economic zone (SEZ) in Kashgar is an important connecting dot in this mix.

An SEZ in Kashgar would mean rapid development of the area requiring substantial external resources from or through Pakistan — utilizing the developing port city of Gwadar. Consider, for instance, that Shenzhen, the city that pioneered the concept of SEZs, grew at an astounding annual rate of 25.8 per cent from 1979 to 2009, a 4,176 times increase in 30 years.<sup>(34)</sup> If such a future is envisioned for Kashgar, Pakistan can tremendously benefit from it, not only in its development phase, but also in its post-development phase. The development of Kashgar as an SEZ, thus, could provide a fillip to Pakistan’s exports to China and onward to Central Asia through the SREB.

Improvement of communication infrastructure also boosts the tourism industry in any given region. For instance, after huge investments in transportation and other infrastructure in Tibet, the number of tourists to that part of China increased from 686,000 in 2001 to 5.56 million in 2009.<sup>(35)</sup> The realization of SREB would, thus, provide a boost to the tourism industry in that region as well as the picturesque northern Gilgit-Baltistan region of Pakistan that has been attracting mountaineers and tourists for decades. Moreover, with the PCEC fully operational, Pakistan would be the shortest route for sea-bound trade traffic from the Kashgar SEZ, thus making it the most attractive transit route for goods to and from Kashgar to the rest of the world through sea lanes.

Writing for the *People’s Daily* recently, Zhong Sheng has very well summed up the essence of the SREB. He argues that the SREB would augment the existing bilateral and regional arrangements with the partner countries in the region; and that it is a project open to all the friendly countries in the neighbourhood of China as well as to the countries from afar.<sup>(36)</sup> Such a vision of the SREB makes the importance of the PCEC in this matrix of connectivity abundantly clear.

There is already much hope and optimism in Pakistan regarding the PCEC. It is argued that linking Gwadar seaport with China and onward to

Central Asia would greatly improve Pakistan's trade relations with China and Central Asia, and would help in bringing the much-needed foreign exchange to the country in the face of dwindling foreign direct investment (FDI).<sup>(37)</sup> It is also believed that the Iran-Pakistan gas pipeline project could be extended to include China in it.<sup>(38)</sup> The importance of Gwadar seaport for trade between the Persian Gulf and the western part of China — which includes the much sought after Middle Eastern oil — is also underscored by the fact that it could reduce the time taken for goods transportation to that part of China by around two weeks.<sup>(39)</sup> It is believed that an oil pipeline can also be built right from Gwadar to Kashgar through a distance of around 2500 km.<sup>(40)</sup> It is believed that the economic corridor project would not only provide China with an opportunity to project strategically into West Asia and Africa, it would also be an instrumental transit route for Afghanistan and Tajikistan with transit agreements with Pakistan already in place for the two countries.<sup>(41)</sup> Some observers have gone to the extent of foreseeing Gwadar a pivot for the reorganization of geopolitics of the region.<sup>(42)</sup>

### **A subtle reality check**

As mentioned in the previous section, the SREB envisages an incorporation of the existing bilateral and regional agreements involving China. Therefore, it would be worthwhile to give an overview of what is already agreed upon between China and Pakistan, which could be factored into the potential dividends of the SREB. The two countries signed an international road transport agreement in 1993 that became operational in 2006. Even today, however, the land-based trade between Pakistan and China is only a fraction of the total trade between the two countries.<sup>(43)</sup> This means that there still are problems faced by the traders in trading through this trade route that snakes along treacherous mountain ranges that divide the two countries. Some of the problems are related to the very geography, which the road has to deal with. The Khunjerab Pass that connects Pakistan and China remains closed in winters because of snow. In addition, the road link is susceptible to natural calamities like quakes and slides as was witnessed in January 2010 when a massive landslide blocked the river and submerged a portion of the Karakoram Highway (KKH).<sup>(44)</sup>

**Box 1**

Pakistan has several transport agreements with neighbouring countries, which include the following:<sup>1</sup>

- Quadrilateral Agreement on Traffic in Transit among Pakistan, Kyrgyzstan, Kazakhstan and China (In operation since May 2004)
- Bilateral Agreement between Pakistan and China on International Road Transport (In operation since April 2005)
- Bilateral Agreement between Pakistan and Uzbekistan on Cooperation in the field of Road Transport (to be operationalized in near future)
- Economic Cooperation Organisation (ECO)'s Transit Transport Framework Agreement (TTFA) Between Azerbaijan, Afghanistan, Pakistan, Turkmenistan, Tajikistan, Kyrgyzstan, Kazakhstan, Uzbekistan, Iran & Turkey
- Bilateral Agreement on Road Transportation between Pakistan and Iran (In operation since 1992)
- Bilateral Agreement between Pakistan and Turkey on Road Transportation (To be operationalized in near future)
- Agreement on Pak-India Bus Services (In operation)
  - Lahore-New Delhi (3 times a week from each side)
  - Lahore-Amritsar (2 times a week from each side)
  - Nankana Sahib-Lahore-Amritsar (2 times a week from each side)
- Agreement on the commencement of Bus Services between Pakistan and Afghanistan
  - Peshawar-Jalalabad (In operation since May 2006)
  - Quetta-Qandahar (yet to be operationalized due to security concerns)
- Proposed Agreement between the Government of Islamic Republic of Pakistan and the Republic of Turkmenistan on transit traffic (Proposed by Pakistan - under negotiation)
- Proposed Trilateral Agreement between the Governments of Pakistan, Afghanistan and Tajikistan on Transit Trade (proposed by Pakistan — under negotiation)
- Proposal for Pakistan's joining CAREC Cross-border Transport Agreement (CBTA)

