APRIL 2020

CURRENT HISTORY

A Journal of Contemporary World Affairs

SOUTH ASIA

India on the Edge

The Secular Foundation Cracks
Sumit Ganguly

Borderland Citizenship
Haimanti Roy

Safety Net Debates
Reetika Khera

Democracy Detours

Nepal's Transformations
Michael Hutt

Pakistan's Civic Space
Shandana Khan Mohmand

Plus:

Selling Out the Afghans
C. Christine Fair

Burmese Puzzles
Ardeth Maung Thawnghmung

CURRENT HISTORY

April 2020 Vol. 119, No. 816

CONTENTS

123 Is Empowered Hindu Nationalism Transforming India? .... *Sumit Ganguly*
The prime minister's party is systematically dismantling the secular foundations of the state, little challenged by opposition parties and the judiciary. Ominous outbreaks of violence have occurred.

128 Testing Citizenship in the Bengal Borderlands .... *Haimanti Roy*
Since Partition, the porous frontier between eastern India and Bangladesh has been a hotbed of conflict over ethnicity, religion, and the question of who belongs where.

134 India's Welfare State: A Halting Shift from Benevolence to Rights .... *Reetika Khera*
The gradual emergence of rights-based social programs has prompted a series of debates over how aid is best delivered. *Seventh in a series on ways of governing.*

141 The Changing Face of Nepal .... *Michael Hutt*
The Himalayan nation survived a Maoist insurgency and made an abrubt transition from Hindu monarchy to secular democracy, but still struggles with deeply rooted inequality.

146 Pakistan's Closing Civic Space .... *Shandana Khan Mohmand*
Even though elections are more democratic than ever, the government has taken cues from the Saudis and the Chinese in cracking down on civil society.

PERSPECTIVE

152 Selling Out the Afghans .... *C. Christine Fair*
The US–Taliban agreement to finally end a two-decade conflict does not include the Afghan government and offers little to reassure war-weary civilians.

BOOKS

156 Can Myanmar Save Itself? .... *Ardeth Maung Thawnghmung*
A prominent native son seeks to explain the country's dramatic changes and crises, but says little about unsung activists who are working on practical reforms.

THE MONTH IN REVIEW

160 February 2020
An international chronology of events in February, country by country, day by day.

CURRENT HISTORY

April 2020

"All of these actions reflect the ideological commitments of the BJP and its desire to fundamentally alter the country's constitutional dispensation."

Is Empowered Hindu Nationalism Transforming India?

SUMIT GANGULY

Since winning a second term in power with an overwhelming parliamentary majority in April–May 2019 elections, the Hindu nationalist Bharatiya Janata Party (BJP), led by Prime Minister Narendra Modi, has undertaken a series of steps that could transform India. Through four key policy choices, the government has attacked the secular foundations of the Indian state. These policy initiatives include an attempt to implement a National Register of Citizens (NRC), the passage of the Citizenship Amendment Act (CAA), a sudden move to end the special status of the disputed state of Jammu and Kashmir, and a crackdown on major universities. All of these actions reflect the ideological commitments of the BJP and its desire to fundamentally alter the country's constitutional dispensation. And each move appears to be directed toward denying Muslims the status of equal citizenship in India.

Previous Indian governments occasionally failed to uphold secular principles and practices. But their failures were mostly in the form of lapses, as opposed to a deliberate, anti-secular endeavor, and could be traced to the exigencies of electoral politics—though the most notable cases involved courting Muslim voters rather than their Hindu counterparts. For example, in 1986, the Congress party government led by Prime Minister Rajiv Gandhi overturned a Supreme Court judgment that granted alimony to an indigent Muslim woman. It did so in an attempt to appease the orthodox Islamic clergy and appeal to a segment of the Muslim community. The same government also banned Salman Rushdie's novel *The Satanic Verses* in 1988, citing allegedly blasphemous passages in the book, even before Iran declared its infamous fatwa calling for Rushdie's death. This decision, too, was made with an eye firmly on the Muslim vote. (Historically, the Congress party has at least professed a fidelity to the principles of secularism.)

Now, however, the present government has gone much further, launching an orchestrated, unrelenting assault on India's secular order. During its initial term in office, from 2014 to 2019, Modi's government did not undertake any drastic or precipitate actions that reflected its ideology. But it did make some choices that could now been seen as harbingers of the full-blown Hindu nationalist ideological agenda it is now pursuing.

The BJP government systematically placed ideologically reliable but utterly unqualified individuals in influential government-supported institutions. For example, it appointed a historian with slender professional credentials, Sudershan Rao, to the directorship of the Indian Council of Historical Research, a body that funds scholarship. Previous governments no doubt selected appointees who shared their ideological preferences, but never in the history of the organization had any government designated someone so lacking in academic credibility. Similarly, despite widespread opposition, the BJP appointed a relatively marginal actor, Gajendra Chauhan, to head the prestigious Film and Television Institute of India. His main qualification, in the eyes of the government, was that he had played an important character in a television series based on the *Mahabharata*, one of

SUMIT GANGULY *is a distinguished professor of political science at Indiana University and a* Current History *contributing editor.*

Downloaded from http://online.ucpress.edu/currenthistory/article-pdf/119/816/123/400688/curh_119_816_123.pdf by Brett Kier on 21 September 2022

the two principal Hindu religious epics. Beyond that role, his acting credits were limited.

At a wider societal level, the government flagrantly and callously disregarded the actions of Hindu vigilante groups that have viciously attacked Muslims involved in the cattle trade, killing more than a dozen people. The ostensible justification for these attacks was that the traders were surreptitiously transporting cattle for slaughter. The police in BJP-ruled states, where most of these incidents occurred, have turned a blind eye toward the perpetrators.

The BJP's questionable appointments and the latitude it gave these "cow protection" marauders were disturbing enough. But they did not represent an outright onslaught, backed by the full machinery of the state, on India's secular values. In its latest incarnation, the BJP government is now engaged in such an enterprise, imposing its Hindu nationalist agenda on the nation's most sensitive issues, ranging from Kashmir to citizenship.

THE KASHMIR TAKEOVER

On August 6, 2019, the BJP revoked the special status of the northern state of Jammu and Kashmir through a presidential order. This directive replaced an earlier order that dated back to 1954, which had accorded a degree of autonomy to the state. Specifically, the state had been allowed to have its own constitution and its own flag, and to restrict the ability of non-Kashmiris to acquire land in the state. Over the years, some of the more expansive privileges had been whittled down. Nevertheless, Article 370 of India's Constitution ensured that the state enjoyed a substantial degree of autonomy within the Indian Union.

Under the terms of the 2019 ordinance, the state has been bifurcated into two Union territories: Jammu and Kashmir, and Ladakh. They will be directly ruled from New Delhi, although a legislative body has been envisaged for Jammu and Kashmir. In the meantime, all political activity in the two new territories is at a standstill. Most Kashmiri Muslim politicians, regardless of political affiliation, have been confined to indefinite house arrest under the draconian Public Safety Act. (After seven months in detention, Farooq Abdullah, a member of Parliament and former chief minister of Jammu and Kashmir, was released in March 2020.) Under the terms of this law, a citizen can be detained for up to six months without being produced in court. In addition to these harsh curbs on the political sphere, New Delhi imposed drastic limits on Internet access in Kashmir for several months, before restoring partial service in January 2020. This was easily the longest shutdown of the Internet in any democratic country to date.

There had been compelling historical reasons for the state's distinctive status. Jammu and Kashmir was among some five hundred so-called princely states during the period of British colonial rule. These states, though nominally independent, deferred to the British crown on matters of defense, foreign affairs, and communications. When Britain disengaged from the subcontinent in the late 1940s, Lord Mountbatten, the last viceroy, gave the monarchs a choice: they would have to join one of the emergent successor states of British India, either India or Pakistan, on the basis of their geographic location and their demographic composition. Independence was ruled out.

Jammu and Kashmir posed a problem for a number of reasons. It had a predominantly Muslim population, shared borders with both India and Pakistan, and was ruled by a Hindu monarch, Maharaja Hari Singh, who was disinclined to join either of them. Hari Singh had fears about how he would be treated by Pakistan, a country that had been created as a homeland for the Muslims of South Asia—especially since he was hardly known for sympathetic treatment of his Muslim subjects. Nor did he wish to throw in his lot with India, since he was well aware that its nationalist leader, Prime Minister Jawaharlal Nehru, had socialist leanings and no particular affection for monarchy.

Both India and Pakistan were eager to incorporate the state into their domains. For India's leadership, bringing a Muslim-majority state such as Kashmir into the fold of the Indian Union would underscore the country's secular credentials, demonstrating that a religious minority could thrive under the aegis of a pluralist liberal democracy. Pakistan's claim to Kashmir was irredentist: it needed to absorb this neighboring Muslim state to complete its identity as a Muslim homeland.

Within months of the end of British colonial rule, a tribal rebellion broke out in southern Kashmir. Soon the rebels approached the summer capital, Srinagar. Hari Singh's forces were about to be overwhelmed when he appealed to India for military assistance. Nehru agreed to come to his aid as long as two conditions were met: the maharaja would have to accede to India, and in the absence of a referendum, the accession would require the imprimatur of Sheikh Mohammed Abdullah, the leader of the Jammu and Kashmir National Con-

Downloaded from http://online.ucpress.edu/currenthistory/article-pdf/119/816/123/400688/curh_119_816_123.pdf by Brett Kier on 21 September 2022

ference, the largest secular party in the state, to ensure that it was seen as legitimate.

Indian troops were airlifted into Kashmir and stopped the Pakistan-aided tribal forces, but not before the raiders had seized a third of the state. On the advice of Lord Mountbatten, Nehru referred the dispute to the United Nations. The issue quickly became embroiled in the politics of the Cold War. Partly as a result of the ensuing deadlock, Pakistan initiated a second war with India in 1965. Although the war proved to be inconclusive, Pakistan did not abandon its claim to Kashmir.

The dispute, for all practical purposes, remained dormant until about 1989, when an insurgency erupted in the Indian-controlled portion of the state. The roots of the insurgency could be traced to the exigencies of Indian domestic politics. However, Pakistan quickly stepped into the breach and moved to transform the revolt into a well-orchestrated, religiously motivated project designed to extort the local population into complying with the demands of the insurgents.

By the mid-1990s, the insurgency had been mostly contained through a mix of coercion and compromise. However, tens of thousands had been killed, and the failure of successive state and national governments to address the underlying grievances among the population of the Kashmir Valley, the locus of the conflict, led to a series of popular protests in recent years.

India's universities now face threats to their academic freedom.

Since Modi assumed power in 2014, the BJP had been angling for a way to gain control over the state. To that end, it forged a marriage of convenience with the local People's Democratic Party, in 2015, forming a coalition government after no party managed to win an outright majority in state elections. This alliance lasted until 2018, when the BJP withdrew and imposed direct rule from New Delhi.

By doing away with Article 370, the BJP government fulfilled a long-standing campaign promise. It cited a number of reasons for abrogating the state's special dispensation, claiming that its integration into the Indian Union would facilitate economic development, enhance the status of women in the region, and confer on Kashmir's inhabitants a range of rights and benefits that are available to other Indian citizens. It also asserted that deteriorating security in the region forced it to act.

Yet the BJP and its predecessor, the Bharatiya Jana Sangh, had long opposed giving Kashmir special treatment under the constitution merely because of its Muslim-majority status. During the BJP's first term in power at the national level, from 1998 to 2004, it held a slender parliamentary majority, had to sustain a coalition government, and was focused on delivering a range of welfare programs mostly designed to expand its electoral base. It is hardly surprising that the Modi government, once it was armed with a clear-cut parliamentary majority, chose to dispense with Kashmir's autonomy.

The BJP had other, underlying reasons for this policy shift. Most importantly, it seeks to change the demography of India's only Muslim-majority state. Now Indians from other states, especially non-Muslims, will be able to migrate to the region, settle there, and acquire property. If this process does get under way, the Muslim majority will disappear over time—and any future separatist effort based on religious affiliation would be futile.

There is another kind of strategic logic involved. Since India and Pakistan gained independence, the two nations have been locked in a seemingly interminable rivalry over Kashmir. They have fought three wars (in 1947–48, 1965, and 1999) over its status. Multilateral, bilateral, and even unilateral diplomatic efforts to resolve the dispute have failed. Dividing the territory and integrating it into India undercuts Pakistan's long-standing irredentist claim, and is a move consistent with the BJP's muscular approach to foreign and security policy issues.

SORTING CITIZENS

The NRC, which dates to 1951, is intended to determine who is legitimately a citizen of India. The origins of the current controversy over the NRC can be traced to the fraught politics of the border state of Assam in Northeast India. The state has a long history of agitation against illegal immigration, especially from Bangladesh, which borders Assam. A 2013 case resulted in a Supreme Court order that prompted an updating of the NRC database in the state. However, when the new list of citizens was released in August 2019, as many as 1.9 million Assam residents had been left out, about 700,000 of whom were Muslims. Their exclusion prompted calls for a renewed effort to ensure a more accurate count.

In November 2019, Home Affairs Minister Amit Shah declared in Parliament that the NRC would

Downloaded from http://online.ucpress.edu/currenthistory/article-pdf/119/816/123/400688/curh_119_816_123.pdf by Brett Kier on 21 September 2022

next be extended to all parts of India. Shah's statement caused widespread anxiety, given his history of extreme anti-immigrant rhetoric. In the final days of the 2019 election campaign, while serving as BJP president, he had referred to illegal migrants from Bangladesh as "termites" and promised to throw them into the Bay of Bengal.

Given that vast numbers of Indians are indigent, illiterate, and often itinerant, many feared that the poor and minorities would face the greatest risk of being classified as noncitizens in any NRC exercise, since they would be least likely to be able to produce the necessary documents, such as birth certificates. Most disturbingly, those who are excluded from the the NRC rolls can be placed in detention camps while their claims are being adjudicated. The government has already built a number of such camps in Assam and other states, and has started confining hundreds of alleged illegal immigrants in them.

Fearing the distinct possibility that substantial numbers of Muslims and other minorities would be disenfranchised, Indian civil society organizations have mounted vigorous protests against the implementation of the NRC. But the government remains adamant about carrying out this exercise. Both in New Delhi and in various BJP-run states, authorities have harshly cracked down on protesters.

The BJP seeks to change the demography of India's only Muslim-majority state.

The government's overt anti-Muslim bias is also evident in the second major citizenship policy initiative it has launched. On December 11, Parliament passed the Citizenship Amendment Act (CAA), modifying the original 1955 Citizenship Act. On the face of it, this new legislation promises expedited citizenship to "persecuted minorities" from three of India's neighbors: Afghanistan, Bangladesh, and Pakistan. However, while the amendment does offer Buddhists, Christians, Jains, Hindus, Parsis, and Sikhs from those countries a clear pathway to citizenship, it excludes Muslims (as well as certain other groups, including Sri Lankan Tamils).

Critics accordingly have argued that this amendment has little or nothing to do with providing safe haven to persecuted minorities from neighboring countries, but rather is designed to marginalize and stigmatize Muslims. In January 2020, the Supreme Court refused to issue a stay order to block the CAA, but referred the matter to a wider bench and gave the government a month to respond to the 144 petitions that have been entered for and against the law. Whatever the outcome, there is little question that the CAA and the NRC are complementary actions that seek to redefine citizenship on religious grounds.

Universities under Assault

The CAA has provoked widespread protests across the country. Some of the initial opposition emerged on three major university campuses. Two of these, Jamia Millia Islamia in New Delhi and Aligarh Muslim University in the state of Uttar Pradesh, are known as predominantly Muslim institutions. The third, Jawaharlal Nehru University (JNU) in New Delhi, is probably India's foremost liberal arts institution, with a well-deserved reputation for a left-of-center political orientation. All three universities now face threats to their academic freedom. On various occasions in 2019 and early 2020, all three witnessed violent clashes between government supporters and students.

The first incident took place at Jamia Millia Islamia in mid-December 2019. As students protested against the CAA, the New Delhi police entered the campus without any request from the university administration for their assistance. (Unlike in other cities, where the police are under local control, in New Delhi they are under the direct control of the central government.) Some protesters started throwing stones at the police, who reportedly responded with brutality—even attacking students who were not part of the protests as they studied in the university library.

