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# 6th Youth Parliament Pakistan

**A Report on**

## **Countering Balochistan Insurgency**

**March 2015**

**PILdAT**  
Pakistan Institute of  
Legislative Development  
And Transparency

Secretariat Youth Parliament Pakistan



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PILDAT is an independent, non-partisan and not-for-profit indigenous research and training institution with the mission to strengthen democracy and democratic institutions in Pakistan. It also serves as Secretariat, Youth Parliament Pakistan.

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## PREFACE

After the successful completion of 5 terms since 2007, the 6th Youth Parliament Pakistan was launched in June 2014. The specific objectives of the Youth Parliament Pakistan (YPP) programme are to inculcate democratic culture and spirit of tolerance for others views among the youth; to expose them to the political and parliamentary processes; to facilitate youth to express their views on various national, international, regional and local issues thereby helping the government and society at large to better understand the concerns of the youth; to groom the leadership potential of the youth of Pakistan by exposing them to peaceful and democratic resolution of differences especially at a time when various parts of Pakistan are suffering from conflict and extremism. Finally this provides a forum to the youth of Pakistan to understand how the Parliament works as the supreme public representative institution in a democracy.

The Youth Parliament Standing Committees of the 6th Youth Parliament Pakistan (2014-2015), as a part of the learning process were tasked with conducting reviews of national policies through research-based analysis and with developing cogent policy alternatives for the Parliament and the Government of Pakistan. The six Youth Parliament Standing Committees for the current term are:

- Youth Parliament Standing Committee on National Security
- Youth Parliament Standing Committee on Foreign Affairs
- Youth Parliament Standing Committee on Energy
- Youth Parliament Standing Committee on Law, Justice & Human Rights
- Youth Parliament Standing Committee on Education & Youth Affairs
- Youth Parliament Standing Committee on Finance, Economic Affairs & Planning

The Committees have gone through a process of intensive research, consultations with policy experts and internal review within Committees before putting together their proposals. The initial findings were shared with the Secretariat Youth Parliament Pakistan and the Steering Committee Youth Parliament Pakistan who gave their comments on these drafts. After incorporating these inputs, the reports are finalised by individual Committees and thereafter presented on the floor of the House for further recommendations and feedback from the entire strength of the YPP. Going through this rigour the participants not only experienced the process of drafting policy in a democratic fashion but also formulated useful recommendation in the form of this report,

The reports are compiled and finally published for the purpose of dissemination through media briefing and report launch event at the closure of 5<sup>th</sup> and last YPP Session of the 6th YPP term. The reports are also available online at [www.youthparliament.pk](http://www.youthparliament.pk).

The 6th Youth Parliament Pakistan (2014-2015) is supported by the Danish International Development Agency, Government of Denmark, as recognition of the importance of young people's development in democracy and democratic practices.

### Disclaimer

The Secretariat of Youth Parliament Pakistan has provided unbiased feedback in a timely manner on the research reports and the scientific value of the work done by MYP's. The Secretariat has given guidance in ensuring the content is clear, concise, and relevant to the current pool of knowledge in regard to originality, and interest to the readers. The opinions, findings or recommendations expressed in this report belong to the authors and do not necessarily reflect the views of PILDAT or DANIDA.

Secretariat of the Youth Parliament Pakistan  
Pakistan institute of Legislative Development and Transparency  
March 2015



## Executive Summary

This report analyses the ethno-nationalist insurgency in Pakistan's Balochistan province. Since 1947, Baloch insurgency has undergone several stages, the last of which dates back to 2006. A number of factors affecting the Baloch insurgency are discussed in this report. Since the formation of Pakistan in 1947 there have been five periods of insurgency in Baluchistan, quelled by the use of military force.

The social structure of the society in Balochistan (including all ethnic groups) is based on feudal and tribal structure which revolves around the institution of sardar (Tribal chief). If the government is serious to help Balochistan improve socially, politically and economically, It has to discourage the institutions like Sardars, Nawabs and etc. This cannot be done in a glimpse; it will take years to do so. Moreover, the economic condition of the people in Balochistan does not allow them to be bold enough to struggle against an established institution, which has existed for centuries.

The majority of the Baloch people think that, Balochistan only figures as a strategic asset in the policy of Pakistani establishment and its 44 per cent land mass and unlimited resources define their attitude. The Pakistani government needs to develop a comprehensive political strategy to ensure, first and foremost, that the Baloch people regain trust in the legitimacy of the government. The government needs to bring an end to old system of patronage Politics of Supporting some selected sardars and Their Tribes. On the other side, tribal sardars also act as obstacles to societal change for a better Balochistan.

9/11 has changed the landscape of the world altogether, with blatant violations of international norms and customs under the doctrine of necessity. In Pakistan the issue of missing persons was taken to new heights when the Supreme Court took a suo moto notice and called for the intelligence agencies to provide a disclosure in this regard.