According to Pakistani officials, there are several administrative and infrastructural issues that are hampering the export potential of Pakistani traders in land-based trade with China. Pakistani trucks are required to offload at Tashkurgan, about 120 km from Pak-China border on the Chinese side, despite the fact that they should be allowed up to Kashgar under their bilateral agreement. There are delays in issuance of visas to drivers as well as clearance of passengers at Tashkurgan causing additional expense. In addition, heavy quarantine charges are taken from Pakistani truckers at the border adding to their overall costs.<sup>(45)</sup>

Pakistan is also part of a quadrilateral agreement involving China, Kazakhstan, and Kyrgyzstan (see Box 1 for a list of regional trade and transport agreements). This quadrilateral traffic in transit agreement (QTTA) was signed on 9 March 1995; it became operational in May 2004. Nisar Muhammad, Pakistan's Chief Collector Customs (North) of the Federal Board of Revenue, identified several weaknesses of the QTTA during a presentation at a roundtable

seminar on “Ways Forward for Corridor-Based Transport Facilitation Arrangements in the CAREC Region” in Beijing in July 2012. He enumerated: absence of business support services and proper road network, weather conditions, delays in issuance of visas, lack of marketing strategies and efficient banking systems, and absence of networking for traders as limitations of QTTA.<sup>(46)</sup> He suggested introduction of single-country exhibitions, opening of bank branches in contracting states, joint ventures for utilization of raw materials, establishment of trading houses by private sector, security of export proceeds and investments through insurance, formulation of business councils and committees between chambers, development of all-weather land routes via Karakoram Highway, and transportation of goods through public/private sector transport companies for improving trade facilitation under the QTTA.<sup>(47)</sup>

The ECO Transit Transport Framework Agreement, which is signed by all the ECO member countries except Uzbekistan, has been suffering from an even acute state of dysfunction (see Box 1 for a list of regional trade and transport agreements).<sup>(48)</sup> Save for the first symbolic truck caravan of all the signatory countries that started from Quetta and ended at Istanbul, trade under the agreement is dormant.<sup>(49)</sup> Pakistan also has bilateral trade and transport agreement with Iran, Kazakhstan, Kyrgyzstan, and Turkey, while it has proposed similar agreements with Tajikistan and Turkmenistan.<sup>(50)</sup> Despite all these bilateral and regional trade and transport agreements involving Central Asian countries, Pakistan’s trade with them remains abysmally low. For instance, Pakistan’s total exports to Central Asian countries in fiscal year 2009-10 were worth \$ 13.54 million.<sup>(51)</sup> Pakistan’s exports to Kazakhstan — the largest of the Central Asian countries — were worth \$ 7.6 million in 2006, which rose only to \$ 12.67 million in 2011.<sup>(52)</sup>

While upgrading and reconstruction of the KKH is already under process, there are also plans for supplementing the road link between China and Pakistan with a rail link. Considering the importance of railway lines for land-based goods transport, it would be a great support in facilitating trade between the two countries. Decision-makers in Pakistan and China will have to be mindful, however, that 94 per cent of passenger traffic and 97 per cent of goods transport within Pakistan is by road.<sup>(53)</sup> Railways in Pakistan are not operating up to the desired levels of efficiency. For being effective, the Pak-China rail-link might need to be a stand-alone project run by a private company for its most efficient utilization rather than being part of the Pakistan’s national railway line grid. At the moment, however, there are serious question marks on feasibility of a rail-link between Gwadar and Kashgar.

The security situation in Pakistan would remain another major concern for the utilization of the PCEC to its full potential. Although Pakistan has a resilient private sector and a potential for export, it can only capitalize on them — as well as the transit opportunities the corridor would generate — if the security situation improves and some serious socio-economic reform take place.<sup>(54)</sup> The great tourism potential of the Gilgit-Baltistan region of Pakistan bordering China is also undermined by the prevalent insecurity there owing to sectarian clashes and incidents of terrorism. It did not help Pakistan’s cause

much when a leader of the East Turkestan Party (ETP) — an organization Beijing suspects of terrorism in China — issued a statement from the border region between Pakistan and Afghanistan vowing to launch more attacks against China soon after terrorists numbering around 10 attacked a crowd at a railway station in Kunming, in the south-western Yunnan province, with knives on 1 March 2014, killing around 30 and injuring 143 others.<sup>(55)</sup> If there is any irritant in Pak-China relations, it is the issue of terrorism.<sup>(56)</sup> Pakistan's regional trade and tourism potential would never be fully exploited if terrorism would keep bedevilling its internal situation as well as its relations with its neighbouring countries.

## Conclusion

China has witnessed rapid economic growth since the 1990s. Express growth has come at some cost though. Over the years, it has increased income inequalities between the coastal southern and eastern parts of China and the fertile riverine valleys of the centre on the one hand the sparsely populated, mostly arid, inland western parts on the other. Being mindful of these inequalities, the Chinese leadership has particularly focused on the development of these western parts of the country over the past few years. While internal economic development of those areas through infrastructure development, industry, and creation of SEZs on the patterns of the ones in the east and south, is one dimension of bridging the gap, linking this part of the country not only with the rest of China but also the world, especially Europe and West Asia, through its land borders with bordering countries is another important dimension of the strategy.