That night, the police also entered the campus of Aligarh Muslim University. Uttar Pradesh has a BJP government, and the state's populist chief minister, Swami Adityanath, has made no secret of his hatred of Muslims. In this instance, the university's administrators sought police assistance to disperse student protesters—and the result was again indiscriminate police brutality. The administrators blamed the violence on the presence of unnamed outsiders.

In early January, a group of masked intruders armed with makeshift weapons entered the JNU campus and attacked students belonging mostly to a left-wing student union, whose president was seriously injured. The students had gathered to express their discontent with a large proposed tu-

Downloaded from http://online.ucpress.edu/currenthistory/article-pdf/119/816/123/400688/curh_119_816_123.pdf by Brett Kier on 21 September 2022

ition fee hike. According to university authorities, the protesters were preventing other students from registering for the upcoming term.

The assailants allegedly belonged to the Akhil Bharatiya Vidya Parishad, the student wing of the Rashtriya Swyamsevak Sangh, the militant arm of the BJP. As this fracas engulfed the campus, university administrators called in the New Delhi police to restore order. But video footage shows that the police passively stood by as the intruders went on a rampage against students, faculty, and JNU property. Since the police are under the direct control of the Ministry of Home Affairs, it is reasonable to surmise that they were not ordered to stop the perpetrators. Apart from their failure to protect the victims, the unresponsiveness of the police underscores an even more disturbing point: the very real danger posed by their politicization under the present government.

In all three cases, the government and its agents sought to intimidate students and faculty whom they deem to be inimical to their interests. These incidents reveal the extent of the government's hostility toward free speech and academic freedom. Student agitation and even occasional violence were hardly unknown in India's universities in the past. But this recent form of systematic repression using police force (or inaction) on campus clearly marks a new and deeply ominous trend.

Can the guardrails hold?

All of these recent policy initiatives by Modi's government—the ruthless rescission of Kashmir's autonomy, the aggressive moves to police citizenship through the CAA and the NRC, and the attempts to silence universities—share a common thread. They are all designed to bolster India's Hindu majority at the cost of the country's minorities. With its commanding parliamentary majority, a weak and dispirited opposition, and a seemingly ambivalent Supreme Court, the BJP is acting like a veritable juggernaut.

The August 2019 abolition of Article 370, putting Kashmir under direct government control, drew only limited opposition, primarily from within India's political elite. The two policy shifts on citizenship, however, have provoked nationwide demonstrations. In early 2020, these protests showed no signs of abating, despite harsh actions against protesters in a number of BJP-controlled states, especially populous Uttar Pradesh.

Have the guardrails of Indian democracy been irrevocably breached by the government's actions? It is possible that despite its present state of disarray, the opposition, at both the national and state levels, will be able to regroup and offer some meaningful resistance to the BJP's agenda. In early February 2020, the BJP suffered a stunning loss in state-level elections in New Delhi.

The normally feisty press, though considerably cowed, has not entirely abdicated its responsibilities and could yet find ways to push back. But it faces heavy pressure from the government, which has sought to muzzle the independent New Delhi Television network, raising specious allegations of tax evasion to prevent the owner and his wife from traveling abroad. Worse still, Gauri Lankesh, the editor of a critical local newspaper, was gunned down outside her home in Bengaluru in 2017.

For its part, the once staunchly independent Supreme Court has failed to demonstrate much autonomy in recent decisions. Among other matters, it has refused to halt the implementation of the CAA, giving the government leave to respond to petitions. And in a November 2019 decision, it allowed the government to proceed with the construction of a Hindu temple on the site of a mosque in Ayodhya, Uttar Pradesh, that a BJP-affiliated mob had destroyed in December 1992. Yet it may be too soon to suggest that the court will not again find its moorings.

The strongest opposition element is India's vibrant civil society. At some risk, large numbers of activists and ordinary citizens have protested with great vigor. The key question is whether they can sustain these protests over time. In late February 2020, riots broke out between anti-CAA Muslim protesters and Hindu mobs in a northeastern corner of New Delhi. More than 50 people were killed, and it took three days before the police effectively restored order. The only positive aspect of this tragic episode was that a number of local Hindus sheltered their Muslim neighbors from the wrath of the marauders.

Can democratic constraints like the political opposition, the judiciary, the media, and civil society prevent the BJP from inexorably achieving its sectarian objectives? If the party succeeds in its endeavor, it will effectively transform India from a pluralist, liberal, and secular state into a Hindu majoritarian polity. Such a drastic reshaping of India's constitutional order could have sweeping consequences for the state's ability to maintain social order, given the country's inherent ethnic, religious, and cultural diversity. ■

Downloaded from http://online.ucpress.edu/currenthistory/article-pdf/119/816/123/400688/curh_119_816_123.pdf by Brett Kier on 21 September 2022

> **"This introduction of religiously based citizenship is a move away from the constitutional concept of citizenship introduced in India in the mid-twentieth century."**

Testing Citizenship in the Bengal Borderlands

HAIMANTI ROY

On the foggy, heavily polluted winter morning of December 14, 2019, a group of poor Muslim women gathered in Shaheen Bagh, a neighborhood in New Delhi, to begin a protest against the passage of the Citizenship Amendment Act (CAA) a few days before. This law promises to give fast-track citizenship to those identified as "noncitizens" or "illegal immigrants" if they came to reside in India before 2014 and belong to non-Muslim minority communities in the neighboring Muslim-majority countries of Afghanistan, Pakistan, and Bangladesh. This means that Hindus, Buddhists, Sikhs, Parsis, Jains, and Christians will be able to claim Indian citizenship on the basis of perceived religious persecution in their countries of origin. The CAA thus introduces a religious test for Indian citizenship, in contravention of the Constitution, which bars the privileging of religion. Members of India's Muslim minority fear that the law, in combination with a concurrent initiative to register all Indian citizens, will be used to mark them as foreigners and disenfranchise them.

Blocking one of the busy arteries that connect Delhi to its suburb of Noida, the women of Shaheen Bagh have organized an unprecedented nonviolent sit-in against the CAA. Songs and poems of resistance animate the protesters as they drink warm cups of chai, and a Sikh *langar* (community kitchen) nearby prepares dinner for them. The scale of the protest has grown as it has attracted men, women, and children from outside the neighborhood over the past three months, but the central focus is still their demand for the CAA to be revoked.

Although they were not the first to protest—students at a nearby university, Jamia Millia Islamia, had already been protesting for weeks despite facing police violence—these women have emerged as the voice of India's secular conscience. They have wrested the ideas of citizenship and democracy from the middle classes and the political elite, and have claimed their right of belonging to a nation that has increasingly become comfortable with its majoritarian identity at the expense of its religious and caste minorities.

This turn toward intolerance has had serious repercussions. On February 23, 2020, Muslims living in northeast Delhi were attacked by pro-CAA mobs. The ensuing violence lasted three nights, and left more than 50 people dead and over 200 injured. The victims were mostly Muslim.

Indian Muslims' fears of discrimination and disenfranchisement are not unfounded. Under the ruling Bharatiya Janata Party (BJP), the world's largest democracy has become increasingly undemocratic, and the government of Prime Minister Narendra Modi is unwilling to listen to the diverse voices of its people. The BJP has traditionally espoused Hindu nationalism, defining India as a Hindu nation. Since coming to power in 2014, Modi's government has enabled mob violence and lynching against Muslims, revoked the special status of Kashmir (the only Muslim majority state in India), and enacted legislation that economically and socially excludes Muslims. Right-wing public discourse on social media and at political rallies has made it routine to dehumanize Muslims as "termites," "infiltrators," and "traitors," declaring them proxy citizens of Pakistan and Bangladesh.

India's Muslims have long been demonized and asked to justify their loyalty and belonging to the Indian nation. What is new, and what the women of Shaheen Bagh and others across the subcontinent continue to protest, are the attempts to institutionalize discrimination against Muslims in the terms of citizenship. BJP leaders have indicated that they will soon ask all Indians to enter their names in the National Register of Citizens (NRC). The key criterion for inclusion will be the posses-

HAIMANTI ROY *is an associate professor of history at the University of Dayton.*

Downloaded from http://online.ucpress.edu/currenthistory/article-pdf/119/816/128/400694/curh_119_816_128.pdf by Brett Kier on 21 September 2022

sion of particular identification documents such as birth certificates and passports. The NRC will take the initial count from another database, the National Population Register. This central database of "usual" residents with demographic and biometric details was first implemented in limited form during the 2011 census.

Those excluded from the NRC's database can seek recourse under the CAA, which provides preferential citizenship to Hindus. But persecuted Muslims such as the Rohingyas from neighboring Myanmar or the Ahmaddiyas or Shias in Pakistan are not included in the CAA's language of refuge. Nor are the persecuted Sri Lankan Tamils, comprising Hindus, Christians, and Muslims. Thus, the CAA's assumptions are two-pronged: persecution of minorities happens only in Muslim-majority nations that are India's neighbors, and only such minorities are legitimate "refugees" deserving of access to Indian citizenship. As many critics have pointed out, this is a clear violation of India's Constitution.

The BJP's arguments cite the threats of "illegal migrants" and "infiltration," which have been periodically invoked in the name of national security by different political parties, especially in the northeastern state of Assam. The NRC had a trial run in Assam in 1951, and there have been periodic exercises in the state since then. But the specter of a nationwide registration process is new.

Muslim border-crossers were almost always viewed as "foreigners."

It is not surprising that the NRC was reactivated in Assam after the BJP's return to power under Modi. The aims of the exercise were to identify illegal migrants who had entered India since March 24, 1971, and to determine the citizenship status of the applicants who applied for inclusion in the register. In the final count, published in August 31, 2019, over 1.9 million residents were excluded, out of the total of some 33 million applicants.

So who are these alleged illegal immigrants whom the government wants to identify and exclude? The BJP seems most concerned about the movement of people along the eastern frontier, the Bengal borderland, which encompasses the states of West Bengal, Assam, and Tripura on the Indian side and Bangladesh on the other. According to the Pew Research Center, about 3.2 million immigrants from Bangladesh were living in India in 2015. But due to a lack of reliable data, any discussion about the numbers of illegal migrants is based largely on general perceptions and political rhetoric.

THE BUSINESS OF PARTITION

India's longest international border is with Bangladesh, a legacy of the Partition of British India in 1947. After the British withdrawal in August that year, two new nation-states, India and Pakistan (comprising disconnected western and eastern sections), came into being. The business of partitioning was done swiftly, over a matter of some six weeks, behind closed doors, and without any input from the people who were about to be divided on the basis of religious demography.

As India and Pakistan attempted to cope with the consequences of Partition, they were also crafting their independent states. The task of writing new constitutions went hand in hand with their attempts to stem the flows of the largest forced migration of people in history, across borders that existed only on paper. For all the new nation-states' development ambitions, they had to deal first with horrific, large-scale communal violence, massive displacement, and the basic needs of the millions of Partition refugees.

Between 1946 and 1965, nearly nine million Hindus and Sikhs moved into India, and approximately five million Muslims moved into both parts of Pakistan. Such migrations were not a simple exchange of populations. In fact, the plan for Partition had anticipated the opposite: that the minorities in each country would provide a balancing safeguard, ensuring communal détente. In September 1947, at the height of the Partition migration, Pakistan's founding leader, Muhammad Ali Jinnah, repeatedly tried to assure non-Muslim residents that they would be "free to go to your temples . . . or to any other place of worship in this state of Pakistan." Similarly, India's first prime minister, Jawaharlal Nehru, stressed that India was a land for all Indians and that Muslims would have the same rights of citizenship as anyone else. But such promises to protect minority rights, amid the ongoing violence, uprooting of populations, and breakdown of bureaucratic infrastructure, came too late and were not enough to assuage people's fears.

The migration patterns were different on India's respective borders with West and East Pakistan. The flow slowed to a trickle across the former border by 1949, but surged over the latter after riots in 1950 in Bihar, Calcutta, and Dhaka. Migration on the eastern border continued unceas-

Downloaded from http://online.ucpress.edu/currenthistory/article-pdf/119/816/128/400694/curh_119_816_128.pdf by Brett Kier on 21 September 2022

ingly—sometimes in higher numbers, sometimes lower—over the next two decades. But those who wanted to return to their homes once the Partition violence had subsided found it impossible due to new legislation and travel regulations in both India and Pakistan.

In the eastern borderlands, comprising present-day Bangladesh and the eastern and northeastern Indian states of West Bengal, Assam, and Tripura, large numbers of people settled in the bigger urban areas: Calcutta, Dhaka, and Agartala. Others settled in places not far from their homes across the border, becoming borderland refugees and migrants. Migrants identified themselves in different ways to gain access to relief and rehabilitation assistance, and to gain national acceptance as enterprising and resilient citizens of the new states. They used Bengali terms such as *baastuhaara* (homeless/dispossessed) and *udvaastu* (displaced/forced migrant), or the English word "refugee." But others, Muslims in India and Hindus in East Pakistan, remained in their homes, refusing to leave, and became minorities in their homelands.

MOBILE IDENTITIES

With three major rivers (the Ganga, the Meghna, the Brahmaputra) and their numerous tributaries, miles of forests, and hilly terrain, the Bengal borderland proved to be a difficult landscape in which to mark the boundaries of India and East Pakistan. This ecological interdependence mirrored another historical connection: the traditional mobility of seasonal labor, peasants, itinerant traders, and families across the region. After 1947, India, East Pakistan, and later the state of Bangladesh viewed such mobility as detrimental to their national security, often categorizing routine migration as "illegal," or sometimes as "infiltration." But given the physical terrain and the lack of personnel and infrastructure, the presence of authorities in the form of border guards and checkpoints was and continues to be limited in many sections of this borderland, allowing inhabitants to maintain cross-border kinship networks and economic activities.

Not all movement of people in this region was Partition-related. Migration of cheap labor began under the aegis of the colonial state, which transported people from central India and the Bengali-speaking heartland to its frontier zones, such as Assam. These laborers worked on the British-owned tea estates and as cultivators, turning barren land into productive farms. Such migration continued even as the region's political contours were reframed, first as India and East Pakistan, and then, after the 1971 war, by the independence of Bangladesh.

The political chessboard of shifting identities brought Bengali-speaking migrants into the Assam valley from regions such as Sylhet, which originally had been part of British Assam but joined East Pakistan after 1947. Language and culture were additional dimensions of Assam's borderland identities. The Assamese, protective of their culture, tribal population, and lands, did not welcome such migration.

The politics of Assam and the rest of India's northeast have historically been structured around hostility to the presence of linguistic and cultural "outsiders." The Assamese suspected Hindu Partition migrants from East Pakistan of coming to take over their land. Muslim migrants following traditional patterns of mobility became, in the eyes of the Indian state, "infiltrators" carrying out a "demographic invasion."

Religious identity would form the basis of legal citizenship.

This region has witnessed sustained efforts to oust Assamese residents on the basis of language and religion. The Immigrants (Expulsion from Assam) Act of 1950 allowed India to deport anyone who came into Assam from other nation-states. This law, along with the first NRC (specifically prepared for Assam in 1951), implicitly identified Hindu migrants as refugees and Muslim migrants as illegal aliens. In 1983 came the Assam Accord, under which the Indian state committed to identifying and deporting anyone who had migrated to Assam after March 25, 1971. Now the recently concluded NRC exercise has identified 1.9 million Assam residents as noncitizens.

These efforts have also been reflected in laws such as the 1955 Indian Citizenship Act, which was amended in 1986 in the wake of anti-immigrant agitation in Assam, and then again in 2004. The amendments have redefined Indian citizenship, setting more weight on blood ties and culture, and erasing the original mandate of jus soli (birthright citizenship).

As with Bengali-speaking residents in Assam, similar questions of linguistic identity and national belonging hung over Muslims who, around the time of Partition, had moved from the eastern

Downloaded from http://online.ucpress.edu/currenthistory/article-pdf/119/816/128/400694/curh_119_816_128.pdf by Brett Kier on 21 September 2022

Indian state of Bihar to East Pakistan. Because they were non-Bengali speakers (their languages were Urdu, Awadhi, or Maitheli), the "Biharis," as they came to be known, had a difficult time integrating within Bengali society and finding housing and jobs in East Pakistan. After 1971, when Bangladesh gained independence, many applied for repatriation to Pakistan, but most applications were rejected. To make matters worse, Bangladeshis viewed Biharis as Pakistani collaborators who had supported the enemy during the 1971 war.