Balochistan is the lifeline for Pakistan's economic development and for the potential to increase Pakistan's role in world politics and economics, due to the abundance of natural resources in the province and its geo-strategic location. - The US / NATO endgame in Afghanistan will take its toll in the most vulnerable provinces of southern Afghanistan - Helmand and Kandahar - that border Balochistan. There is a significant possibility of major spillover of instability into the Pashtun-dominated areas of northern Balochistan which border these Afghan provinces. This can further complicate the situation.

The best long-term strategy to stop the protracted conflict in Balochistan is to provide an efficient governance and educational system which can release the Baloch from the clutches of corrupt Patrons (Tribal *sardars*). However, this all needs the true and righteous will of our "men in power". Hence provide people a fair and eligible share of jobs then to exploit the natural resources available in Balochistan to fullest.



### Members of Youth Parliament Standing Committee on National Security



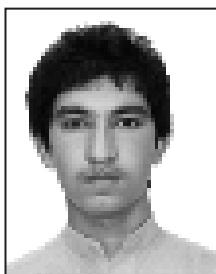
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Muhammad Shahzar Ilahi  
Youth Leader of Opposition  
(YP56-SINDH09)



Jahanzeb Baloch  
Youth Minister for National Security  
(YP05-BALUCHISTAN03)

## Balochistan: A Strategic Overview

The strategic location of Balochistan the province is exceptional: it is a gateway to South Asia, Middle East and Central Asia. Coupled with significant natural resources, including minerals, oil, gas and fish, this forms the core bone of contention and rivalry between centre and nationalist forces within Pakistan and external regional and extra-regional powers. Balochistan is strategically located between three increasingly important regions - the oil-rich Middle East, heavily populated South Asia and resource-rich countries of Central Asia. The shortest way to newly explored natural resources of Central Asia goes through Balochistan. The province also borders Iran and Afghanistan, countries that are politically and ideologically faced with pressure or intervention by the United States and Europe.

## Balochistan and Governments: A History of Resentment

The people of Balochistan and the princely state of Kalat took active part in the independence struggle from the British Empire. The Khan of Kalat who was the head of Balochistan state provided full support to Quaid-i-Azam Mohammad Ali Jinnah. At the time of partition, a Shahi Jirga (Royal Council) was called by Khan of Kalat in which tribal chiefs and elders voted to join Pakistan. The states of Kharan, Makran and Lasbela also acceded to Pakistan. Khan of Kalat, however, aspired for a sovereign status and declared independence. Baglar Begi Khan declared the independence of Kalat on August 15, 1947. On March 17, 1948 the Khan of Kalat acceded to Pakistan. Abdul Kareem Baloch, Khan's brother refused and revolted against the Army, till he was captured.

After partition, the West Pakistan was constituted as the so-called "One Unit" in the 1956 Constitution. In Balochistan, the Nationalists led a stringent opposition to the "One Unit" policy. But the wave of military dictatorships quashed all such designs. Such deprivation caused disturbances from 1959 to 1967. Nawab Nauroz Khan led the struggle until he was arrested.

After Bangladesh gained its independence from Pakistan, the state of Punjab became the most populous province in Pakistan. It accounted for 58% of the population, while Balochistan accounted for just 4%. As part of Bhutto's centralist populism policy, Balochistan held its first elections in 1970, as a province. The National Awami Party (NAP) won the majority of the seats in Balochistan and started demanding provincial autonomy. In light of the discovery of natural gas reserves at Sui, the area became increasingly important for Pakistan's developmental programs. Bhutto's government refused

provincial autonomy to Balochistan, which caused tension between the two governments, until Bhutto imposed governor rule.

After President Zia ul Haq's death, the successive democratic governments of Benazir Bhutto (Pakistan People's Party) and Nawaz Sharif (Muslim League) did little for Balochistan in the 1990s. Despite announcing welfare and economical projects, the Musharaff government took a hard stance against the miscreants who started to become active after the US operation started in Afghanistan.

## **Domestic Dynamics of Balochistan (Sardari System)**

The social structure of the society in Balochistan (including all ethnic groups) is based on feudal and tribal structure that revolves around the institution of sardar (Tribal chief). The population of Balochistan is primarily tribal and nomadic. It is subdivided into various tribes and subtribes, each having its own customs and traditions. They maintain autonomous status and are averse to outside influence while displaying complete submission to sardars. Tribal disputes are very common and often remain unresolved for generations. According to Baloch tribal system and tradition, sardar is seen as the elder brother of his tribesmen. He is chosen on the basis of his character, wisdom, bravery, and hospitality. Sir Sandaman, the British political agent in Balochistan, changed the function of the Baloch sardars from that of an "elder brother" to the one of controller and tax collector. Sandaman devised a rather effective colonial system of administration that, in his own words, was based on the following principle: "Leaving the tribes to manage their own affairs according to their own customs and working through their chiefs and maliks.