It was with this vision in mind that President Xi Jinping propounded the idea of the SREB during his tour to Central Asia last year. The SREB is not just about economic integration of China with Europe by land via its Central Asian neighbours. The idea serves a variety of broad purposes for the Chinese leadership. Heavily reliant on energy imports from Central Asia, the SREB would further cement China's trade relations with the Central Asian Republics. The expansion of trade between China and Central Asia, as well as with Europe through Central Asia, would greatly benefit the relatively underdeveloped western part of China that has been the focus of attention of Beijing lately. An active separatist movement in the Xinjiang autonomous region amplifies the need for greater economic and security cooperation with the Central Asian neighbours. Although China has already made major headway in securing its western borders by incorporating four of the five Central Asian states into the SCO to fight the three evils of separatism, terrorism, and religious extremism, SREB would further cement that multilateral institutional cooperation with economic incentives leading to stronger national integration.

Pakistan — being at the confluence of Central Asia, West Asia, and South Asia, and having access to the warm waters of the Arabian Sea — is an important country in Beijing's quest for connecting the less developed western part of its territory with the rest of the world for trade and commerce. The Gwadar seaport is already envisioned as an important hub of transit trade from

West Asia to the western part of China and onward to Central Asia. Beijing is investing heavily in Pakistan for making the PCEC a success. With an SEZ quickly developing in Kashgar, the importance of Gwadar is magnified. Once the Kashgar SEZ is fully operational and the SREB in place, Pakistan would have a very strong export and transit potential for trading with China and Central Asia through the land route. With upgradation of the KKH and laying down of a fiber optic line under process already, and a vision for several industrial parks along the road, and the construction of railway line and oil and gas pipelines, Pakistan could become the most important connecting country in the SREB.

It needs to be kept in mind though that Pakistan has not been able to utilize its trade potential with the regional countries to the scale. Pakistan has trade and transport agreements with almost all the regional countries, but its exports to these countries remain low as percentage of its overall exports. Pakistan's trade with China through the land route is also only a fraction of its total trade with it. To take full advantage of the operationalization of the SREB and the connection of the PCEC with it, Islamabad will not only have to work with regional countries to remove the lacunae in the existing land-based trade arrangements, it will also have to work on improving its physical infrastructure and the overall security situation in the country. There is no denying the fact that the operationalization of the SREB could bring unprecedented dividends for Pakistan; it would all depend on Pakistan, however, as to how it capitalizes on its geo-economic location in the region.

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# **BANGLADESH ELECTIONS: UNDER CARETAKERS AND BEYOND**

**DR. KAZI S. M. KHASRUL ALAM QUDDUSI**

## **Introduction**

In 1991, an interim arrangement called the Caretaker System was introduced in Bangladesh to facilitate the transition from dictatorship to democracy. Following the scrapping of this system, the journey of Bangladesh democracy continued a bumpy ride, cantering around the holding of the tenth general elections. The Awami League (AL) and the allies were adamant on holding the general elections under elected people at the helm while the Bangladesh Nationalist Party (BNP) and allies were not prepared to budge an inch in bringing back the non-party caretaker system. In fact, even after restoration of democracy in 1991, the democratic system in Bangladesh had little room for development.

Three consecutive caretaker governments were relatively successful in holding free and fair elections. However, the fourth one suffered a setback and was replaced by a military-backed caretaker government. Though the electoral system under caretaker government achieved some stability during the four general elections held, little qualitative change took place in the country's political arena. The tenth general elections were staged unilaterally by Awami League. However, questions will continue to pester as to its very nature and legacy.

Elections and democracy are intertwined and are main pillars of modern democratic system. Elections provide legitimacy and means for succession for ruling elite.<sup>(1)</sup> They are considered to be the main mechanism that ensures that the governing elite remain accountable to their electorate. Bangladesh can be portrayed as a typical case where regimes have faced

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credibility and legitimacy issues due to accusations of rigged elections, use of violence and force to win elections, and delays in holding elections at predetermined intervals, etc. Thus, voters in Bangladesh appeared to lose interest in the elections, especially during the rule of General Ershad (1982-90), when elections had dysfunctional consequences.<sup>(2)</sup>

However, in 1991, general elections were held under a unique system, the Non-party Caretaker Government (NCG), which was largely seen as a positive step for democracy. This caretaker system was modified through constitutional amendments in 1996 forced by a mass movement for better democracy. This new system of government was meant to ensure free elections, but it, too, became controversial. The pertinent question was: whether the system itself was so deficient that it failed or it were machinations of the worst forms, as alleged, that rendered it ineffective?

Although three general elections held under the NCGs led by Justice Shahabuddin, Justice Habibur Rahman, and Justice Latifur Rahman were appreciated at home and abroad, yet, as usual, the main opposition party complained of anomalies. Most importantly, to the then main opposition party and allies, the caretaker government headed by Iajuddin Ahmed was, to all intents and purposes, an extension of four-party alliance rule.

Whether he was forced or compelled, president Iajuddin Ahmed, despite being a party-nominated president, taking up the role of chief of caretaker government dealt a controversy to the non-party character of the caretaker system.<sup>(3)</sup> And that led to a face off scenario between the previous ruling party bloc and the past opposition party alliance. The two alliances were then caught in a deadlock; one committing itself to holding of elections in 2007 at any cost apparently for safeguarding the Constitution, while the other being equally determined to resist the same in the name of safeguarding the voting rights of the people.<sup>(4)</sup>

There were widespread allegations that both alliances were so obsessed with the idea of securing state power that they failed to reach even a modicum of compromise, which is doubtless the cornerstone of democracy. Painfully enough, despite rhetorical commitment and prolonged struggles to establish democracy, political parties of Bangladesh have miserably failed to establish consensual ground rules for democratic competition and dissent.<sup>(5)</sup>

### **Background of the non-party Caretaker Government (NCG) System**

Army chief of Staff Lt Gen Hussain Mohammed Ershad assumed power in a bloodless coup on 24 March 1982. To strengthen his hold on government Ershad suspended the constitution and declared martial law. In 1983, Ershad assumed the Presidency while retaining his positions as army chief and CMLA at the same time. Despite a boycott by the BNP, led by former president Zia's widow, Begum Khaleda Zia, parliamentary elections were held on schedule in May 1986. Gen Ershad's Jatiya Party won by a modest majority. The participation of the Awami League, led by the late prime minister Sheikh

Mujib's daughter, Sheikh Hasina Wajid, lent the elections some credibility, despite widespread charges of voting irregularities.