To this day, the Biharis in Bangladesh live in a stateless condition. Housed primarily in camps in Dhaka and around the country, they continue to face institutional discrimination in access to education, jobs, housing, and health care.

CITIZENSHIP IN THREE ACTS

Amid the uncertainties and displacements of the post-Partition subcontinent, understandings of citizenship and belonging were in flux. Both India and Pakistan crafted constitutional and legal parameters to clarify who would be, and could be, their citizens. In Pakistan, birthright citizenship based on ethno-religious criteria became the norm. In India, egalitarian ideals had to be tempered with political compromises. But in both countries, citizenship was portrayed as "natural" and "automatic" for the respective religious majorities, while the loyalty and belonging of "minority citizens" would be repeatedly subjected to litmus tests.

In India, three measures set the parameters of citizenship: the Foreigner's Act of 1946, the Constitution of 1950, and the Citizenship Act of 1955. The Foreigner's Act, enacted while India was still under British rule, defined a "foreigner" as someone who is not a citizen of India—even before citizenship itself was debated and defined in Indian law. This law gave the Indian central government absolute powers to deport any foreigner without due process. It also shifted the burden of proof onto the individual, rather than the authorities.

Although constitutions do not generally address legal citizenship, India's defined the term in Articles 5 to 11. Members of the Constituent Assembly made clear their intent in drafting those articles: this was to be a stopgap measure to resolve the citizenship of those displaced by Partition until a citizenship law could be passed by Parliament. But even such a limited mandate provoked a heated debate among members of the Assembly: was citizenship to be granted to all born within India's new territories (jus soli) or was it to be based on the status of one's parents (jus sanguinis)? The Assembly members finally settled on jus soli: a form of citizenship that was "democratic," "universal," and "enlightened, modern, civilized." They found jus sanguinis to be "sectarian" and based on an "idea of racial citizenship." Most members were against religiously based citizenship, and the Constitution mentioned no such criteria.

The Citizenship Act of 1955 incorporated both definitions of citizenship: by birth and by descent. It also provided a path to citizenship through registration and naturalization. The law defined an illegal immigrant as a foreigner who enters India without valid travel documents, or one who remains in India beyond the time permitted.

Two groups did not fit neatly within the terms and conditions of these laws. The first was the Muslim "returnees" who had left their original homes in India and fled to Pakistan during the Partition violence. When these Muslims attempted to return to their homes in the 1950s, they found that their temporary move to Pakistan was regarded as a revocation of their Indian citizenship and belonging.

The second group comprised Hindus and Muslims from East Pakistan/Bangladesh who moved and settled along the eastern borderland in the decades following the upheavals of 1947 and 1971. The Indian government, and Assam officials in particular, viewed such migrants as infiltrators and spies. For example, the 1961 census found that there were over two million "infiltrants" from East Pakistan in Assam. Deportations began soon after, amid protests that "genuine" citizens were being targeted on the basis of their ethno-linguistic identity. Bangladesh's War of Independence in 1971 generated further flows of cross-border migration, intensifying anti-Bengali sentiment in Assam.

The Assam Accord of 1985, an agreement between the Indian government and Assamese leaders, mandated identification of Bengali-speaking migrants who could not prove that their ancestry in the state predated March 24, 1971, the day before Bangladesh declared its independence. These migrants would be classified as foreigners and deported. Subsequent Assam censuses have counted as Indian citizens only those who can prove that they or their parents were residents of India before that date.

Travel documents such as passports, visas, and migration and repatriation certificates became a key means of identification and detection of both

Downloaded from http://online.ucpress.edu/currenthistory/article-pdf/119/816/128/400694/curh_119_816_128.pdf by Brett Kier on 21 September 2022

nationals and nonnationals. Set up in the early 1950s, this documentary regime proved to be ineffective in regulating border mobility in the Bengal borderlands; border crossers figured out plenty of ways to evade it. Traditional migration linkages worked in their favor, as did the still-unmarked, difficult terrain with few border posts. People crossed with real or counterfeit papers, which they often threw away after reaching their destinations.

But the documentary regime was effective in determining the line between legal and illegal mobility, between potential citizens and foreigners, and between Indians and Pakistanis. Most people acquired documents such as the passport casually, as a prerequisite for impending travel, but these became crucial for certifying nationality.

Although court rulings were inconsistent, public and bureaucratic perceptions most often aligned documentary citizenship with religious identity. The Indian state viewed Hindus from Pakistan as potential citizens who deserved documents that would facilitate their path to becoming Indians. In contrast, Muslim border-crossers were almost always viewed as "foreigners" and Pakistanis, or, after 1971, as Bangladeshis. In subsequent decades, both the Foreigner's Act and the Citizenship Act were modified with further amendments that formalized deportation processes with quasi-judicial bodies called Foreigners' Tribunals. Unique to Assam, these tribunals are empowered to determine citizenship cases. Critics have called them "kangaroo courts" that lack independence and often exhibit clear bias against those identified as "illegal." By eliding any distinction between illegal immigrants and infiltrators, these legal processes equate India's economic well-being with its national security.

Amendments to the Citizenship Act, signed into law in 2004 under a previous BJP government, explicitly introduced for the first time a religion-based exception to the principle of citizenship by birth. The law now stated that even if born on Indian soil, a person with one parent who was an illegal migrant at the time could not be eligible for citizenship by birth. It also exempted Hindus with Pakistani or Bangladeshi citizenship from the definition of illegal migrants. By default, only Muslim migrants were deemed "illegal." Religious identity would form the basis of legal citizenship.

PAPER CITIZENS

On May 27, 2019, a decorated Indian army veteran, Mohammad Sanaullah, found out that he had been declared a "foreigner" by the Assam Foreigners' Tribunal after being left out of the latest draft of the National Register of Citizens. The next day, he was sent to a detention center, one of six that hold hundreds of people who have been similarly ruled noncitizens over the years. The Modi government reportedly is already building more such detention camps in Assam and elsewhere to hold people excluded from the proposed pan-India registry. Ironically, Sanaullah had served as an officer with the border security force that is tasked with tracking and stopping illegal migration from Bangladesh.

Luckily for Sanaullah, his situation was reported by the national media, and India's Supreme Court, which oversees the current NRC process in Assam, ordered a review—which revealed that his nationality had been called into question by spurious witness statements. The investigating officer was charged with falsifying the case. Bias and lack of knowledge among police officials and members of the Foreigners' Tribunals, who are not actual judges and lack legal experience, have resulted in similar miscarriages of justice.

The Assam NRC process called on the state's residents to voluntarily submit the required documents as proof of their citizenship. It was up to them to prove their status; unless their proof was conclusive, they became noncitizens. Often people were declared foreigners merely because their names had been misspelled, or due to other incorrect or incomplete data in their documents.

This recalls the political scientist James C. Scott's argument that modern state systems typically seek to standardize identities and create registers and censuses in an effort to manipulate and control their populations. In India, this new insistence on documentary proof as the sole criterion for citizenship has "weaponized paper identity," as the journalist Praveen Donthi puts it, creating yet another line of inequality between those who have documents and those who do not. Women, Dalits, and the rural and urban poor, irrespective of religious identity, have been most disadvantaged by requirements for documentary proof of addresses, birth certificates, or property ownership.

The NRC process has revealed the difficulty of achieving bureaucratic standardization in a region where prior claims, residence, kinship, language, and local culture continue to provide a legitimate basis for identity and informal belonging. Moreover, in Assam and in the rest of India, large numbers of nationals lead paperless lives. Birth certificates are relatively new, and most people who were

Downloaded from http://online.ucpress.edu/currenthistory/article-pdf/119/816/128/400694/curh_119_816_128.pdf by Brett Kier on 21 September 2022

not born in hospitals do not have them. But immigrants often acquire identity documents to ensure access to jobs.

In November 2019, Indian authorities announced that the NRC process would be implemented across the country. A time frame has yet to be finalized, which has caused widespread uncertainty and fear. In December, Parliament approved the Citizenship Amendment Act. It makes Hindu migrants who arrived in India illegally by December 31, 2014, eligible for fast-tracked citizenship. Roughly 1.2 million Hindus who have been excluded from the Assam registry now have a second chance to become Indian citizens, once the CAA becomes operational. The rest of the excluded Assam residents, mostly Muslims, face detention and deportation.

This introduction of religiously based citizenship is a move away from the constitutional concept of citizenship introduced in India in the mid-twentieth century. As the political scientist Niraja Gopal Jayal has argued, the CAA marks "a transformative shift from a civic-national conception to an ethno-national conception of India, as a political community in which identity determines gradations of citizenship." Yet the cumulative effects of the new citizenship tests are likely to exclude not only Muslims, but also many Hindus who will struggle to meet the stringent and bureaucratic documentary requirements.

DEMOCRATIC CHALLENGE

The nationwide protests and civil disobedience against the CAA and the proposed national registration exercise have refused to die down. Shaheen Bagh has become synonymous with an earlier secular vision of India—a visible democratic challenge to an increasingly autocratic state. Across the nation, protests in cities like Kolkata, Mumbai, Bengaluru, and Chennai have inspired mobilizations across class and religious divides. Students and women, many of whom are first-time protesters, have been at the forefront of marches, sit-ins, and candlelight vigils. These events have incorporated spontaneous readings of the Constitution, along with poetry, art, and music. Violence has occurred at some demonstrations, but most of it has been state-sponsored and directed against the protesters.

Muslims make up the bulk of the demonstrators, demanding yet again the recognition of their equal citizenship. But non-Muslims, Dalits, and the urban poor have also joined in, calling for a return to the secular values of India's founding moment. Several states governed by opposition parties, such as Andhra Pradesh, Kerala, Maharashtra, West Bengal, and Punjab, have officially come out against the central government's citizenship tests.

Amidst the uproar over citizenship, a key point has been left deliberately nebulous. The future status of those identified as foreigners remains unclear—and India has nowhere to deport them. Bangladesh sees the NRC as an "internal matter" and has not engaged in any bilateral talks regarding whether it would accept such deportees. But it has suggested that it would be willing to take back its citizens living in India, as long as India can establish that they are Bangladeshi.

Another reality that has not drawn much discussion is the porosity of the Bengal borderlands, which allows cross-border cultural and commercial interactions to continue despite increased militarization. This porosity, a unique legacy of Partition in this region, is under attack from policies such as the NRC. These massive exercises of counting and documenting identity seem to be an effort to finally build a paper wall and resolve what the Indian government sees as the unfinished business of Partition: identifying "legal" Indians who belong to the nation-state, and excluding all others. But India might have to give up its very soul in the process. ■

Downloaded from http://online.ucpress.edu/currenthistory/article-pdf/119/816/128/400694/curh_119_816_128.pdf by Brett Kier on 21 September 2022

“[E]ntrenched class interests and social inequalities rooted in religion, caste, and gender have made the transition slow and uncertain.”

India’s Welfare State: A Halting Shift from Benevolence to Rights

REETIKA KHERA

India has long had poor and slowly improving development indicators. After three decades of robust economic growth, what does its welfare architecture currently look like? Setting aside health and education, there has been an attempt, especially in the first decade of this century—if only half-hearted—to develop a “cradle to grave” framework in India. Different interventions aim to protect different demographic groups: a school meals program and an Integrated Child Development Services scheme that recognizes the interconnected education, health, and nutrition needs of children under six; cash support for pregnant women; a workfare program for the able-bodied; social security pensions for the elderly. A food subsidy program, the Public Distribution System (PDS), provides grain to two-thirds of the population at a token price.

Ways of Governing
Seventh in a series

These programs of social support mix cash transfers with in-kind benefits. Most of the interventions are at least three decades old, but there has been a gradual transition to basing them on legal rights instead of running them as programs whose continuation is subject to the policy preferences of each succeeding government.

I will focus on four important questions concerning the direction of social policy in India, using a different program to illustrate each debate. First is the fundamental question of whether welfare should be viewed as a matter of state benevolence or as a right. I argue that the rights perspective is the right perspective. Tracking the arduous journey to making child support the norm reveals deep hostility to this view in certain influential circles.

The second question is whether transfers should be universal or targeted. This debate is reflected in the National Rural Employment Guarantee Act (NREGA), a self-targeted workfare program—that is, one designed in such a way that only those in need of government support come forward, dispensing with the need for an administrative mechanism to identify the poor.

Third is the question of whether social support is most effectively delivered in the form of cash transfers or in-kind benefits. This has played out most explicitly in the case of the PDS, the country’s most extensive food security program.

Finally, does the use of new technologies to administer welfare programs make them more efficient, or does it serve corporate interests and make such programs more exclusionary? Looking at the Aadhaar project, a biometric identification system that endangers not just welfare provisions but also democratic practice as we know it, is perhaps the most useful way to examine this question.

A NEW FRAMEWORK

Mai-baap sarkar (“lord and master,” loosely translated) is a derogatory Hindi expression often used to describe an outdated mode of governing that persists in India. The state was (and often still is) viewed as lord and master of the people. The commonplace image is that of a citizen as supplicant at the feet of the state. In this style of governing, any redistribution of resources is based on the whims of the lord and master, and viewed as an act of state benevolence.

This is in stark contrast to more modern ways of governing, whereby redistribution is regarded as the duty of the state and the right of the citizen. That is the vision enshrined in the Indian Constitution, which took effect in 1950. But for much of

REETIKA KHERA *is an associate professor of economics at the Indian Institute of Management, Ahmedabad.*

Downloaded from http://online.ucpress.edu/currenthistory/article-pdf/119/816/134/400696/curh_119_816_134.pdf by Brett Kier on 21 September 2022

the 70 years of independence, a *mai-baap sarkar* attitude has prevailed.

Between 2004 and 2014, two successive United Progressive Alliance (UPA) governments, headed by the Congress party, passed several major measures to reach the goal of a rights-based welfare system. Laws such as the NREGA, the National Food Security Act (NFSA), the Right to Education Act, and the Right to Information Act, along with the Land Acquisition Act and the Forest Rights Act, were enacted to secure basic socioeconomic rights.

Oddly enough, these moves away from ad hoc welfare measures toward a rights-based approach were often characterized by the Indian media as a manifestation of the government's purported *mai-baap sarkar* attitude. Critics claimed that the new laws create dependency and amount to mere handouts. In fact, these laws are the opposite of a *mai-baap sarkar* regime. They guarantee people basic rights independent of a particular government's commitment to social and economic justice.

Although India is still a laggard on that count, even among poor countries (at least in terms of spending), these initiatives faced shrill opposition from the privileged classes, to which much of the Indian media belongs, especially the business press. The right-wing Bharatiya Janata Party (BJP) came to power in 2014, and its commitment to welfare is weaker than the Congress party's.

The NREGA program has provided employment to millions of households.

THE SCHOOL MEALS DEBATE

The evolving debate on the provision of school meals is a prime example of the halting and difficult transition from a *mai-baap sarkar* attitude to a rights perspective. Mid-day meals (MDMs) for children 6 to 14 years old were among the earliest welfare programs to take root in India. The MDM scheme was adopted by the central government in 1995, based on an initiative by the southern state of Tamil Nadu that started in the 1950s and was extended to all children in the state in the 1980s.

Until a 2001 Supreme Court order requiring cooked meals to be provided in all primary schools by July 2002, most states tried to get away with distributing "dry rations" for children to take home. In response to the ruling, although nothing was in place—kitchens, utensils, cooks, helpers—states began trying to provide cooked food. In Rajasthan at that time, I found teachers and students fetching water and firewood to cook meals of salty or sweet boiled wheat. The participation of children and teachers in meal preparation due to the lack of infrastructure drew critical press coverage that raised pressure on state governments to act. Slowly, things fell into place—cooks and helpers were hired, kitchen sheds constructed, and drinking water facilities set up.

Most activity in the first ten years following the court order was focused on such first-generation issues in establishing regular provision of cooked meals for students. By the end of this period, MDMs had become the norm. Data from 2015–16 suggests that by then, coverage was almost universal (98 percent) for children in public and government-aided schools.

School meals can reduce undernutrition. They also play an important role in ensuring enrollment, regular attendance, and learning. Classroom hunger had long been the reality in India—and what can a hungry child learn at school? Thus, MDMs are essential to improving education.