### **Prevailing Problems**

Undoubtedly, the influence of tribal chiefs decreased to an unimaginable level. The credit to which goes to the increased social and political activity of the nationalists. However, these tribal institutions are still strong enough to curtail any major socio-economic steps taken by the governments. Unfortunately, every federal government (military or civil) has helped tribalism and tribal chiefs to be stronger. These institutions when get rebellious against the state, this is mainly because of their self-interest, overshadowing the cause of the Baloch masses. Henceforth, the deprivation of the general public remains still. Moreover, as it is not possible for one party to influence entire Balochistan, the parties win few seats each and then form a coalition government. Coalition governments are politically very weak and largely work for the benefit of the parties and for self-interest. Consequently, the development plans suffer and Balochistan remains an underdeveloped and poor province.

### **Policy Solutions**

If the Government is serious to help Balochistan improve socially, politically and economically, It has to discourage the institutions like Sardars, Nawabs etc. This cannot be done in a glimpse; it will take years to do so. Moreover, the economic condition of the people in Balochistan does not allow them to be bold enough to

struggle against an established institution, which has existed for centuries.

Free education and increased economic opportunities would surely help Balochistan grow out of the nexus of the Sardars. The current Chief Minister Balochistan.

## **Interests of the Regional and Extra-Regional Powers**

### **Prevailing Problems**

Pakistan is located at the geostrategic position at the gateway to the Persian Gulf. It is close to Iran, Oman, India and the landlocked Central Asia. As noted above, it also has a coastline of about 1100 km, with adjacent coastal zone of 240,000 sq. km in the northern Arabian Sea, which can be explored and developed into new ports, tourist resorts and industrial sites. This geographical location provides an opportunity to Pakistan to dominate the crucial stretches and vital routes across the Arabian Sea. Balochistan accounts for the largest part of Pakistan's coastline and coastal area. All this attracts certain interest on the part of both regional and extra-regional powers in this area.

### **Policy Solutions**

Pakistan has to give more importance to its own development and prosperity. The growing interests of regional and super powers, including India, UAE, China, Russia and USA pose a major threat for Pakistan's long-term stability. Such interests cause intervention, which may be hazardous. To contain these powers out of Pakistan's boundary, Pakistan should strengthen its internal bonds. The inter-provincial, inter-sectarian and ethno-national bonds must be strengthened by will power and practicing righteous policies. The external intervention is possible only; if internally a country is weak enough. The hostile countries would always look for chances to manipulate the situation in Pakistan, and they have done so in the past. To ensure safety of physical boundaries of the state, the governments must take bold steps for resolving the conflicts, and conflicts can never be resolved by tyranny.

## **Political and Social Deprecation of the Baloch People and their Grievances**

The majority of the Baloch people think that, Balochistan only figures as a strategic asset in the policy of Pakistani establishment and its 44 per cent land mass and unlimited resources define their attitude. They put premium on their strategic needs rather than the people living there consequently there is no respect and regard for peoples' political aspirations, history, culture or social ethos which have all become victims of a brutal policy aimed at exploiting Balochistan's resources and land mass for their narrow strategic purposes. The unjust violation of every sentiment and right associated with peoples' political aspirations and social needs has resulted in resistance to these injustices by the people for last 66 years. "The Baloch people should not be denied of their right to declare their destiny", said Mir Muhammad Ali Talpur, a well known Baloch activist and leader.

### **Prevailing Problems**

Throughout the course of history, demands of the Baloch leaders have been to establish higher autonomy in Balochistan, or in some cases a separate, independent state of Balochistan. They claim that the Baloch people are deprived of their rights in their present status. Some of the major issues put forward by the Baloch nationalist groups are:

Lack of genuine socio-economic development in Balochistan;

- i. Non-employment of Locals
- ii. Development of mega projects conducted without consulting the local population and against the locals' interests
- iii. Establishment of Military Cantonments
- iv. Registration of cases against nationalists as terrorist cases
- v. The lack of provincial autonomy for Balochistan
- vi. The fears of the Baloch of becoming a minority in their province
- vii. Lack of benefits from natural resources exploitation which are located in Baloch areas.

### **Policy Solutions**

The Pakistani Government needs to develop a comprehensive political strategy to ensure, the Baloch people regain trust in the legitimacy of the government. The government needs to bring an end to old system of patronage Politics of Supporting some selected sardars and Their Tribes. On the other side, tribal sardars also act as obstacles to societal change for a better Balochistan. The government and the establishment

and other state institutions has to respect the grievances of the Baloch people and must ensure fulfilling of their duties as per standards.