Ershad then resigned as army chief of staff and retired from military service in preparation for the presidential elections. In protest against martial law, both the BNP and the AL refused to field candidates. Lacking any real competition, Ershad easily crushed the remaining candidates, taking 84 per cent of the vote. Although Ershad's government claimed a turnout of more than 50 per cent, opposition leaders, and much of the foreign press, estimated a far lower percentage and there were allegations of voting irregularities. In November 1986, his government somehow managed the necessary two-thirds majority in the National Assembly to amend the constitution and legitimise the previous actions of the martial law regime.

By 1989, the political situation in the country had become rather quiet. International observers, looking at the local council elections termed them less violent and relatively free and fair. However, opposition to Ershad's rule began to regain momentum quickly. By the end of 1990, there were frequent general strikes, rising campus protests, public rallies, and a general disintegration of law and order. In all big cities of the country, thousands of people protested on the streets defying curfew orders and shouted slogans demanding resignation of Ershad. The public movement eventually resulted in the withdrawal of support by Ershad's pivotal support base — the military.<sup>(6)</sup> Consequently, on 6 December 1990, Ershad submitted his resignation and handed over power to an interim government headed by the then chief justice Shahabuddin Ahmed, which is regarded as the first caretaker government of Bangladesh.

### **Non-party caretaker government: Constitutional provisions**

Relevant constitutional provisions relating to the non-party caretaker government are stated below:<sup>(7)</sup>

#### **Clause 58 B. Non-Party Caretaker Government**

- (1) There shall be a Non-Party Caretaker Government during the period from the date on which the Chief Adviser of such government enters upon office after Parliament is dissolved or stands dissolved by reason of expiration of its term till the date on which a new Prime Minister enters his office after the constitution of Parliament.
- (2) The Non-Party Caretaker Government shall be collectively responsible to the President.
- (3) The executive power of the Republic shall, during the period mentioned in clause (1), be exercised, subject to the provisions of article 58D(1), in accordance with this Constitution, by or on the authority of the Chief Adviser and shall be exercised by him in accordance with the advice of the Non-Party Caretaker Government.
- (4) The provisions of article 55(4), (5) and (6) shall (with necessary adaptations) apply to similar matters during the period mentioned in clause (1).

**Clause 58 C. Composition of the  
Non-Party Caretaker Government**

- (1) Non-Party Caretaker Government shall consist of the Chief Adviser at its head and not more than ten other Advisers, all of whom shall be appointed by the President.
- (2) The Chief Adviser and other Advisers shall be appointed within fifteen days after Parliament is dissolved or stands dissolved, and during the period between the date on which Parliament is dissolved or stands dissolved and the date on which the Chief Adviser is appointed, the Prime Minister and his cabinet who were in office immediately before Parliament was dissolved or stood dissolved shall continue to hold office as such.
- (3) The President shall appoint as Chief Adviser the person who among the retired Chief Justices of Bangladesh retired last and who is qualified to be appointed as an Adviser under this article. Provided that if such retired Chief Justice is not available or is not willing to hold the office of Chief Adviser, the President shall appoint as Chief Adviser the person who among the retired Chief Justices of Bangladesh retired next before the last retired Chief Justice.
- (4) If no retired Chief Justice is available or willing to hold the office of Chief Adviser, the President shall appoint as Chief Adviser the person who among the retired Judges of the Appellate Division retired last and who is qualified to be appointed as an Adviser under this article. Provided that if such retired Judge is not available or is not willing to hold the office of Chief Adviser, the President shall appoint as Chief Adviser the person who among the retired Judges of the Appellate Division retired next before the last such retired Judge.
- (5) If no retired judge of the Appellate Division is available or willing to hold the office of Chief Adviser, the President shall, after consultation, as far as practicable, with the major political parties, appoint the Chief Adviser from among citizens of Bangladesh who are qualified to be appointed as Advisers under this article.
- (6) Notwithstanding anything contained in this Chapter, if the provisions of clauses (3), (4) and (5) cannot be given effect to, the President shall assume the functions of the Chief Adviser of the Non-Party Caretaker Government in addition to his own functions under this Constitution.
- (7) The President shall appoint Advisers from among the persons who are
  1. qualified for election as members of parliament;
  2. not members of any political party or of any organization associated with or affiliated to any political party;
  3. not, and have agreed in writing not to be, candidates for the ensuing election of members of parliament;
  4. not over seventy-two years of age.
- (8) The Advisers shall be appointed by the President on the advice of the Chief Adviser.

- (9) The Chief Adviser or an Adviser may resign his office by writing under his hand addressed to the President.
- (10) The Chief Adviser or an Adviser shall cease to be Chief Adviser or Adviser if he is disqualified to be appointed as such under this article.
- (11) The Chief Adviser shall have the status, and shall be entitled to the remuneration and privileges, of a Prime Minister and an Adviser shall have the status, and shall be entitled to the remuneration and privileges, of a Minister.
- (12) The Non-Party Caretaker Government shall stand dissolved on the date on which the Prime Minister enters upon his office after the constitution of new parliament.