Some of the gender and caste aspects of school meals are worth highlighting. Sending a child to school each morning can be a task in itself. If schools serve meals, it makes the lives of working mothers that much easier. School meals also play an important role in the creation of a sense of unity in society. When the bell rings, children wash their hands and plates, line up to be served, and then eat together. Each of these activities is significant. Washing hands and plates is a basic lesson in personal hygiene and health education. And when children share food, they learn an important lesson about democracy: we are all one. This lesson cannot be overemphasized, since the firm grip of caste is still felt in Indian society.

It is therefore surprising that a significant and vocal minority in India is not yet convinced of the program's importance. When implementation hurdles are highlighted, the initial reaction from some influential quarters is often to question the need for mid-day meals rather than think about solutions.

Whether in Tamil Nadu in the 1980s or Rajasthan in the early 2000s, efforts to regularize mid-day meals faced stiff opposition and derision in the mainstream media. When teachers and children were involved in cooking, rather than suggesting the obvious—budgetary allocations to hire cooks

Downloaded from http://online.ucpress.edu/currenthistory/article-pdf/119/816/134/400696/curh_119_816_134.pdf by Brett Kier on 21 September 2022

and helpers—some asked whether it was wise to continue with mid-day meals if they were hindering educational activities. This undercurrent of support for discontinuing the program gets louder when things go wrong—and sometimes they do go seriously wrong. In 2013, 23 children died as a result of consuming a contaminated meal in Bihar, one of the states that have been slowest to provide school meals and adequate facilities to prepare them.

The debate over including eggs in the school menu is an important illustration of the fraught transition to a rights-based regime. In the past decade, advocates have emphasized improving the quality of school meals. Apart from providing nutrition to India's many protein-starved children, eggs are attractive for other practical reasons. They do not spoil as easily as other sources of animal protein (such as milk), cannot be diluted (unlike lentils or milk), and are more protein-dense than other foods.

Tamil Nadu, a leader in the field of social policy, provides a daily egg to schoolchildren. Odisha, considered a laggard until recently, provides eggs five times a week for 3-to-6-year-olds in government preschools (*anganwadis*) and twice a week in schools. In fact, eggs are on the menu of preschools and schools in most southern and eastern states. Yet in several northern Indian states, a small but vocal upper-caste lobby opposes adding eggs to school menus. In Jharkhand, a state with high rates of child undernutrition, eggs were discontinued after the supplier was accused of corruption. The bureaucrat in charge failed to find an alternative and, citing flimsy excuses, has stalled on reintroducing eggs for nearly a year.

The resistance to eggs exemplifies the *mai-baap sarkar* mentality, which considers school meals a matter of whimsical state benevolence, rather than a policy based on reasoned arguments for a child's right to nutrition. On a recent visit to a few *anganwadis* in the southern state of Karnataka, however, I was pleasantly surprised to hear that mothers who belong to vegetarian castes were urging teachers to ensure that their children eat their eggs. Rising nutritional awareness sustains hope that reason will prevail over illogical social norms and practices.

There is a related reason for the halting transition from a *mai-baap sarkar* to a right-based regime. In many respects, the struggle for greater redistribution and dignity for all in India is similar to such struggles elsewhere. Yet caste still distinguishes India from other countries. B. R. Ambedkar presciently warned, "On the 26th of January, 1950 [when the Constitution took effect] we are going to enter into a life of contradictions. In politics we will have equality and in social and economic life we will have inequality." Ambedkar, trained as an economist, was the primary framer of the Indian Constitution, and happened to be a Dalit himself.

The enduring and still firm grip of caste is not adequately acknowledged by the holders of power in India, who are still largely members of privileged castes. Even the extent of their dominance in most institutions is not fully recognized. To the extent that it is, their preferred narrative portrays their privilege as based on merit, rather than on centuries-old caste rules that denied Dalits (the caste formerly labeled as untouchables) basic human rights—to education, free movement, and more.

The need for affirmative action policies that could remedy these inequities is questioned by public intellectuals who somehow manage to pass as liberals. Meanwhile, Dalits continue to face discrimination and violence. In recent incidents, some have been beaten up for transgressions such as sporting a moustache, riding a horse in a wedding procession, or watching a folk dance in a public setting. It would be impossible for me to do justice to their struggle, being neither a Dalit nor an expert on caste, but their battle for recognition of their rights is an onerous one.

Universal or targeted benefits?

Officially called the Mahatma Gandhi National Rural Employment Guarantee Act, NREGA was enacted in September 2005. It promises up to 100 days a year of employment per rural household, at the minimum wage (which is set by state governments)—the national average is now around 200 rupees per day ($2.70). Any adult who demands work is entitled to get it within 15 days of asking. If the government fails to provide employment, applicants can claim an unemployment allowance. Unfortunately, in practice, the demand-driven aspect and the unemployment benefit have not been widely taken up due to limited awareness, possibly as a result of deliberate government policy.

Beyond the promise of employment, NREGA has other noteworthy features. It sets a mandatory minimum share (one-third) of jobs for women; work is to be provided within five kilometers of one's residence; at least half of the funds provided under the law must be spent by elected local councils, which

Downloaded from http://online.ucpress.edu/currenthistory/article-pdf/119/816/134/400696/curh_119_816_134.pdf by Brett Kier on 21 September 2022

are also supposed to select and prioritize projects; there are strict rules for transparency and accountability; and workers are entitled to basic facilities such as drinking water and shelter from the sun.

Furthermore, the law calls for providing employment geared to the creation of productive assets such as roads, water-harvesting structures, contour trenches, and projects on private land like leveling or well construction. Although NREGA is primarily perceived as a social security program, it can also play an important role in rural transformation. There have been some achievements thus far, but many hurdles must be cleared before the program's full potential can be realized.

The NREGA is a useful example to consider in the debate on universal versus targeted transfers. If one views social support as a matter of rights, universal programs are desirable. Yet, since universal transfers are often deemed unaffordable, targeting is seen as an alternative to achieve affordability as well as equity. (Why give to those who are better off?) On the other side, following the pioneering British social policy expert Richard Titmuss, the eminent Indian economist and philosopher Amartya Sen has made compelling arguments in favor of universalism on the grounds that "benefits for the poor end up being poor benefits." In other words, when services are targeted for the poor, their quality tends to suffer, since they are seen as a public burden.

Efforts to regularize mid-day meals faced stiff opposition.

The offer of employment through NREGA is universal for rural adults, yet it automatically selects out the non-poor. Given the conditions of hard physical labor coupled with a basic wage, the government often steps in only as an employer of last resort. This is an important feature of the program's design; flawed identification of beneficiaries has been the undoing of many other welfare initiatives. The "self-targeting" design has earned NREGA the support of many economists. It helps sidestep the debate on universal transfers (that seem unaffordable) versus targeted transfers (that are discredited because of widespread targeting errors).

Primarily for this reason, NREGA draws support from people of diverse views, even those who would otherwise oppose such "doles" from the government. (Even the World Bank called it a "stellar" example of rural development.) The economic rationale for NREGA is based on the fact that while such interventions are necessary, India does not have enough resources to implement a full-fledged "welfare" program (like the unemployment benefits widely provided in Europe). With "workfare" programs such as NREGA, the non-poor select themselves out.

It is not just a matter of program design. In practice, too, self-targeting has largely worked—over the agricultural cycle (during the sowing and harvest seasons, when farming work is available, many withdraw from the NREGA rolls), across geographical areas (employment levels under the program tend to be higher in poorer districts), and within population groups (the program attracts more people from vulnerable population groups such as Dalits, Adivasis, and women). There is one important caveat: poorer states have not always generated the most employment under the program, a reflection of their inadequate administrative capacity.

The program was meant to be demand-driven—it was assumed that people would know of their right to demand work. But due to low awareness, it did not happen that way. Instead, the program is supply-driven: when funds are available, the government opens worksites and offers jobs. This approach has resulted in high representation of disadvantaged groups.

Government data and studies corroborate these high participation rates, as economists Christopher Barrett and Yanyan Liu have found. Another economist, Laura Zimmerman, observed that "private-sector wages increase substantially for women, but not for men, and that these effects are concentrated during the main agricultural season." Women participate in large numbers, especially in rural northern India, where they appreciate the opportunity to earn the minimum wage in their own villages. Wage employment opportunities outside of agriculture are scarce in this region; the best option is usually to work as a cook or helper in the school meals program.

Although NREGA is frequently cited in public debates as one of the most important social policy interventions in India, its cost has rarely exceeded 0.5 percent of gross domestic product. The program has provided employment to millions of households since the law establishing it took effect in February 2006.

As is common in India, controlling corruption has been an uphill battle; but with NREGA it has been a relatively succesful one. According

Downloaded from http://online.ucpress.edu/currenthistory/article-pdf/119/816/134/400696/curh_119_816_134.pdf by Brett Kier on 21 September 2022

to National Sample Survey data, the rate of discrepancies between official records and laborers' accounts of how much they had worked or earned on NREGA worksites declined to a 20–30 percent mismatch in 2011–12, compared with approximately 50 percent in 2007–8. Another 2011–12 survey suggested that only 4 percent of officially recorded workdays were inflated. More recent estimates are not available.

It is possible that separating the implementing agency from the payment agency (by depositing pay directly into workers' bank accounts instead of paying cash in hand) reduced corruption, but that the loss of transparency resulting from this arrangement opened a new door for graft. Program administrators may inflate the number of workdays and collude with laborers to share the extra pay.

CASH VS. IN-KIND BENEFITS

The Public Distribution System has been at the center of the debate over cash versus in-kind transfers. After the 2013 enactment of the National Food Security Act, the PDS covers two-thirds of the Indian population. Corruption has been a major issue in the program, but evidence from the past decade shows that several lagging states have been able to reform their PDS delivery operations and reduce leakages, even while some continue to struggle.

The debate over cash transfers has been simmering in India for over a decade. The second UPA government (2009–14) focused on replacing food provided through the PDS with cash transfers. More recently, the cash lobby has reinvented itself as a proponent of a universal basic income (UBI). Historically, UBI was seen as an idea of the left, whereas now (including in India) it has supporters on the right as well. Some libertarian technologists in Silicon Valley are funding UBI proposals.

The two key principles of UBI are universal coverage and a basic income that would allow a dignified quality of life even in the absence of other earnings. The UBI proposals that have emerged in India, however, are mangled versions of this ideal. Ideas presented in the Economic Survey (an annual pre-budget government report) and the Congress party's 2019 election manifesto both violated these two fundamental principles. Nor have other proposals by serious economists met the requirements.

The 2017 Economic Survey highlighted the conceptual strength of UBI by (rightly) pointing to India's abysmal record on targeted transfers. Yet it ended up proposing skimpy *and* targeted cash transfers. Even such whittled-down proposals are expensive. The preferred options for creating fiscal space—such as by phasing out non-merit-based subsidies—fizzled when updated estimates suggested that they amounted to only 5 percent of GDP, not 10 percent as initially expected. Inevitably, attention has turned to axing the budgets for existing social support programs such as NREGA, PDS, and school meals. Yet recent research on these programs shows encouraging results—implicit transfers from the PDS reduced the poverty gap by one-fifth in 2009–10—so making a case for dismantling them is not easy.

Nonetheless, the Economic Survey devised a flawed measure of performance to suggest that these programs are failing. For instance, it declares the mid-day school meals program a failure by evaluating it through the narrow prism of targeting, even though the main objectives of school meals are improving enrollment, attendance, nutrition, learning effort, socialization, and more. Favorable evidence published in international peer-reviewed journals was largely ignored. Although there have been some implementation problems, the Economic Survey cherry-picked evidence to make a case for cash transfers.

It is not just the current political dispensation of BJP rule that has sought to make a case for cash transfers. During the Congress-led government's second term, when the NFSA was being debated, many development economists argued in favor of dismantling the PDS and promoting food security through cash transfers. Others warned that replacing food with cash would be unwise, for several reasons.

First, indexing for inflation to maintain the value of a cash transfer is not a trivial matter, given the poor quality of price data and the government's track record. Old-age pension benefits have remained unchanged for more than 12 years.

Second, markets are poorly developed in rural areas; if cash is pumped in, there is no guarantee that a perfectly functioning market for food will develop. What emerges could well be a monopolistic market, where people are left to the mercy of an exploitative trader.

Third, access to banks remains limited in rural India. While there has been some progress on making bank accounts more widely available, administrative capacity is overstretched, and the rural banking network is still sparse. People worry about high transaction costs to withdraw their money (such as the cost of traveling to the bank,

Downloaded from http://online.ucpress.edu/currenthistory/article-pdf/119/816/134/400696/curh_119_816_134.pdf by Brett Kier on 21 September 2022

sometimes entailing repeated trips, and forfeited income if they miss work).

Also, the experience with other cash transfer programs has not been encouraging. Timeliness of payments has proved problematic, and there are inadequate provisions for redressing grievances over delays. Cash transfer experiments carried out in small pockets of the country have justified such concerns.

Since 2015, in Chandigarh, Dadra and Nagar Haveli, and Puducherry, which are all relatively developed and urbanized settings, the government has initiated cash transfers in lieu of grain distribution. An official evaluation is damning: in Phase 3 (early 2017), nearly one-fifth of entitled respondents did not receive *any* cash. In another small pilot program conducted at six PDS outlets in Chhattisgarh, one-fifth of the intended beneficiaries received no cash, while 70 percent experienced delays in getting their benefits. It was discontinued. In Ratu (a rural area in eastern India), the government reverted to providing food after its own audit found that cash transfers were irregular and unpopular.

In their latest incarnation, in policy recommendations made by economists who are conducting these studies and working closely with the government, cash transfers appear as part of a choice-based system, letting people decide whether they want food or cash. Given the complexities of implementation, this mixed system is likely to result in an even bigger mess than the cash transfer pilots.

Meanwhile, the value of other cash transfers, such as maternity entitlements and social security pensions, are eroding over time since there is no provision for inflation indexing. Application procedures are onerous, and the payment process has become unreliable due to recent changes in the financial system. In recent years, the banking network has been integrated with an Aadhaar-related platform. Linking Aadhaar identification numbers with bank accounts has created a mess—data-entry errors render accounts inactive, or switches them with other people's numbers. This is causing a substantial percentage of electronic payments to fail.

TECHNOCRATIC TAKEOVER

Managing India's large-scale social support programs—up to two-thirds of the population is covered by the PDS—obviously requires technological infrastructure. There are two looming dangers here. The first is technological lock-in, whereby either unnecessary systems are deployed or companies are able to gain monopoly control over government functions. The second is a slippery slope: the pursuit of enhanced administrative capacity could result in technocratic tyranny that leaves ordinary people disempowered.

Nowhere are these issues of technocracy and conflict of interest more apparent than in the Aadhaar project, which provides a biometrically unique identification number to all residents. From the start, Aadhaar promoters packaged what was essentially a surveillance and data-mining infrastructure as a benign welfare project. Successive governments, led first by the Congress party and now by the right-wing BJP, have resorted to propaganda to maintain Aadhaar's welfarist façade. Inconvenient evidence is suppressed, ignored, or rejected.

The use of Aadhaar in administering a range of welfare programs has caused exclusion, hassles, increased hardship, and even death when people's identities could not be authenticated. Contrary to claims that it will reduce corruption, it has opened up new channels for graft through its cadres of middlemen, who are entrusted with linking individuals' Aadhaar numbers to government registries. Yet in the government narrative, it remains a tool for delivering welfare benefits with greater inclusion, empowerment, and efficiency.

Self-selection helps sidestep the vexatious debate on universal transfers.

The World Bank's ID4D program, which says it aims "to help countries realize the transformational potential of digital identification systems," is supported by philanthro-capitalists such as the Omidyar Network and the Bill and Melinda Gates Foundation. In India, on the one hand, the Omidyar Network has for-profit investments in financial technologies that rely on digital ID systems such as Aadhaar. On the other hand, it has emerged as the largest funder of "friendly research" on Aadhaar. The consulting firm Dalberg Advisors recently completed a large Omidyar-funded survey whose credibility and independence are dubious, not only because Dalberg has no particular expertise in these issues, but also because of a revolving door between the firm and the Omidyar Network. Bureaucrats formerly associated with Aadhaar and Omidyar have coauthored opinion pieces promoting the project in national newspapers. Similarly, the Gates Foundation has funded friendly research

Downloaded from http://online.ucpress.edu/currenthistory/article-pdf/119/816/134/400696/curh_119_816_134.pdf by Brett Kier on 21 September 2022

on cash transfers, an agenda closely linked to Aadhaar.