## Missing Persons

9/11 has changed the landscape of the world altogether, with blatant violations of international norms and customs under the doctrine of necessity. Amongst such illegal practices is the phenomenon of missing persons, i.e. people who have been suspected of being involved in some kind of terrorist activities, or as abettors and facilitators of terrorist networks, people with some “intelligence value” or those who are likely to or are suspected of having to be capable of usurping public tranquility and order.

In Pakistan the issue of missing persons was taken to new heights when the Supreme Court took a suo moto notice and called for the intelligence agencies to provide full and frank disclosure in this regard. The Baloch rights activists have revealed how the Balochi youth, unhappy with the discrimination they have faced as a result of allocation of national resources towards them have been kidnapped, tortured and some even killed and dumped.

The issue of missing persons is important because there is no rule of law and people are being detained without the due process of law or fair trial guarantees. It is in contravention of the Constitution of Islamic Republic of Pakistan in particular the chapter on fundamental rights which encapsulates the right to equal protection under law (Article 2). Article 4 of the Constitution states as “*no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law*”, whereas the article 9 reads that “*no person shall be deprived of life or liberty save in accordance with law*”.

The Constitution of Pakistan guarantees the protection of Fundamental Rights not only for the citizens of Pakistan rather it includes any person who happens to be within Pakistan as it is evident from the wording of Article 4(1) which reads, “**To enjoy the protection of law and to be treated in accordance with law is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Pakistan.**”

Similarly abolition of torture in all its forms is a non-derogable norm, or jus cogens norm of the international law and since Pakistan is a signatory to and has ratified the Torture Convention, illegally detaining people and failure to control it is a violation of the states obligations and commitments under the international law.

## HUMAN RIGHTS CASE cited as PLD 2014 Supreme Court 305

Article 10 of the Constitution provides direct protection to people from enforced disappearance. Enforced disappearance of persons is concerned to be a crime against humanity all over the world in view of Article 1 of United Nations General Assembly Declaration on the Protection of All Persons from Enforced Disappearances, 1992 and Article 5 of International Convention for the Protection of All Persons from Enforced Disappearance (ICCPED), 2006. Missing persons cannot be detained illegally by government agencies, there must be some legislation in the country to control unauthorized detention of persons.

Since such a petition fell within the ambit of public interest litigation, the High Court might also initiate suo motu action itself even if the aggrieved did not approach the court due to “compelling circumstances”. It was further stated in this case that “under our constitutional dispensation it is not only the function but the duty of the Superior Courts to safeguard and protect the Fundamental Rights of **individuals or a class of persons**”.

## HUMAN RIGHTS COMMISSION OF PAKISTAN V GOVERNMENT OF PAKISTAN 2009 PLD SC 507

It is a settled principle of English law, which has also been adopted by our Courts that the writ of habeas corpus, which is of ancient origin, as distinguished from other prerogative writs, is one of right and not mere discretion. The Court in the case of Muhammad Azim Malik v A.C & S.D.M Preedy (South), Karachi and others reported in PLD 1989 SC 266 summarized the law relating to detention in the following words: “The duty is that of the Court, to satisfy itself with regard to the jurisdictional aspect and with regard to the lawfulness of the manner of detention. The law laid down by the Court further makes it clear that once the attention of the Court is properly drawn to a case of detention, the onus immediately shifts to the detaining authority to show the lawfulness of its authority in detaining the detainee.” Any form of restraint on liberty is actionable both under Article 199 of the Constitution and Article 491, C.r.P.C.



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## Conclusions

The Pakistani establishment, including both the civilian and the military, needs to come up with concrete political solutions to the problem of the Baloch ethnic nationalist and separatist movement and insurgency. In doing so, the government and the nation have to keep in mind the following backdrop:

1. The Baloch nationalism is a response to continuous economic and social imbalances that have been aggravated by military operations and violations of human rights.
2. Balochistan is the lifeline for Pakistan's economic development and for the potential to increase Pakistan's role in world politics and economics, due to the abundance of natural resources in the province and its geo-strategic location. - The US / NATO endgame in Afghanistan will take its toll in the most vulnerable provinces of southern Afghanistan - Helmand and Kandahar - which border Balochistan. There is a significant possibility of major spillover of instability into the Pashtun-dominated areas of northern Balochistan which border these Afghan provinces. This will make the situation inside the province even more chronic and anarchic.
3. The best long-term strategy to stop the protracted conflict in Balochistan is to provide an efficient governance and educational system which can release the Baloch from the clutches of the corrupt Patrons (Tribal *sardars*) and the Baloch to Give people a fair share of jobs in energy infrastructure development and revenues from natural resource exploitation. However, this all needs the true and righteous will of our “men in power”.



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