**Clause 58 D. Functions of Non-Party Caretaker Government**

- (1) The Non-Party Caretaker Government shall discharge its functions as an interim Government and shall carry on the routine functions of such Government with the aid and assistance of persons in the services of the Republic; and, except in the case of necessity for the discharge of such functions it shall not take any policy decisions.
- (2) The Non-Party Caretaker Government shall give to the Election Commission all possible aid and assistance that may be required for holding the General Election of members of parliament peacefully, fairly and impartially.

## Elections under Non-party Caretaker Government: Free and Fair?

**Table 1**

**Fifth General Election, 1991 (Election under First Caretaker Government)**

Summary of the 27 February 1991 Bangladeshi Jatiyo Sangshad Election					
S.No	Party	Total Candidates	Seats	Votes	%
1	Bangladesh Nationalist Party	300	140	1,05,07,549	30.81%
2	Jatiyo Party	272	35	40,63,537	11.92%
3	Bangladesh Awami League	264	88	1,02,59,866	30.08%
4	Jaker Party (JDP)	251	0	4,17,737	1.22%
5	Jamaat-e-Islami Bangladesh	222	18	41,17,737	1.22%
	Others and independent		19		
	<b>Total</b>		<b>300</b>		

Source: Bangladesh Election Commission, 2009, homepage: [www.ecs.gov.bd](http://www.ecs.gov.bd) (Retrieved 15 May, 2009)

### Elections 1991 and the aftermath

In March 1994, controversy over a parliamentary by-election, which the opposition claimed the government had rigged, led to an indefinite boycott of Parliament by the entire opposition. The opposition then began to stage general strikes, demanding the dissolution of Khaleda Zia's government, and the appointment of a caretaker government to supervise a general election. Efforts to mediate the dispute under the auspices of the Commonwealth Secretariat failed. After another attempt at a negotiated settlement failed in late December 1994, the opposition resigned en masse from Parliament. The opposition then continued a campaign of marches, demonstrations, and strikes in a bid to force the government to resign. The opposition, including the Awami League, Jatiya Party (Ershad) and Jamaat-e-Islami Bangladesh, pledged to boycott national elections scheduled for 15 February 1996.



**Table 2**

**Sixth General Elections, 1996**  
**Summary of the 15 February 1996 Bangladeshi Jatiyo Sangshad Election**

Serial	Party	Total Candidates	Seats
1	Bangladesh Nationalist Party	300	278
2	Freedom Party	-	1
3	Independent	-	10

**Source:** Bangladesh Election Commission, 2009, homepage: [www.ecs.gov.bd](http://www.ecs.gov.bd) (Retrieved 15 May, 2009)

### **Elections of 15 February 1996 and aftermath**

In February 1996 Khaleda Zia was re-elected for the second term by a landslide in voting boycotted and denounced as unfair by the three main opposition parties. In March 1996, following escalating political turmoil, the sitting Parliament enacted a constitutional amendment to allow a neutral caretaker government to assume power to conduct fresh parliamentary elections. Former chief justice Mohammed Habibur Rahman was named chief advisor (a position equivalent to prime minister) in the interim government.

**Table 3**

**Seventh General Election, 1996 (Election under  
Second Caretaker Government)**

<b>Summary of the 12 June 1996 Bangladesh Jatiyo Sangshad Election Results</b>			
Parties	Votes	%	Seats
Bangladesh Awami League	15882792	37.44	146
Bangladesh Nationalist Party	14255986	33.60	116
Jatiya Party	6954981	16.40	32
Jamaat-e-Islami Bangladesh	3653013	8.61	3
Islami Oikya Jote	461003	1.09	1
Jatiya Samaj Tantrik Dal (Rab)	97916	0.23	1
Non-partisan and others	450132	2.73	1
<b>Total</b>		<b>100.0</b>	<b>300</b>

**Source:** Bangladesh Election Commission, 2009, homepage: [www.ecs.gov.bd](http://www.ecs.gov.bd) (Retrieved 15 May, 2009)

### June 1996 elections and the aftermath

New Parliamentary Elections were held in June 1996 and were won by the Awami League. AL leader Sheikh Hasina became the prime minister. She formed what she called a "Government of National Consensus" in June 1996, which included one minister from the Jatiya Party and another from the Jatiyo Samajtantric Dal, a very small leftist party. The Jatiya Party never entered into a formal coalition arrangement, and party president H.M. Ershad withdrew his support for the government in September 1997. Only three parties had more than 10 members elected to the 1996 parliament: The Awami League, BNP, and Jatiya Party. Jatiya Party president, Ershad, was released from prison on bail in January 1997.

In June 1999, BNP and other opposition parties once again started boycotting the Parliament and staging nationwide general strikes, rising from 6 days of general strikes in 1997 to 27 days in 1999. In 1999, a four-party opposition alliance was formed. This alliance put forth a list of demands regarding electoral fairness, and announced that unless the government fulfilled the demands, all parties in the alliance would boycott parliamentary by-elections and local government elections. The government did not take the steps, and the opposition subsequently boycotted all elections, including municipal council elections in February 1999, several parliamentary by-elections, and the Chittagong City Corporation elections in January 2000. The opposition then started to pressurize that the Awami League government step down and make way for a caretaker government to preside over parliamentary and local government elections.