The key issue here is the role of money in gaining access to policy circles (dare one call it plutocracy?) while maintaining a façade of democratic policymaking. The parallels between what the technology industry is doing today and what the tobacco and sugar industries did in an earlier era are striking. Those industries were notorious for funding friendly research that cultivated doubt in people's minds about independent research that highlighted the harmful health effects of their products.

Today, technocrats have gained prominence in government, and blind faith in techno-solutionism has taken over. Aadhaar is impractical, inappropriate, and untested for use in welfare programs. Fingerprint authentication failure rates are high, server connectivity is erratic, and people are being inconvenienced or worse. Even when alternative technologies (such as smart cards instead of fingerprint authentication) are available, the use of Aadhaar is mandatory in these programs, often disrupting the steady improvement witnessed earlier. All this indicates a convergence of private interests (to use Aadhaar for corporate surveillance and profiteering) and government interests (to use Aadhaar as a digital means of disciplining the population).

The dangers of a corporate takeover are evident not just in the Aadhaar project. In 2008, a biscuit manufacturers' association sent letters to elected representatives enthusiastically advocating the substitution of fortified biscuits for cooked school meals. Lobbyists often masquerade as anticorruption voices concerned about people's welfare. The debate over cash versus in-kind transfers involves an urgent question about which economic activities should be kept out of the realm of markets in order to protect the social safety net from commodification.

SETTING PRIORITIES

The four government programs we've looked at—school meals, the National Rural Employment Guarantee Act, the Public Distribution System, and Aadhaar—illustrate four key debates on ways of governing in India: whether the safety net should be based on government benevolence or rights; whether benefits should be in cash or in-kind; whether they should be universal or targeted; and whether the use of new technologies to administer such programs makes them more efficient or serves corporate interests and makes them more exclusionary. This is not to suggest that the question of switching to cash benefits arose only in the case of the PDS, or that concerns about technocratic tyranny apply only to the Aadhaar project. The debates often cut across welfare programs.

Arguments over spending priorities and fiscal constraints are central in any proposed expansion of India's welfare architecture. There are two dimensions to the question of priorities. First, there is tension between competing demands (such as military spending versus health care). Second, there is a question of priorities within welfare spending. For instance, in allocations for health care in recent years, insurance (with private players) for tertiary care has tended to receive more funding than expansion of primary health care.

In the case of maternity entitlements, a wage-based legal benefit for women in the formal sector of the economy has been on the books since the 1960s. In 2017, it was enhanced to 26 weeks of paid leave. But for women in the informal sector, the most vulnerable workers, the law was enacted only in 2013 and operationalized in 2017, and the benefit is an arbitrarily fixed amount, neither based on a wage-compensation principle nor indexed to preserve its value over time.

Although India has a robust constitutional framework in place to shift its model of welfare provision from one of state benevolence to a rights-based system, entrenched class interests and social inequalities rooted in religion, caste, and gender have made the transition slow and uncertain. Success cannot be taken for granted. ■

Downloaded from http://online.ucpress.edu/currenthistory/article-pdf/119/816/134/400696/curh_119_816_134.pdf by Brett Kier on 21 September 2022

> **"The huge disparity between the well-resourced, cosmopolitan capital, Kathmandu, and the still very basic living standards in other parts of the country remains glaring."**

The Changing Face of Nepal

MICHAEL HUTT

Over the past thirty years, Nepal has undergone radical political, social, and cultural transformations. At the beginning of 1990, it was a Hindu monarchical state; now it is a secular republic governed by a communist party that came to power through democratic elections. Between the decennial national censuses of 1991 and 2011, its population grew from 19 million to 26 million, and is now estimated to be around 30 million. In 1990, the three cities of the Kathmandu valley were still separated by expanses of green fields; they now form a single, highly congested conurbation. While temporary southward migration to seek work in India has been a tradition among young Nepali men for generations, probably a quarter of the country's male working-age population is now in longer-term employment overseas.

And the geopolitics of the region is shifting. Thirty years ago, Nepal lived in India's economic and political shadow. Now China is becoming increasingly involved in the development of Nepal's infrastructure, and Beijing's political influence in the country is growing.

The past three decades of rapid change cannot be fully understood without setting them in the broader context of Nepal's modern history, which is usually deemed to have begun in 1951, when 105 years of Rana rule came to an end. The Ranas, a group of interrelated courtier families, had usurped power in the mid-nineteenth century, reducing the monarch to a ceremonial figurehead. They proceeded to establish an extractive family autocracy, which did little to promote basic development in Nepal but was more than willing to provide the British colonial rulers of India with an unending supply of "Gurkha" soldiers and essential commodities, such as timber.

It was no coincidence that the Rana regime fell soon after the departure of the British from the subcontinent. Since that time, there have been three distinct periods of Nepali political history: the democratic transition of the 1950s, the Panchayat regime of 1962–90, and the period since 1990, which has featured both democratic politics and armed conflict.

Nepali students and political exiles in India formed new political parties during the twilight years of the Rana regime. The two largest were modeled on the Indian National Congress and the Communist Party of India. After the removal of the Ranas, these new parties, the palace, and the feudal landlords of the displaced old order jostled for power.

The Nepali Congress Party, led by the charismatic B. P. Koirala, appeared to have come out on top when it won a majority in the elections of 1959, under a constitution promulgated that same year. However, King Mahendra dismissed the Congress government less than two years later, invoking the emergency powers vested in him by the constitution. In 1962, he formally established a new political system of limited, guided democracy, the Panchayat, which was to last for nearly three decades. Under this regime, political parties were banned, the monarch held all executive powers, and development and nation-building were the all-encompassing aims of government programs.

Panchayat nationalism set out to homogenize Nepal's national identity around three pillars: the monarchy, the Nepali language, and Hinduism. The insistence on Nepali as the sole language of administration and education was problematic in a country where scores of other languages were the mother tongues of nearly half the population. The characterization of the nation as essentially Hindu ignored the presence of large communities that professed other faiths, most notably Bud-

---

MICHAEL HUTT *is a professor of Nepali and Himalayan studies at SOAS, University of London.*

Downloaded from http://online.ucpress.edu/currenthistory/article-pdf/119/816/141/400690/curh_119_816_141.pdf by Brett Kier on 21 September 2022

dhism. But the regime saw ethnic, sectarian, and other sectional sentiment as divisive, and political dissent was harshly suppressed. The government owned almost all of the country's news outlets and publishing houses, and allowed little space for public debate or activism.

Nonetheless, Nepal benefited during this Cold War period from its strategic location, and received massive quantities of aid from the West. Literacy rates and public consciousness of the wider world grew by leaps and bounds.

It was in 1990 that Nepal entered the present period of (ostensibly) participative, constitutional democracy. Since then, there have been many complex ebbs and flows in the country's still unfinished journey toward equality, inclusion, and social justice. In the past three decades, Nepal has gone through three constitutions (1990, 2007, 2015), two mass popular movements for democracy (1990, 2006), the massacre of its royal family (2001), a ten-year civil war (1996–2006), and a major earthquake (2015).

All of these events, coupled with the legacies of the Rana and Panchayat regimes, feed into the social and political environment in Nepal today. Thus, it is worth considering the history of the past three decades in more detail.

Return of democracy

A combination of external and internal pressures led to the eventual collapse of the Panchayat system in 1990, when a popular movement broke out in opposition to the regime. The uprising was provoked by a political dispute with India that led to the closure of all but two of the 14 border crossings between the two countries, causing shortages of many essential commodities in Nepal. Huge public demonstrations and an increasingly violent state response, coupled with international pressure, forced King Birendra to dismantle the Panchayat system, lift the 30-year-long ban on political parties, and allow the reestablishment of multiparty democracy.

A generation of politicians who had struggled for decades under the Panchayat regime, with many spending long spells in jail, felt that their time had come. A new constitution reined in the king's authority, but allowed him to retain emergency powers and effective control of the army. In 1991, the Nepali Congress party won the first general election conducted under this new dispensation. The parliamentary opposition was dominated by parties espousing various strands of communist ideology, alongside more conservative groupings disgruntled by the constitutional changes.

The early 1990s saw a major liberalization of the economy, in step with reforms being implemented on the other side of the Indian border. Nepal's new constitution granted complete freedom of expression and publication, prompting the emergence of independent newspapers and privately owned FM radio stations and television channels. These years also saw a major upsurge in civil rights claims by marginalized sections of the population—notably the Adibasi Janajati ("indigenous nationalities"), Madhesis (the people of the southern Tarai lowlands), Dalits (the former "untouchables" of the Hindu caste hierarchy), and women—whose grievances and concerns had been stifled for three decades.

But the new democratic order failed to deliver on its promises. The political parties spent most of their time and energy competing with one another for power, patronage networks, and commissions and kickbacks from externally funded development projects and business contracts. They showed much less interest in implementing the pledges in their manifestos.

Maoist war and palace murders

Communism has been a potent political force across much of South Asia since the 1917 October Revolution in Russia. After the Moscow-Beijing split of the early 1960s, Nepal's communist movement fragmented. Maoist factions took the most radical revolutionary line.

Support for the Nepali Maoists was fueled by growing discontent across the country, particularly among a new generation of school-educated youth in hill districts. (Compulsory schooling was introduced during the Panchayat period, but the education provided in government schools was of a low standard, and very few young people from marginal hill districts progressed to further or higher education.) Their consciousness of the failure and inequitable outcomes of the government's development programs, the lack of opportunity for their own advancement, widespread corruption in high places, and the continued dominance of a high-caste Hindu male elite made the prospect of rebellion attractive.

Armed conflict broke out between the Nepal Communist Party (Maoist) and the Nepali state, at first on a small scale. The rebels staged attacks on police posts and other government facilities in the

Downloaded from http://online.ucpress.edu/currenthistory/article-pdf/119/816/141/400690/curh_119_816_141.pdf by Brett Kier on 21 September 2022

midwestern hills in the mid-1990s. Due in part to the state's often brutal and clumsy response, the conflict had spread to almost every district of Nepal by 2003. (At the end of the war, the United Nations Mission to Nepal reported the presence of 19,000 former Maoist combatants in the cantonments it supervised.)

Halfway through the war, on June 1, 2001, King Birendra and his family were massacred in the Narayanhiti Palace in Kathmandu. The official account of this appalling event blamed Crown Prince Dipendra: he was portrayed as a frustrated young man who went on a killing spree while highly intoxicated. Many Nepalis remain unconvinced by that explanation to this day. Public distrust of King Gyanendra, who succeeded his brother to the throne, played greatly to the rebels' advantage.

The government mobilized the Royal Nepalese Army against the Maoists in November 2001 and declared a succession of emergencies that allowed the state security forces to act with impunity. The new king suspended the parliament and secured international funding and support for what he and his government characterized as an extension of the US-led "global war on terror." Over 16,000 lives were lost during the ten years of this war. Both parties to the conflict committed severe human rights abuses, including numerous cases of torture, extrajudicial execution, and disappearance.

Lack of opportunity has provoked spectacular growth in labor migration.

As the war continued to escalate, King Gyanendra attempted to wrest back executive control, but failed in his attempt to mount a royal coup in 2005, which would have returned Nepal to the Panchayat system. Within five years of his succession to the throne, the new king had succeeded in alienating both the mainstream political parties and Nepal's growing civil society to such an extent that they came together to make common cause with the Maoists against him. These combined opposition forces launched a second people's movement for democracy in 2006. They forced the king to bow to their demand that he restore the suspended parliament.

The Maoist "People's War" came to a negotiated end that year. The agreement was signed in New Delhi by the Maoists and the main parliamentary parties. In 2007, an interim constitution was promulgated and a new national anthem was adopted—a bright, folksy song celebrating Nepal's diversity, cultural richness, and unity. It replaced the paean of praise for the monarchy that had served as the Nepali anthem for 82 years.

In 2007, the UN established a mission in Nepal to monitor and support the peace process. In the following year, a Constituent Assembly was elected to draft a new constitution for a secular, democratic, federal state. The Maoists, who had renounced armed struggle, confounded all expectations by becoming the largest party. At its first meeting, in May 2008, the Assembly voted to abolish the Shah monarchy, making Nepal a republic. In June, King Gyanendra, the nation's last monarch, departed from the palace.

AFTERSHOCKS

Due to a mixture of direct "first past the post" elections and proportional representation, the Constituent Assembly elected in 2008 was probably the most representative legislative body ever established in South Asia, in terms of its inclusion of hitherto marginalized sections of the population. However, it was unable to agree on a range of key issues, including the structure of the new federal state, which the Maoists and their supporters insisted should be determined by the geographical distribution of minority ethnic groups. Having failed to deliver a constitution despite four extensions of its original two-year term, the first Constituent Assembly shut down in May 2012.

After a long and fractious hiatus, a new Constituent Assembly was elected in November 2013. No party won an overall majority in these elections, but the Nepali Congress emerged as the largest contingent and quickly formed an alliance with the second largest, the Nepal Communist Party (Unified Marxist-Leninist), producing a majority. This coalition government, headed by Prime Minister Sushil Koirala of the Congress party, was in power when an earthquake with a magnitude of 7.8 struck central Nepal on April 25, 2015.

The earthquake, and the hundreds of further tremors and aftershocks that followed over the next few months, killed almost 9,000 people and destroyed nearly 900,000 homes across 31 of the country's 75 districts, as well as many of Nepal's most precious heritage sites. The immediate response to the disaster came from citizens (particularly the young), the army, and the Indian government. International agencies and donor countries

Downloaded from http://online.ucpress.edu/currenthistory/article-pdf/119/816/141/400690/curh_119_816_141.pdf by Brett Kier on 21 September 2022

quickly pledged $4.4 billion in emergency aid to enable rescue and relief in the short term and reconstruction over a longer period.

For their part, the leaders of the four biggest political parties decided that completing the constitution should now be prioritized and fast-tracked. In contrast, the government's National Reconstruction Authority came into being much more slowly. The earthquake had clearly provided an opportunity for a deeply divided political leadership not only to save its collective face over its failure to decide on a new constitution, but also to face down minority demands. As a consequence, the constitution promulgated on September 20, 2015, was more conservative than it might have been had the earthquake not occurred. Although it was greeted with celebrations in the hills, it provoked protests in the plains.

The political leadership of the Madhesis, the people of Nepal's southern lowlands, protested that the new constitution had not delivered on the long-held promise of a fairer deal for their region. Regarded by many hill people as essentially being of Indian origin, successive generations of Madhesis had struggled to secure equal rights to citizenship and social and political inclusion in Nepal. The new federal structure did not meet their demands for the demarcation of purely Madhesi provinces that would encompass the whole of the their population. The ensuing protests, and the state's response to them, led to violent clashes and over fifty fatalities.

The new democratic order failed to deliver on its promises.

In order to put pressure on the government, Madhesi political organizations, with at least some measure of Indian support, blockaded the main arterial road to Kathmandu. The blockade caused severe shortages of key commodities in the capital, particularly fuel. Clear parallels could be seen between this situation and the one that arose in 1989–90, leading to the first People's Movement.

But this time the government, now led by Prime Minister Khadga Prasad Sharma Oli of the Nepal Communist Party (Unified Marxist-Leninist), asserted that the Indian government was orchestrating the blockade in support of Madhesi demands. The government whipped up Nepal's latent hill nationalism, which centers on the Nepali language, Hindu religious identity, and the cultures of the hills, to support its claims. This led to a serious deterioration in relations between New Delhi and Kathmandu, which took some time to repair, and also between the peoples of Nepal's hills and plains.

Despite this turbulence, the government forged ahead with the establishment of a new federal structure. In 2017, candidates were elected through both first-past-the-post and proportional representation voting systems to local, provincial, and national bodies. The new federal system comprised seven provinces, delineated on the basis of a set of "identity and capability" criteria. (The five criteria of identity were ethnicity/community, language, culture, geographical and regional continuity, and history. The four criteria of capability were economic interrelationships and capacity, the potential for infrastructural development, the availability of natural resources, and administrative feasibility.) The newly elected provincial assemblies each embarked on the process of deciding the name of its province and choosing its capital city.

In the national elections held in November and December 2017, the two Communist parties campaigned on a common ticket, despite their virulent rivalry during the years of war. Together they won commanding majorities in the national House of Representatives and in all but one of the seven provincial assemblies; after the elections, the two parties formally merged. Although nominally communist, the government's agenda is seen as primarily nationalist and pro-development: *samriddha Nepal*, or "prosperous Nepal," is its guiding slogan.

UNCERTAIN HARVEST

In at least one sense, then, Nepal's postwar political transition is at an end. The new state structures are in place, and their bodies are populated by elected representatives. Of course, it is too early to say whether this new dispensation will enhance the quality of life for ordinary Nepalis. As a friend told me during a recent stay in the country, *sanghiyata euta khet matrai ho*: "federalism is just a field." What it yields will depend on what people plant in it.

Many postconflict issues remain unresolved. Hundreds of torture victims and the families of over 1,000 people who disappeared without a trace during the war have waited a long time for justice. But redress still appears to be a distant prospect.

Downloaded from http://online.ucpress.edu/currenthistory/article-pdf/119/816/141/400690/curh_119_816_141.pdf by Brett Kier on 21 September 2022

In recent months, individuals with cases of alleged human rights abuses pending against them in the courts have been appointed to senior political positions.

There are also aspects of the new constitution that will surely be contested, in addition to the Madhesi grievances. The continued overrepresentation of men from higher Hindu castes in all branches of government is one. Gender inequality in the acquisition and conferral of citizenship is another. Under the 2015 constitution, the power of a Nepali to confer citizenship on his or her spouse depends on that citizen's gender. Similarly, a Nepali woman married to a foreign man can only secure naturalized citizenship for her child, whereas a Nepali man married to a foreign woman can pass down citizenship by descent.

Meanwhile, post-earthquake reconstruction has been a slow process. Four years after the establishment of the National Reconstruction Authority, fewer than two-thirds of the houses destroyed by the earthquake have been completely rebuilt. Many people are still living in the temporary shelters they erected near the ruins of their homes in the immediate aftermath of the 2015 quakes.

The huge disparity between the well-resourced, cosmopolitan capital, Kathmandu, and the still very basic living standards in other parts of the country remains glaring. The lack of opportunity across the country has provoked spectacular growth in labor migration. At least 1,500 people are said to leave Nepal for work overseas every day, double the number ten years ago.

The 2011 census recorded an absentee population of nearly 2 million, of whom 87 percent were male. Most are unskilled and semiskilled workers who migrate, mainly to Malaysia and the Gulf states, to work in trades such as construction and truck driving. In the 2017–18 fiscal year, Nepal received remittances worth over $6.5 billion from its citizens employed overseas. This amounted to some 30 percent of gross domestic product, the fourth-highest proportion in the world, and three times the national income from tourism.

Although their country has been radically transformed during the past thirty years, the people of Nepal continue to face many challenges—economic, social, and environmental. An increasing proportion of the population lives in towns and cities, and agriculture is no longer the mainstay of the country's economy. Indeed, young men have been conspicuous by their absence from many rural areas for much of the past twenty-five years—first because they were fighting in the internal conflict, and more recently because they are working overseas.

Nepal's state education system is grievously underresourced, especially outside the towns, and every family that can afford to sends its children to private English-medium schools. Climate change, most glaringly apparent in the shrinking of Himalayan glaciers, is bringing additional challenges. Water shortages are ubiquitous, especially during the dry winter months. The unpredictability of the monsoon weather system is a major problem for an agricultural sector dominated by the rain-fed cultivation of rice.

The present Nepali government clearly sees tourism as a potential growth area—the country's spectacular landscapes and rich cultural heritage are among its greatest assets, and its people are welcoming to foreign visitors. It also views China as a powerful new development partner, and seeks the economic benefits that it believes would flow from greater connectivity with its northern neighbor via both road and rail. But there is some public suspicion of China's political influence on the government, especially with regard to its treatment of Tibetan dissidents and refugees.

Young Nepalis are, overall, healthier, more likely to be literate than they have ever been, and increasingly networked with a global Nepali diaspora. They are critical of their leaders, and demanding of them. The longer-term sustainability of Nepal as a nation-state may well depend upon those leaders' ability to generate enough employment opportunities for the young to make staying in Nepal a more attractive option than going away. ■

Downloaded from http://online.ucpress.edu/currenthistory/article-pdf/119/816/141/400690/curh_119_816_141.pdf by Brett Kier on 21 September 2022

> "Although the country has made gains over the past two decades in terms of electoral democracy, guarantees of individual equality and liberty have weakened."

Pakistan's Closing Civic Space

SHANDANA KHAN MOHMAND

It would be good to be able to say that democratization leads necessarily to liberalization, ushering in an expansion of rights across a country's broader population. History has too often shown, however, that these two concepts need not coincide—authoritarian leaders can sometimes expand select components of civil liberties, and democratically elected leaders may withdraw these rights even as they continue to conduct inclusive electoral contests. This is the unfortunate state of a number of democracies around the world at present. From the Philippines to the United States, and from India to Brazil, citizens have found that their civil liberties within formal electoral democracies have shrunk over the past decade. This is also the case in Pakistan. Although the country has made gains over the past two decades in terms of electoral democracy, guarantees of individual equality and liberty have weakened.

Pakistan is an emerging democracy with a political history of recurring military rule and widespread socioeconomic inequality that segments its population by class, religion, and ethnicity. Periodic military rule has left marginalized groups with no real voice or representative organization in national politics. And because the population is fragmented along multiple cleavages, few broad-based political movements have emerged to demand structural change.

Since Pakistan's creation in 1947 through simultaneous independence from British colonial rule and partition from India, its history has been divided into alternating and almost equal periods of civilian and military rule. After an unstable initial 11 years during which the country was run by an increasingly powerful civil bureaucracy, its first military regime seized power in 1958 through a coup in which it was assisted by the bureaucracy. Under General Ayub Khan, military rule lasted for another 11 years.

A student- and labor-led movement brought about the country's first democratic election in 1970. But a dispute over the result led to demonstrations in Pakistan's eastern wing, followed by a civil war and a brutal crackdown by the army. The eventual separation of East Pakistan to form Bangladesh in December 1971 came after the region endured two decades of political marginalization.

A new political party, the left-leaning Pakistan People's Party (PPP), led by Zulfiqar Bhutto, won the 1970 election in Pakistan's remaining western territory. The PPP formed a government that lasted a full term, and it won the next election, in 1977. But General Zia-ul-Haq led another military coup later that year. Haq's regime lasted 11 years, only to end in another movement for democracy. The PPP returned to power in the 1988 election, led this time by Benazir Bhutto, Zulfiqar's daughter—he had been executed in 1979.

The country shifted back to democratic rule, but the military regime had devoted resources to developing a competitor for the PPP in the form of the Pakistan Muslim League (consolidated later as the PML-N around its leader, Nawaz Sharif). Over the next 11 years, power alternated between the two parties—the military's protegé, PML-N, and the anti-establishment PPP. This ended in 1999 with a coup that brought Pakistan's third and most recent military regime to power under General Pervez Musharraf. The coup was prompted, according to most accounts, by the military's recognition of its waning influence over the PML-N within a quickly democratizing space.

Musharraf's regime lasted until early 2008, when another pro-democracy movement arose, this time led by lawyers. The result has been Pakistan's most

---

SHANDANA KHAN MOHMAND *is a research fellow at the Institute of Development Studies, University of Sussex, and the author of* Crafty Oligarchs, Savvy Voters: Democracy under Inequality in Rural Pakistan *(Cambridge University Press, 2019).*

Downloaded from http://online.ucpress.edu/currenthistory/article-pdf/119/816/146/400692/curh_119_816_146.pdf by Brett Kier on 21 September 2022

stable transition so far. Over the past 12 years, two successive governments under the PPP and the PML-N completed their terms and peacefully alternated power through largely fair and free elections (albeit with some allegations of irregularities). A third government, led by a new political party, the Pakistan Tehreek-i-Insaaf (PTI), came to power in the summer of 2018 under Prime Minister Imran Khan, generating further excitement about the expansion of a competitive democratic arena, though the PTI faced allegations of being the military's new protegé.

The elections of 2008, 2013, and 2018 suggest that democratic consolidation may well be under way in Pakistan. But elections, on their own, are a poor indicator of democratization. Pakistan has also held elections under military regimes: a limited experiment under Khan in 1965; a broader but partyless election under Haq in 1985; and a competitive party-based election under Musharraf in 2002.

For democratic consolidation to occur, electoral democracy must be accompanied by liberalization in the form of an expansion of individual rights and guarantees for freedom of thought, expression, and association. On this front, Pakistan's current democratization project remains incomplete.

Employment in the development sector is expected to shrink.

Rights Reversals

Pakistan's democratization has not been inclusive in the political, economic, and social spheres. Alliances among military, bureaucratic, and traditional landed elites have proved resilient, enabling a concentration of military, economic, and organizational power that has been sustained throughout intermittent democratic regimes. The poor, who constitute a majority of the population, have been left out.

Development has been uneven across the country's regions; the demographically and politically dominant province of Punjab has long received the lion's share of resources. This has led to periodic unrest in the three other provinces of Baluchistan, Khyber Pukhtunkhwa, and Sindh, as well as growing dissatisfaction in the more marginalized southern parts of Punjab. Due to this unequal distribution of resources, periods of both military and civilian rule in Pakistan have been unstable, marked by different types of violent episodes across the country.

Pakistan is a religiously homogeneous country—96 percent of the population is Muslim. Its few religious minorities (Christians, Hindus, Sikhs, and Ahmadis) have long been marginalized. Even where formal legal protections do exist, a lack of implementation can result in the exclusion of minority groups, which they call "double discrimination."

A 1985 law instituted by the military regime of Haq, whose tenure was marked by several Islamizing reforms, consigned minorities to a "separate electorate." They were registered in a separate list of non-Muslim voters and could vote only for candidates from their own communities. This system of disenfranchisement was abolished under Musharraf in 2002 due to international pressure, but the religious right prevented the change from applying to Ahmadis.

In my recent research, I have found that both ethnic and religious minority groups believe that their civic, political, and social space has generally been shrinking. The issue of minority rights is considered an extremely sensitive subject, heavily monitored and regulated by state authorities. This has been the case throughout Pakistan's history, but many believe that space has contracted particularly swiftly over the past decade, especially for equal rights campaigns for ethnic minorities, such as the Baluch and the Pashhtun, and for activists working on women's and human rights in general.

Going Through Phases

The evolution of state–civil society relations in Pakistan can be divided into four phases. During the first phase, roughly from independence to the end of the Bhutto government in 1977 (encompassing also the first military regime during the 1960s), civil society was based largely on voluntary associations with strong ideological leanings, such as trade and student unions. These groups were focused on struggles for democracy, labor rights, political representation, and women's rights.

The second phase lasted through the second military regime, under Haq, in the 1980s, during which many of these groups were suppressed. However, that period led to the emergence of a pro-democracy movement that was intricately interwoven with an emergent women's movement. The strengthening of these associations, together

Downloaded from http://online.ucpress.edu/currenthistory/article-pdf/119/816/146/400692/curh_119_816_146.pdf by Brett Kier on 21 September 2022

with a growing middle class, spawned local civil society organizations focused on human rights—particularly on the rights of women, minorities, and workers.

The third phase came in the early 1990s, following the democratic transition, and was organized around nongovernmental organizations and foreign funding. Greater space was now available to civil society—and extended, later in the 2000s, to media groups as well. The focus was now on both advocacy and delivering essential services that the government was failing to provide, such as education and health care. Political mobilization took a backseat to concerns over human development and poverty reduction. NGOs functioned separately from other elements of civil society, like student unions, labor groups, and lawyers.

But such depoliticization did not protect NGOs from the hostility of the conservative PML-N government of 1997–99. They were criticized for receiving external funds and accused of being anti-state; women's rights activists were targeted as immoral and anti-religion. This was despite the fact that many women's rights organizations had worked closely with different governments throughout the 1990s, preparing strategy papers for international conventions and conferences.

Some NGOs had their registrations revoked and were banned. These moves were viewed as part of a push by the government to gain greater control over civil society actors so as to align them closely with its own agenda. Attempts at greater regulation of NGOs had previously occurred under PPP governments in the 1990s, but without such public vilification of the sector.

A more constructive working relationship between the state and NGOs emerged under Musharraf's military regime. In the decade following the September 11, 2001, terrorist attacks in the United States, Pakistan became one of the top destinations for foreign aid because of Musharraf's cooperation with the US war on terror. National and international NGOs flourished, assembling large portfolios of projects in various sectors and partnering with the state on the delivery of essential services. This focus accelerated what has been called the "NGO-ization of civil society," continuing the prioritization of service delivery rather than organizing collective action around demands for structural change.

International organizations brought large amounts of humanitarian aid to the country after a devastating 2005 earthquake in northern Pakistan. This influx of funds and international NGOs under the military government led to increased scrutiny and greater regulation and coordination of the sector by government agencies. But the relationship remained generally conducive to the work of both local and international organizations.

A distinct fourth phase started with Pakistan's most recent transition to democracy, in 2008. In a visible shift around this time, a large number of NGOs came together within networks, alliances, and consortia to push for political and social change. The impetus for this new mode of working was provided by civil society's response to the 2005 earthquake and then to massive floods in 2010 and 2011 along the Indus River, which flows through most of the country, affecting three of the four provinces.

Cooperation among different organizations increased, coordination across geographical and thematic areas became the norm, and networks formed around a number of issues, including minority rights, women's empowerment, and marginalized communities' right to livelihoods. Partnerships and coordination between NGOs and government agencies strengthened, and the latter were largely supportive of civil society organizations, especially under the PPP government from 2008 to 2013.

But the climate changed in 2013, when Nawaz Sharif and the PML-N returned to power. A period characterized by a chillier and more controlling relationship between state and civil society began.

NGO CRACKDOWN

The new government soon issued a November 2013 policy calling for greater scrutiny and regulation of all foreign funding for both domestic and international NGOs. Subsequent laws and regulations imposed restrictions on freedom of expression regarding issues such as the constitution, the armed forces, the judiciary, and religion, justified by reasons including national security and antiterrorism imperatives. Loosely defined contempt laws were used to prevent journalists from reporting on certain issues, while antiterrorism laws were invoked to prosecute journalists.

Security forces were granted a range of powers under the 2014 Protection of Pakistan Act, allowing them to search, detain, and use force against suspected perpetrators of "Internet offenses and other offenses related to information technology." Digital freedom has been further threatened by the controversial 2016 Prevention of Electronic

Downloaded from http://online.ucpress.edu/currenthistory/article-pdf/119/816/146/400692/curh_119_816_146.pdf by Brett Kier on 21 September 2022

Crimes Act, which allows the government to force Internet companies to remove content without court approval.

The state came down hard on domestic NGOs, requiring them to re-register with added documentation if they receive any funds from abroad. A number of organizations working in southern Punjab, in districts along the Indian border, in Baluchistan, and in the tribal areas bordering Afghanistan (regions considered particularly sensitive), as well as those focused on women's and human rights issues (about 350 groups, by some counts), were accused of "pursuing an anti-state agenda" and ordered to stop all activities.

Others started to receive regular visits from intelligence agents. Letters sent to local NGOs from various state bodies suggested that activities considered part of an anti-state agenda include accusing the armed forces of harassment; presenting a bleak picture of the human rights situation in Pakistan to external actors such as the United Nations Commission on Human Rights; receiving foreign funds without full disclosure of sources and activities; and working on any issues related to women's and human rights.

Periodic military rule has left marginalized groups with no real voice.

Many respondents I spoke with agreed that restrictions on different types of civil society organizations have intensified in recent years, and have also affected the work of journalists, bloggers, human rights defenders, and academics. A ban on student unions and student engagement in politics has been in place since 1984 (with a short respite between 1988 and 1993). Regulation of academia intensified in 2018; research activities came under greater scrutiny by intelligence agencies and district administrations.

In January 2017, five bloggers who were critical of the military and security agencies "disappeared" for several weeks before being released. Others have been kidnapped and held for many years; though some were eventually released, Pakistan's list of unresolved "missing persons" cases currently stands at over 2,000, according to the Commission of Inquiry on Enforced Disappearances, established under the PPP government in 2011 at the direction of the Supreme Court.