**Table 4**

#### Eighth General Elections, 2001 (Election under Third Caretaker Government)

Summary of the 1 October 2001 Bangladesh Jatiyo Sangshad Election Results				
Parties	Votes	%	Seats	
Bangladesh Nationalist Party	23,074,714	41.40	193	
Bangladesh Awami League	22,310,276	40.02	62	
Jatiya Party (Ershad) • Includes candidates of the Islamic National Unity Front ( <i>Islami Jatiya Oikya Front</i> )	4,023,962	7.22	14	
Jamaat-e-Islami Bangladesh	2,385,361	4.28	17	
Jatiya Party (Naziur)	521,472	0.94	4	
Islami Oikya Jote	312,868	0.56	2	
Krishak Shramik Janata League	261,344	0.47	2	

Jatiya Party (Manju)	243,617	0.44	1
Non-partisan and others	2,262,045	4.06	6
Vacant		-	2
<b>Total</b>	<b>55,728,162</b>	<b>100.0</b>	<b>300</b>

Source: Bangladesh Election Commission, 2009, homepage: [www.ecs.gov.bd](http://www.ecs.gov.bd) (Retrieved 15 May, 2009)

### **Elections 2001 and the aftermath**

The Khaleda-led four-party alliance won two-third of total parliamentary seats, while Bangladesh Awami League won only 62 seats making the smallest opposition since 1991. Khaleda Zia thus won a second term in 2001 with a coalition including several Islamist parties.

#### ***Ninth General Election, 2008 (Army-backed Caretaker Government):***

#### ***Doctrine of Necessity or Military re-intervention in Election and Politics?***

An election was scheduled for the end of 2006; however it did not take place because the main opposition party, Awami League, and its allies accused the caretaker government headed by president Iajuddin Ahmed of harbouring a bias in favour of the BNP. The political turmoil led to nationwide protests and shutdowns. Although Iajuddin took charge as the chief of the caretaker government to conduct next general elections, there were widespread allegations that he did not exhaust all the provisions. However, in January 2007, president Iajuddin Ahmed stepped down from the post of chief of caretaker government under pressure from the military.

Later, Fakhruddin Ahmed, former World Bank economist, was selected by the army to replace him and he committed himself to rooting out corruption and preparing a better voter list. Emergency was declared and a massive campaign to crack down on corruption was launched. The government claimed that it would hold the election before the end of 2008.

In April, Ahmed's administration attempted to reform the political parties as part of implementing of the alleged "minus two" formula of the army by trying to force Hasina and Khaleda into exile. However, the administration backed down under domestic and international pressure. Hasina, who had been visiting her children in the US, was allowed to return home but she faced serious charges, including charges of corruption. In July, she was taken into custody. This provoked angry protests from her supporters; even her archrival Khaleda Zia, as well as six British MPs and MEPs, called for her release.

**Table 5**  
**Ninth General Elections, 2008 (Election under**  
**Fourth Caretaker Government)**

Summary of the 9th Bangladeshi <b>Jatiyo Sangshad</b> Election				
Alliance	Party	Seats	Votes	%
Grand Alliance	Bangladesh Awami League	230	33,887,451	49.0%
	Jatiya Party	27	4,867,377	7.0%
	Jatiyo Samajtantrik Dal	3	429,773	0.6%
	Workers Party of Bangladesh	2	214,440	0.3%
	Liberal Democratic Party	1	161,372	0.2%
Four-Party Alliance	Bangladesh Nationalist Party	30	22,963,836	33.2%
	Jamaat-e-Islami Bangladesh	2	3,186,384	4.6%
	Bangladesh Jatiya Party-BJP	1	95,158	0.1%
	Islami Oikya Jote	-	-	-
Independents and others		4	3,366,858	4.9%
Total		300	69,172,649	99.99%

**Source:** Bangladesh Election Commission, 2009, homepage: [www.ecs.gov.bd](http://www.ecs.gov.bd) (Retrieved 15 May, 2009)

Soon, Khaleda Zia was also put behind bars by the army-backed interim government. Thus, the army-backed caretaker government deviated from the aims and objectives of the NCG. The reactions within the political sphere were divided; one main political camp justified it as the doctrine of necessity, while the other considered it military re-intervention in election and politics in Bangladesh.

### **Elections 2008 and aftermath**

Awami League president Sheikh Hasina won the election on 29 December 2008, and the caretaker government ended its authority on 6 January 2009. Sheikh Hasina became the prime minister of Bangladesh for the second time. On 25 February 2009, border guards in the Bangladesh Rifles mutinied and killed more than 50 army officers, testing the hold of the new government.

### **Performance of the four caretakers**

After a long period of mass upheavals, democratic system was again in place in 1991 following an election held under the supervision of an NCG led by the then chief justice Shahabuddin Ahmed. This election was welcomed both at

home and abroad and was generally considered relatively free and fair. However, the then acting Chairman of Jatiya Party (JP), Mizanur Rahman, raised allegation of partisanship against the NCG and the main opposition party, the AL, also complained of rigging. That the allegations were just a political ruse, is apparent from the fact that Shahabuddin Ahmed was made president of the country under the AL rule (1996-2001). But the elections that took place in 1996 and 2001 under retired chief justice Habibur Rahman and Latifur Rahman, respectively, came under serious political criticism. The BNP expressed strong reservations about some policies of the Habibur Rahman NCG while the AL was extremely critical of the policies of Latifur Rahman's NCG. While the BNP observed that various measures taken by Habibur Rahman were intended to disadvantage the party in the polls, the AL levelled the same allegations against Latifur Rahman.<sup>(8)</sup> The BNP and AL both lost the elections held under the charge of the chief adviser of Habibur and Latifur Rahman in the 7<sup>th</sup> and 8<sup>th</sup> general elections, respectively.

As for the performance of the fourth (army-backed) caretaker government, the BNP and particularly its chairperson Khaleda Zia expressed complete frustration against the army-backed Fakhruddin NCG. Her allegation was that the NCG did not just arrest her and her party members but also two of her sons were taken into custody. There were media reports that the army-backed NCG also tried to form a "King's Party" consisting of politicians collected from the two main political parties but this attempt failed due to lack of positive response from the politicians.

Khaleda Zia, the chairperson of BNP, also expressed dissatisfaction regarding the process of reshuffling parliamentary constituencies and alleged use of the judiciary and election commission to put "mass embargo" on her party members. As mentioned earlier, Sheikh Hasina was also arrested by the army-backed NCG and charged with corruption. The NCG, however, justified the actions of the government as being completely neutral and nonpartisan. The Fakhruddin NCG took about one and a half year to arrange the election (although the constitutional provision states that the elections must be held in three months time after NCG takes charge). The AL secured a landslide victory in the election.

None of the parliamentary elections, under political governments have been regarded as free, fair and impartial. The partisan governments always tried to rig the elections in their favour. However, the non-party caretaker governments had no apparent stake in the outcomes of elections. Therefore, the elections under them were relatively free from centrally-designed electoral frauds.<sup>(9)</sup> It should be mentioned here that overall the NCG system has helped reduce electoral violence and increase voter turnout and hence restored people's trust and confidence in elections in Bangladesh. (See the table below)

**Table 6****Violence and Elections in Bangladesh**

Elections	% of Voter turnout	Election postponed		Nature of violence	
		Constituency	Centre	No. of clashes (pre-election)	No. of deaths (election day)
Ninth	-----	-----	-----	-----	-----
Eighth	74.8	16	90	144	3
Seventh	74.9	27	123	na	4
Fifth	55.4	12	30	na	1
Fourth	52.5	na	23	19	7
Third	61.1	na	284	221	32
Second	51.3	na	63	122	18
First	54.9	na	56	85	13

**Source:** Nizam Ahmed, 2004, *Non-party Caretaker Government in Bangladesh; Experience and Prospect* (Dhaka: The University Press Limited, 2004), p.92.

**Annulment of the caretaker system**

Non-party Caretaker Government was a result of Bangladesh's decomposed political culture. Politicians supported and/or criticised the system, depending upon its ability or inability to bring them power. Bangladeshi leaders have had the tendency to change positions as and when it suits them. That is why they ignored seniority in appointing a chief justice so as to make him the next Chief Adviser and paid at the end of the day. Another group, then, raised the retirement age of Supreme Court judges only to get the desired person to head the next caretaker government. As a result, the country landed in a prolonged emergency.

Before the army-backed caretaker government took over in 2007, another group made a mockery of the caretaker system by forcing a partisan president to take the helms of a non-party caretaker government, who toed the line of the leadership to whom he was loyal. Shortly, afterwards, chaos and turmoil threatened to wreck the country.

Quite dramatically, during their tenure (2008-2013), the caretaker system became an anathema for the Awami League camp and they scrapped the same system for which they had once paralysed the country. Another camp, mocked the very idea was of neutrality. One group was committed to upholding the verdict of the Supreme Court which had declared the caretaker provision unconstitutional. In the verdict, however, there was an option of holding two more elections under a caretaker government. The opposing bloc resorted rather prematurely to the oft-repeated protest mechanism — *hartal*.

### **New formulas as alternatives to NCG: AL's rejection, BNP's welcome**

Amidst political chaos regarding cancellation of the caretaker system, new formulas started to float. Civil society groups started campaigning for flawless elections. Transparency International Bangladesh (TIB) came up with a formula which they called 'Election Time Government' (ETG), proposing constituting an 11-member 'election time government' through a parliamentary consensus committee for holding the 10th parliament elections in a free, peaceful and neutral manner.<sup>(10)</sup>

According to the formula, the proposed 'parliamentary consensus committee' were to be formed with parliament members from both alliances — AL-led grand alliance and BNP-led 18-party alliance to prepare a list of the members of the 'election-time government.' The Speaker was to ask political parties to submit the names of their nominees for constitution of 'parliamentary consensus committee'. TIB placed two alternative proposals for formation of the election-time government. According to the proposal 'A', the parliamentary consensus committee was to first select the head of the election-time government through consultation among them and in consultation with the head; the committee was to select the names of 10 members of the proposed government.

According to the proposal 'B', the parliamentary consensus committee was to select 10 members for the proposed government. Then, the 10 members were to select the head of the election time government. If, however, the committee failed to reach consensus on the head of the government, it would send names of a three-member panel to the president. Then, the president would appoint the head of the election-time government from the panel.

The 10 members of the government could be selected from the two alliances on an equal basis or on the basis of ratio of votes in the last three parliamentary polls. However, any member of the election-time government would neither be able to participate in the 10th parliamentary elections nor be able to hold any post under the next government. The TIB claimed to have presented this proposal to create a congenial atmosphere through an understanding among all for smooth continuation of the democratic process.

The AL-led government and its leader Sheikh Hasina rejected the formula while the Khaleda Zia-led BNP and associates welcomed it. These different gestures are indicative of AL's intention of rejecting anything that did not appear to be beneficial to them directly, and BNP's desperation to break the shackles of AL's domination and inclination to have some influence over the next general election.