It is difficult to provide accurate measures of the impact that closing civic space can have, but it is often felt most acutely by vulnerable and marginalized groups who may suffer most from disrupted service delivery. My recent investigation of the constraints placed on international NGOs (INGOs) may provide some sense of the effect. Through 2016 and 2017, the state's tightening regulations and restrictions had targeted local organizations working on women's and human rights. Toward the end of 2017, the focus widened to include a long list of international organizations headquartered in different parts of the world, including the United States, Europe, and Australia. In December 2017, about 29 INGOs (some reports said 27 or 31) received notices from the Ministry of Interior ordering them to shut down operations within 90 days.

The most immediate and obvious implication of this crackdown was that millions of direct and indirect beneficiaries of INGO projects would be left without access to essential services that are severely underprovided by Pakistani state institutions, especially in more rural and remote parts of the country. Media reports estimated that the closures would affect 29 million beneficiaries across the country—about 14 percent of the population.

For example, between October and November 2017, medical facilities run by Médecins Sans Frontières in the tribal areas were closed down. The organization had been operating in the area for over a decade with about 120 local staff, had spent more than $27 million in Pakistan in 2016 alone, and had treated thousands of patients a year (over 40,000 in the first nine months of 2017). There are few alternate medical facilities in these areas accessible to local residents.

The Pakistan Humanitarian Forum estimated that the closure of just 11 organizations that received the government notification would result in a loss of about $124 million in committed funding for 2018. Simple extrapolations from this figure put the annual loss for all 29 organizations at more than $350 million. The withdrawal of funds is expected to have an impact not only on the communities that were served, but also on the many civil society organizations that partner with INGOs to implement local projects. The financial sustainability of these local organizations may be curtailed, along with their ability to employ local staff. Employment in the development sector is expected to shrink significantly, by some 6,000 local jobs.

SECURITY MINDSET

The shrinking of civic space reflects the political economy of development in Pakistan, as well

Downloaded from http://online.ucpress.edu/currenthistory/article-pdf/119/816/146/400692/curh_119_816_146.pdf by Brett Kier on 21 September 2022

as the current state of its democracy in a time of ascendant right-wing politics under the PML-N and now the PTI. But there are two other important factors: the securitization of the state, and a changing international normative environment.

The security situation deteriorated sharply nationwide starting in 2008. Terrorist attacks by the Pakistani Taliban and by groups supported by al-Qaeda, as well as violence among rival sects and against religious minorities, afflicted both major cities and smaller towns. There have been more than 50,000 terrorism-related fatalities since 2008. The surging violence prompted counter-operations by the security forces and an increasingly security-focused mindset in state agencies.

International and local civil society organizations found it increasingly difficult to carry on normal activities in this context. Smaller local groups dealing with sensitive issues of minority and women's rights were particularly constrained. NGO workers, especially those administering polio vaccines, have faced widespread distrust and a perception that they are foreign agents; some have even been killed. The situation worsened as donors pulled back from projects that were increasingly difficult to monitor as a result of security threats.

The sense of insecurity was intensified by the May 2011 killing of Osama bin Laden in Abbottabad by US special forces (the CIA reportedly recruited a local doctor to carry out surveillance ahead of the operation under the guise of a vaccination program), a string of terrorist attacks on state installations, and the 2014 massacre of 140 children at the Army Public School in Peshawar. Security agencies used these events to justify their growing scrutiny and regulation of international actors. The attitude toward INGOs in particular hardened around 2015, when the government issued a National Action Plan designed to intensify counterterrorism efforts in the aftermath of the school attack.

The focus on INGOs was also related to international concerns about terrorism financing. Pakistan spent 2017 under threat of being blacklisted for inadequate controls by the Financial Action Task Force, an intergovernmental monitoring body, and was eventually placed on a "grey list" in June 2018, with adverse implications for its ability to sell government debt and attract foreign investment. This pressure to regulate the flow of international funds hampered INGOs and foreign funding of development efforts. But increased financial transparency on the part of both national and international NGOs has not eased restrictions on their work.

The shrinking space for civil society organizations also affects ethnic movements, workers' struggles, academic institutions, and research. This trend is linked to the second factor in the chilling of Pakistan's civic climate—a shift in the normative global environment away from democratic values, and toward decreasing tolerance for dissent and more open suppression of the rights of religious, racial, and ethnic minorities.

This trend may have entered Pakistan through very specific channels—the increasing influence of both China and Saudi Arabia as aid donors, and their preference for rolling back the liberalization of rights. Saudi influence in Pakistan has been connected with a societal shift to the religious right and growing intolerance for diversity, leading to an alignment between popular and state attitudes as public demand for more liberal policies declines. China's influence is linked to its funding for a number of large infrastructure projects across the country under the rubric of the China-Pakistan Economic Corridor, which is part of China's global Belt and Road Initiative.

Moves against civil society in Pakistan appear inspired by China's own methods of tightly controlling civic space. In April 2016, the Chinese government gave the police increased powers to supervise the work of NGOs operating in China, which were required to declare their sources of funding. A Chinese law to govern and regulate INGOs took effect in 2017. The law cites dangers they pose to Chinese national interests but is vague about what constitutes such malign activities. It sets a complex registration process for INGOs and restricts the work of different types of civil society groups, including academia. The law is also closely connected to China's counterterrorism policies. These are all features of the recent Pakistani laws and regulations; some have said these policies follow the "China playbook."

THE LIMITS OF CHANGE

Pakistan's July 2018 elections resulted in a new government led by the PTI. The party had run on a platform of *tabdeeli* (change), and indeed, some change came in the immediate aftermath of the election. Notably, there appears to be greater space for the inclusion of minorities. Imran Khan set the tone in his victory speech, followed over the past two years by some concrete actions, such as the release of a Christian woman, Asiya Bibi, who had been sentenced to death and imprisoned for more than a decade on false blasphemy charges. The

Downloaded from http://online.ucpress.edu/currenthistory/article-pdf/119/816/146/400692/curh_119_816_146.pdf by Brett Kier on 21 September 2022

government also opened a visa-free corridor to enable Indian Sikhs to visit the Kartarpur temple in Pakistani Punjab.

This easing has been helped by the military's efforts to soften its international image and look more secular, as well as by the judiciary's increasingly liberal stance. Recent judgments have dismissed cases brought against political activists, questioned security agencies' use of sedition laws against them, and protected freedom of expression and association for women's rights groups.

The change of government has not, however, softened the state's stance against local and international civil society groups. The canceled registration of INGOs remains unresolved, and some of these groups have exited the country permanently. Civil liberties remain generally constrained; restrictions on research, expression, and association are as stringent as they were under the previous government. New regulations known as the Citizen Protection (Against Online Harm) Rules further restrict freedom of expression on the Internet and on social media.

The PTI government has deferred to the military in policymaking processes, leaving it to the generals to decide where some space may be allowed to open up in service of Pakistan's international image, and where it must close further, such as in response to political demands made by Baluch and Pashtun insurgent groups. So far, the PTI has not indicated that it has any inclination to pick a fight with the military.

It is clear that basic democratic norms have been established in Pakistan to the extent that regular and competitive elections can be expected, and power will continue to change hands peacefully under broadly accepted rules. Despite the fact that the military is still active in politics, it now operates through parties rather than making direct interventions. Each military regime has had to accept progressively more open elections, and it seems that the Pakistani population's appetite for military rule is small.

But there is little assurance that these changes will result in strengthening civil liberties and equal rights for women, ethnic groups, religious minorities, and the economically marginalized. For this to occur, Pakistan's parties must have the political will to pursue liberalization just as much as electoral democratization. ■

Downloaded from http://online.ucpress.edu/currenthistory/article-pdf/119/816/146/400692/curh_119_816_146.pdf by Brett Kier on 21 September 2022

Selling Out the Afghans

C. CHRISTINE FAIR

As presidential candidates, both Barack Obama and Donald Trump promised to end the forever war in Afghanistan. Whereas Obama failed, Trump believes he has succeeded. On February 29, 2020, the United States and the Taliban signed what Washington dubbed a peace deal. To get to this point, the United States sidelined the government in Kabul, which knew that Trump would sacrifice the Afghans to end the 19-year war.

The conflict has cost the United States more than $2 trillion and the lives of some 2,400 military personnel, as well as those of thousands of civilian contractors. This is in addition to the deaths of more than 1,200 NATO troops, over 64,000 Afghan armed forces personnel, and hundreds of thousands of Afghan civilians.

Although much is uncertain about this agreement, one thing is clear: it is meant to allow the Americans to withdraw with some semblance of dignity. But it will not bring peace to the Afghans, many of whom feel that they have been thrown under the bus—or worse, sold to Pakistan. Their concerns are justified. Before the ink had dried, the Taliban violated the promised cease-fire.

DOUBLE DEALING

The war began on October 7, 2001, when the United States invaded Afghanistan in retaliation for al-Qaeda's September 11 attacks. In the days that followed the attacks, Washington had reached out to General Pervez Musharraf, Pakistan's military dictator. This gave Musharraf an opportunity to rehabilitate both his personal image and that of his country, which had been harboring and deploying Islamist militants as tools of foreign policy since 1973.

In 1999, Musharraf had become an international pariah by dispatching troops disguised as mujahideen fighters deep into the Indian-controlled part of the disputed region of Kashmir. The ensuing Kargil War was the first conflict between the two countries since they conducted reciprocal nuclear tests in May 1998. Earlier, Musharraf had brought international sanctions down on Pakistan when he led a coup to oust Prime Minister Nawaz Sharif in October 1999. Those sanctions added pain to a previously imposed set related to Pakistan's nuclear weapons program.

At Washington's request, Musharraf dispatched a delegation led by General Mahmud Ahmed, his intelligence chief, to meet the Taliban. Ahmed, a well-known Taliban sympathizer, was tasked with persuading the group to hand over Osama bin Laden in order to avoid US military intervention. Instead, Ahmed told the Taliban to wait out the storm. Musharraf ousted him, but the impatient Bush administration rejected another diplomatic effort and opted for war.

The logistics would not be easy: Afghanistan is landlocked. Its two neighbors with access to deep warm-water seaports are Iran, a traditional US foe, and Pakistan, a US ally with a long history of double-crossing Washington. Although Iran was hostile to both the Taliban and al-Qaeda, and President Mohammad Khatami offered support to the United States, the Bush administration turned to Pakistan instead.

The Americans sent in a small number of special operations troops to rendezvous with the Afghan anti-Taliban forces of the Northern Alliance. Two days before the September 11 attacks, al-Qaeda had assassinated the Northern Alliance leader, Ahmad Shah Masood. By killing Masood, bin Laden hoped to earn renewed support from the Taliban, which faced heavy pressure to give him up. Masood led the only remaining armed resistance to the Taliban and would be the most likely US combat ally in the country.

As the Americans advanced from the north with the Northern Alliance, support for the Taliban melted away. The Taliban leaders and their al-Qaeda associates fled south and east into Pakistan's Pashtun areas. Their escape was facilitated by a December 2001 attack on the Indian Parliament conducted by a Taliban ally, the Pakistan-

C. CHRISTINE FAIR *is an associate professor of security studies at Georgetown University and a* Current History *contributing editor.*

Downloaded from http://online.ucpress.edu/currenthistory/article-pdf/119/816/152/400698/curh_119_816_152.pdf by Brett Kier on 21 September 2022

backed and -based Islamist terrorist group Jaish-e-Mohammad. As India mobilized for a potential war, Pakistan moved its forces from the west—where they were purportedly assisting the US-led intervention in Afghanistan—to its eastern border.

As a condition for aiding the Americans, Musharraf wanted reassurances that the Northern Alliance would not take Kabul. For years, India had been providing military and political support to the Northern Alliance to counter the Taliban—which trained terrorists, at Pakistan's behest, for operations in India. But given the small footprint of the US special operations teams, Washington could not restrain its Afghan allies. From Musharraf's point of view, the Americans had handed India the keys to Kabul.

Pakistan's Inter-Services Intelligence (ISI) agency rehabilitated the Taliban and enabled them to launch an insurgency in 2005. Scholars debate the degree to which the Pakistani state aided and abetted bin Laden. The Americans eventually located him in his spartan redoubt in Abbottabad, a short distance from the Pakistan Military Academy, and killed him in a helicopter raid in May 2011. The Pakistani government has never explained how bin Laden was able to reside there undetected for years.

All along, Washington refused to understand the yawning gap between US and Pakistani interests. The United States wanted a stable Afghanistan that would no longer play host to terrorists; the Pakistanis sought exactly the opposite. Pakistan was also discomfited by the US pursuit of closer relations with India. By 2005, the Bush administration was offering New Delhi a bomb-friendly nuclear agreement, viewing a well-armed India as the best partner in the region for managing China's rise.

By 2007, US and NATO losses were mounting as they faced an increasingly competent Taliban. In 2009, US generals recommended a surge of more forces into Afghanistan, arguing that this would give them the necessary firepower to defeat the Taliban and end the war on favorable terms. They disregarded a basic truth: they were losing the war due to Pakistan's support for its client, the Taliban.

But the United States was unable to put pressure on Pakistan because it needed access to Pakistani territory and airspace to supply its forces. An alternative northern distribution route through other countries was not a viable substitute because of its length, the need to negotiate numerous bilateral agreements, and Russia's refusal to allow the transit of lethal goods through its territory. So the surge made the United States more reliant on Pakistan than ever.

Pakistan received tens of billions of dollars in aid for ostensibly supporting the war effort while doing everything possible to undermine it. At the same time, Islamabad was pursuing battlefield nuclear weapons (unwittingly subsidized by US taxpayers), which would enable it to act with even greater impunity once Washington no longer required its help.

STAYING POWER

To paraphrase the popular television series *Homeland,* which often has a better grasp of Pakistan than US officials do, the United States and the Taliban were both strong enough that they could not be defeated, but neither was strong enough to achieve an outright victory. While Trump has a political watch ticking as the 2020 presidential election approaches, the Taliban—backed by Pakistan's staying power—have unlimited time. Since the United States could not impose its will militarily, there was never any option but to sue for peace on Pakistan's terms.

There was never any option but to sue for peace on Pakistan's terms.

But it did not have to be this way. In January 2020, the United States assassinated Iranian Major General Qasem Soleimani, an act for which the Trump administration offered an array of evolving justifications, from his alleged responsibility for thousands of US casualties to tendentious claims that he was planning imminent attacks on US forces in the region. By this logic, every ISI chief should have been a target: Pakistan has been responsible for the deaths of thousands of Americans as well as tens of thousands of allied personnel and hundreds of thousands of Afghans. Yet even while the United States has spent decades seeking to thwart Iran's nuclear program, it has abetted Pakistan's program since 1982, when the Reagan administration reversed sanctions imposed by President Jimmy Carter in 1979.

In the current season of *Homeland,* the scriptwriters fictionalize the US-Taliban peace process with chilling accuracy. Unfortunately, they penned a better deal than the real-life US negotiators, who hid key details in classified annexes and sought to undermine the civilian Afghan government—

Downloaded from http://online.ucpress.edu/currenthistory/article-pdf/119/816/152/400698/curh_119_816_152.pdf by Brett Kier on 21 September 2022

which understood that the deal would bring peace to the Americans but not to the Afghans, unless real constraints were placed on the Pakistanis.

Throughout the summer of 2019, the Trump administration pressured Ghani to postpone or even cancel the September elections, as the Taliban wished. He refused. The elections went forward as planned, but only 19 percent of registered voters cast a ballot, according to the official results. Given the security environment, even this meager turnout was awe-inspiring.

There is considerable evidence that the election results were manipulated. Ghani's erstwhile partner in the previous national unity government, Abdullah Abdullah, believes he was cheated of a victory in 2014 and has refused to concede defeat again. Each man has declared himself the victor, and they held simultaneous inaugurations on March 9. This power struggle does not augur well for the country at a time when the Americans have made it clear that they are leaving. What the Afghans need now more than ever is unified, credible civilian governance.

MONEY TROUBLE

Everyone knows that the Taliban have no intention of seeking peace. But the biggest problem remains unspoken: money.