### **Heated politics over the 10th general elections: Three possible scenarios apprehended**

As mentioned earlier, Bangladesh politics remained animated over the NCG issue for quite some time. A face-off situation developed between the two major blocs regarding cancellation and restoration of NCG, and there was a very

real possibility of escalation in violence. The ruling party's setback in the crucial local government elections made the situation more complex. Defeat in the elections led to increasing tensions within the ruling coalition. They, however, claimed that the results showed that elections under AL-led government could be free and fair. The BNP, however, claimed that the ruling party's defeat in the elections legitimised their claim for restoration of NCG. In the backdrop of this hostile scenario, three possible prospects came under speculation;

1. **10th general elections under AL-dominated interim govt**  
If the BNP-led alliance failed to step up their movement for the restoration of the NCG, the AL-led alliance would have been able to hold the next general elections under their dominance. In that case, BNP-led alliance was very likely to boycott such an election resulting in a virtual rival-free election. If that happened, AL-led alliance was to have a walkover. However, acceptance of such an election, both nationally and globally, might have been difficult.
2. **10th general elections under a restored NCG or party-dominance free interim government**  
If good sense prevailed among the major political parties, such a possibility could not be ruled out. But, given Bangladesh's political culture, expecting this ideal scenario seemed rather far-fetched. If, however, such a compromise could take place between AL and BNP, there was a possibility of the next general elections taking place peacefully.
3. **Third-party intervention amidst prolonged deadlock**  
If the deadlock between the two major political groups continued and if violence escalated unabatedly, third party might have re-emerged in the political scenario. In fact, such a scenario had marked the country in the very recent past and the 9th general elections had taken place under military-backed NCG. As mentioned earlier, that military-backed caretaker government took two years instead of three months to hold the elections. The modus operandi of such a government, however, could not be predicted as to how it would behave, whether it would hold next general elections in the shortest possible time or try to prolong its rule.

### **10th general elections: How was it without caretakers?**

As it happened, the first scenario came true. Amidst fear and great uncertainty, 10th general elections were held on 5 January 2014. The elections were controversial. Almost all the major opposition parties boycotted the polls, and 154 of the total 300 seats remained uncontested. Prior to the election, Bangladesh Nationalist Party and its alliance of 18 opposition parties led by Khaleda Zia, called more than 85 days of nationwide general strikes and blockades that turned 2013 into one of the most tumultuous years in the history of the country.



The opposition wanted the ruling Awami League (AL) led by the then prime minister Sheikh Hasina to amend the Constitution to pave the way for a non-partisan interim government or a caretaker government. As this demand was turned down by Sheikh Hasina, major opposition parties except the Jatiya Party boycotted the polls. Sheikh Hasina had offered an all-party interim election-cabinet including opposition parties until the election but this was rejected by Khaleda Zia.<sup>(11)</sup>

Following months of protests, strikes and blockades, the 18-party opposition alliance led by the BNP formally announced a boycott of the polls citing unfair conditions for the elections. On 29 December 2013 the BNP called for a *March for Democracy* towards Dhaka, in defiance of a police ban, to protest against the election. However, BNP failed to stage the march. A general strike was called for 4, 5 and 6 January by the opposition parties. On 3 and 4 January, opposition activists attacked potential polling centres across Bangladesh. Countrywide violence resulted in low turnout in the elections.<sup>(12)</sup>

As a result of the boycott, the Awami League had already secured victory on 127 of the 154 seats uncontested. Similarly, The Jatiya Party led by Gen Ershad's wife Rowshan Ershad had won 21 uncontested seats, Jatiya Samajtantrik Dal won three seats, the Workers Party secured two seats and the Jatiya Party (Manju) won one seat.<sup>(13)</sup> The EU, the US and the Commonwealth announced that they would not send observers since they were concerned about the credibility of the election.

**Table 7****Tenth Parliamentary Elections, 2014**

Party	Votes	%	Seats	+/-
Awami League	36,173,883	79.14	234	
Jatiya Party	5,167,698	11.31	34	
Workers Party	939,581	2.06	6	
Jatiyo Samajtantrik Dal	798,644	1.75	5	
Jatiya Party (Manju)		0.3	2	
Bangladesh Tarikat Federation		0.3	2	
Bangladesh Nationalist Front		0.3	1	
Independents		4.7	16	
Repoll ordered	–	–	3	–
Invalid/blank votes	1,551,585	–	–	–
Total	47,262,168	100	300	0
Registered voters/turnout	92,007,113	51.37	–	–

Source: Bangladesh Parliament, 2014. Homepage: [www.parliament.gov.bd](http://www.parliament.gov.bd) (Retrieved 25 May 2014)

The newly elected MPs were sworn in on 9 January. UN Secretary-General Ban Ki-moon criticized both the BNP and the Awami League, saying they should resume meaningful dialogue and urgently work towards an inclusive political process respecting the expectations of the people of Bangladesh. A leading newspaper called the elections the deadliest in the country's history and

commented that the Awami League won a predictable and hollow victory, which gives it neither a mandate nor a moral standing to govern effectively.<sup>(14)</sup> Internationally, the election was termed “disappointing” by the US, UK, Canada and Commonwealth, as more than half the seats were uncontested and the remaining had only token opposition.<sup>(15)</sup>

### **Conclusion**

Before the 10th general elections in Bangladesh, four elections were held under Non-party Caretaker Government, with the fourth one being under a military-backed NCG. The Caretaker System was not seen as trustworthy by the major political parties, but the scrapping of the system led to political uproar. Judicial intervention made the situation even more complex. However, the intention of the judiciary appeared to be sincere and pragmatic; to keep judges away from heading the non-party caretaker government. Originally, the non-party caretaker system was set up as an interim arrangement that could not be sustained for ever. However, over time, the age-old political issues in Bangladesh resulted in a resurfacing of the caretaker issue.

It is really unfortunate that so far the country has not been able to put in place a viable mechanism for peaceful transition of power. With the previous government’s tenure nearing completion, the tenth general elections in Bangladesh became centre of attention and an uncertainty seemed to take hold of the political landscape. Though the Awami League was successful in holding the election and keeping its archrivals at bay, the nature of that election and the future of democracy in Bangladesh are still a matter of controversy.

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