Afghanistan entered the international system as a rentier state, patronized first by the British and then by the Russians. On February 15, 1989, the last Soviet troops withdrew from Afghanistan. As long as Moscow continued paying the bills, President Mohammad Najibullah was able to withstand Pakistan's efforts to oust him. But as soon the Soviet Union collapsed and the successor Russian state could no longer write those checks, his government fell to Pakistan-backed mujahideen forces. (And Najibullah was stronger and more competent than either Ghani or Abdullah.)

The next patron, the United States, insisted on building the largest state ever seen in Afghanistan. Much of the funding for this behemoth flowed to US contractors, who pocketed lucrative fees. The late US envoy Richard Holbrooke once said in congressional testimony that 90 cents of every dollar spent in Afghanistan returned to the United States.

While the questions of how many US troops will stay, for how long, and with what mission have drawn close attention, there has been virtually no discussion about the fiscal sustainability of the state. The Afghan government is almost entirely dependent on foreign aid. Without funding to pay for the national defense forces, it will fall. But with all the corruption in the US-built system, accurately calculating the cost of maintaining the state is nearly impossible. Reducing its size will be problematic as long as there is an active insurgency: many who are dismissed will simply join the insurgents, who have vast resources thanks to narcotics, timber, and gem trafficking, as well as ISI's deep pockets.

Trump has made it even less likely that Afghanistan can survive on its own. The Obama administration recognized that Iran would be critical to Afghanistan's economic future. By negotiating the 2015 nuclear agreement known as the Joint Comprehensive Plan of Action (JCPOA) with Iran, it cleared the way for more investment in Chabahar, an Iranian deep-sea port built with Indian assistance. This would provide Afghanistan with an alternative to relying on Pakistani ports.

In October 2018, I visited Zaranj in the Afghan province of Nimruz, on the border with Iran. The Indians have built an important road that links Zaranj to the city of Delaram and a major highway network, the Ring Road. These links allow goods to be carried from Chabahar to Zaranj and onward throughout Afghanistan. Despite inadequate infrastructure that kept trucks waiting in line for days to cross the border, the town was doing booming business when I was there.

Yet Trump has done his best to eviscerate the JCPOA, just as he has done with each of Obama's major accomplishments. Despite the reinstatement of sanctions on Iran, India has been allowed to continue limited development work in Chabahar under a waiver provision that permits investment if it advances Afghan reconstruction. But the waivers are not permanent and must be continually reissued, creating uncertainty. For Chabahar to serve as a genuine lifeline for Afghanistan, it needs more investment to become a viable deep-sea transit hub.

BACK TO THE FUTURE

After Najibullah's demise in 1992, Afghanistan fell prey to warring factions. Kabul was decimated by the dueling rockets of the mujahideen who were once hailed for liberating the Afghans from the Soviets. A return to this scenario is no longer implausible. Now the country has rival presidents and no obvious way to pay for the state, whoever runs it—not to mention a predatory neighbor that is more skillful at orchestrating chaos than the Americans have been at preventing it.

Downloaded from http://online.ucpress.edu/currenthistory/article-pdf/119/816/152/400698/curh_119_816_152.pdf by Brett Kier on 21 September 2022

Afghans have reason to worry—and they have more at stake than ever before. Most Afghans were born after the Taliban fell. Women and girls began to have new expectations and hopes. Although many Afghans are unhappy with the flawed democratic structure foisted on them by the Americans, there is no appetite among young people to give up on democracy—they want more of it.

But the Taliban have been clear: they want uncontested power, they plan to do away with elections, and they intend to roll back the gains in the rights of women and children. After spending so much blood and treasure, both the United States and Afghanistan deserve a process that will bring peace to the country at last, rather than delivering it in pieces to Pakistan. ■

Downloaded from http://online.ucpress.edu/currenthistory/article-pdf/119/816/152/400698/curh_119_816_152.pdf by Brett Kier on 21 September 2022

Can Myanmar Save Itself?

Ardeth Maung Thawnghmung

From 1990 until 2010, Myanmar—or Burma, as some still prefer to call it—was ostracized by the West because of its entrenched military dictatorship, which had ruled the country since 1962 and committed widespread abuses against ethnic minorities and pro-democracy activists. But then a quasi-civilian government came to power after elections in late 2010 and launched sweeping changes, suddenly turning the country into a case study for democratic transition. An unprecedented influx of investment, tourism, and international aid ensued as the administration of President Thein Sein implemented political, economic, and social reforms. That paved the way for the pro-democracy campaigner and Nobel Peace Prize laureate Aung San Suu Kyi to emerge from years of house arrest and lead a new government. Her party, the National League for Democracy (NLD), won a landslide victory in the 2015 elections. The new parliament created for her the title of state counselor—akin to prime minister—since she was barred from the presidency due to constitutional restrictions targeting her multinational family.

The Hidden History of Burma: Race, Capitalism, and the Crisis of Democracy in the 21st Century
by Thant Myint-U
W. W. Norton, 2019

By 2017, however, Myanmar had begun sliding back toward its former pariah status. More than 700,000 Rohingya Muslims fled from western Rakhine state as the army carried out a scorched-earth campaign in retaliation for attacks on police facilities by a militant group calling itself the Arakan Rohingya Salvation Army. The Rohingyas flowed across the border into Bangladesh, ending up in what is now one of the world's largest refugee camps. Fearful of further outbursts of anti-Muslim resentment in overwhelmingly Buddhist Myanmar, the refugees have refused to return despite repatriation efforts on both sides of the border.

Ardeth Maung Thawnghmung *is a professor and chair of the political science department at the University of Massachusetts, Lowell. Her latest book is* Everyday Economic Survival in Myanmar *(University of Wisconsin Press, 2019).*

In January 2020, Aung San Suu Kyi herself appeared before the International Court of Justice in The Hague to defend Burma against genocide accusations filed by Gambia. Her previously shining image in the international arena has been tarnished by her handling of the Rohingya crisis—particularly her apparent unwillingness to intervene with the army to stop the violence.

How did Myanmar shift so quickly from one extreme to the other? Why did a country that showed so much promise after World War II become one of the world's poorest nations? How and why did the military decide to implement democratic reforms in 2010? And why has it seemingly thrown away that progress and reverted to a brutal cycle of violence?

In *The Hidden History of Burma*, Thant Myint-U sheds light on events that led to these remarkable upheavals. He shows that enduring military rule is not the only source of Myanmar's problems; rather, they have multiple and intertwined root causes. A brief yet comprehensive overview of the country's history provides the background to the multifaceted challenges it has confronted during its transitional period.

Among these challenges is the mix of more than 130 ethnic groups, whose identities remain fluid, contested, and politicized, dangerously serving as a basis for territorial demarcation and elective office. This ethnic politics has led to difficult and protracted negotiations between the government and multiple nonstate armed groups that control large portions of the border areas. It has also erupted in interreligious communal violence and the Rohingya crisis. On top of all this, Myanmar has struggled with limited state capacity, an underperforming economy, widespread poverty, growing socioeconomic inequality, and the impact of climate change and environmental degradation.

Thant Myint-U offers a well-structured narrative, aimed at a general audience, which is accessible, engaging, and informative. He is an authori-

Downloaded from http://online.ucpress.edu/currenthistory/article-pdf/119/816/156/400700/curh_119_816_156.pdf by Brett Kier on 21 September 2022

tative observer—a seasoned writer and historian with more than ten years' experience at the United Nations in peacekeeping and advising on political transitions. Although he is not the first to dig into the obscure origins of the events that led to Burma's unprecedented transformation in the early 2010s or to explore the root causes of the Rohingya crisis, *The Hidden History of Burma* is a rare effort to provide a comprehensive account of the country's challenges from broader historical and comparative perspectives.

Personal interest

As a grandson of U Thant, a Burmese national who served as UN secretary-general in the 1960s, Thant is able to offer a unique personal perspective. His insights are also enhanced by his former position as an adviser to Thein Sein (a former army general who served as president from 2011 to 2015). He draws on his own interactions with several leading figures in that transitional administration, as well as with prominent international and nongovernmental organizations, to show how key actors worked behind the scenes to promote reform.

Thant also draws on multiple interviews to provide vivid details of the lives of ordinary citizens who have endured discrimination, poverty, and environmental destruction. As a resident of Yangon, the former capital, he offers a firsthand account not only of improvements associated with reform, but also of unintended consequences of the international rush into what some have called the world's last frontier market. These include skyrocketing housing costs and a state woefully underequipped to control trafficking of drugs and wildlife, illegal gambling, and cross-border organized crime. Nor is it able to deal with the effects of climate change, or to regulate social media platforms that are fueling anti-Muslim hatred and communal violence.

Growing up in the United States, Thant had his first taste of dictatorship in 1974, after the death of his grandfather. Ne Win, Burma's military dictator from 1962 to 1988, ordered a military crackdown following students' demands that U Thant be given a state funeral. Having barely set foot in Burma over many years, Thant began to reengage with the country in 1988, after another bloody crackdown on student-led demonstrations, in which thousands of protesters were killed. He writes that he worked with exiled students to urge the "harshest possible stance against the junta," but later became convinced that "the current approaches, economic sanctions and international ostracism, were not working and could not work in the future."

Thant became a controversial figure in the 2000s by advocating for easing Western sanctions against Burma's military regime and pursuing incremental change based on the 2008 constitution, which introduced multiparty elections and a division of power among three branches of government and gave some limited power to regional and state legislatures. (That document was drafted by the military largely to guarantee its survival in a post-dictatorship era by ensuring that it retained a quarter of seats in the national and local legislatures and total control over security affairs.) At the same time, Thant encouraged army generals and senior government officials to adopt a more comprehensive reform process: "any steps away from military dictatorship were good, but they had to be accompanied by economic reforms that would genuinely benefit ordinary people and bring a just end to decades of internal conflict," he writes.

How did Myanmar shift so quickly from one extreme to the other?

Thant's focus on a general readership sometimes necessitates abbreviation. At certain points, this results in a superficial or partial account of complex situations. For instance, he writes as if the 21st Century Panglong Peace Conference, which began in 2016, was Aung San Suu Kyi's own initiative. But it is really just a new name for the Union Peace Conference, which was mandated by the nationwide cease-fire agreements signed in October 2015 by Thein Sein's government and eight nonstate armed groups. These agreements were intended to establish the foundation for a future federal (and democratic) government.

Thant attributes most of Myanmar's contemporary problems, particularly its ethnic conflicts and the underperforming economy, to legacies of the British colonial period: "At the heart of the problems was a state that still did not control its territory and a society divided on who belonged and who did not. Both were colonial legacies." He explains how ethnic identity became rigid and politicized under colonial rule, and how Britain's divide-and-rule strategy pitted the country's majority Bamar, who constitute around two-thirds

Downloaded from http://online.ucpress.edu/currenthistory/article-pdf/119/816/156/400700/curh_119_816_156.pdf by Brett Kier on 21 September 2022

of the population, against the numerous minority groups mainly concentrated in the border areas, creating conflicts that ultimately led to the rise and perpetuation of military rule.

Thant partly blames Myanmar's subsequent pariah status on Western misconceptions. Foreign observers, he says, made "no attempt to analyze the roots of authoritarianism or Burma's complex interethnic relations . . . to understand the country's traumatic past or reflect on the legacies of colonialism." Yet this fails to explain why some of Burma's neighbors, such as Singapore and Malaysia, have had different experiences in dealing with their colonial legacies. As a result, his narrative to some degree absolves Myanmar's military of responsibility for the country's problems, while giving insufficient attention to the important role of China in Myanmar's recent conflicts and environmental degradation.

Thant rightly stresses the limited capacity of the current NLD government, its rejection of talented technocrats from the Thein Sein administration (including Thant himself), and its reliance—at least initially—on the old, unreformed bureaucracy. The new government's close links with British advisers made the military nervous and reduced the possibility of cooperation (whereas the Thein Sein government had been composed predominantly of former military officials). Thant also highlights Aung San Suu Kyi's autocratic leadership style and her silence on the Rohingya crisis. He argues, "Her rule was never about government solving people's problems. Her instincts were deeply conservative."

Ethnic identity became rigid and politicized under colonial rule.

Thant notes the army's anxiety to safeguard the "unity" and "territorial integrity" of the country. But his analysis of Myanmar's 135 officially recognized ethnic groups concentrates on the few that are behind the biggest armed movements, such as the Wa, Kachin, and Karen. He has made relatively little effort to understand the diverse aspirations of the country's ethnic minorities. They range from ordinary citizens who want greater freedom and economic opportunities (just like the Bamar majority), to ethnic political parties and armed groups that demand greater autonomy and federalism. Their vision is shared to some extent by Bamar-dominated regional governments and legislatures that favor further decentralization of power to local authorities.

Under the radar

Thant emphasizes the need for comprehensive measures "to fight discrimination," such as "enabling a robust and free media, building new and inclusive state institutions, including for taxation, policing, and justice, and creating a welfare state on which all citizens could depend." He argues that the government's program for democratic reform instead has focused mainly on "injecting a new layer of partisan competition on an already fractious landscape." In other words, holding multiple elections has further intensified existing conflicts.

Here, Thant neglects the contributions of the many other competent advisers (not part of official peace negotiation teams or elite government circles), including foreigners, who have taken a pragmatic approach to the country's problems. One example is Kyaw Yin Hlaing, a Burmese academic with a PhD from Cornell University. He served as an adviser to Thein Sein's government and continues to play a low-profile role through his research-based policy advocacy and humanitarian work on the Rakhine crisis, aiming to prevent further conflict.

There are countless others who have quietly helped bring about incremental change. According to the Myanmar Information Management Unit, more than 250 local nongovernmental and community-based organizations are currently working in the country in various fields, including livelihood development programs, health care, the environment, education, gender, and human rights. Burma's governing institutions are in need of further reforms, but educated and skilled bureaucrats can be found in isolated pockets of civilian ministries, and some elected parliamentarians have benefited from technical training and advice from experts in the international community.

Thant also fails to consider a number of other important topics—such as the ongoing coordination and collaboration between the government and some ethnic armed groups on nonpolitical issues such as health care. Progress (albeit minor) has been made outside the political arena.

For example, many challenges remain in the agricultural sector, which employs around two-thirds of the population, but sustained reform efforts have been made by both the Thein Sein and NLD administrations since 2011. They have

Downloaded from http://online.ucpress.edu/currenthistory/article-pdf/119/816/156/400700/curh_119_816_156.pdf by Brett Kier on 21 September 2022

moved away from highly regressive policies that put a heavy tax burden on farmers, prioritized rice-paddy cultivation, and restricted the choice of crops. The new policies seek to help farmers grow alternative crops, gain access to credit on more favorable terms, and rent machinery. Talks are under way to amend a law that prevents farmers from converting areas previously designated for rice growing to permanent alternative uses, such as fishponds and orchards.

Thant also underestimates the NLD government's ability to learn and adapt—even if slowly—to new circumstances. Nor does he give enough weight to the potential role of the Burmese diaspora, particularly the educated expatriates who were recently extended an open invitation by the government to return to their homeland.

Despite this book's important contribution to public understanding of Myanmar, the author, by seeking to outline the big picture for a general audience, has neglected a host of inconspicuous but still significant activities that together have the potential to boost momentum for change. Nor does he offer constructive prescriptions for how the country could harness and build on such resources.

The Hidden History of Burma is an undeniably valuable contribution to revealing what drives this often-misunderstood country. But it begs a sequel that could draw more direct conclusions about how to fix Myanmar's problems and move forward. As Thant Myint-U suggests, if we focus on issues such as the ongoing Rohingya crisis and elite politics, the outlook seems exceptionally gloomy. But delving deeper into Burma's "hidden history," we find a stream of activism carried on by a host of unsung heroes inside the country who are taking baby steps to bring about positive change. If the country emerges from its dark detour into the authoritarian past and rights its course, realizing the potential of its democratic transition, it will be thanks in large part to their efforts. ■

Downloaded from http://online.ucpress.edu/currenthistory/article-pdf/119/816/156/400700/curh_119_816_156.pdf by Brett Kier on 21 September 2022

February 2020

INTERNATIONAL

Coronavirus

Feb. 28—Nigeria reports the 1st known case of COVID-19 in sub-Saharan Africa (an Italian who flew to Lagos from Milan) 2 days after a case in Brazil marks the arrival in Latin America of the coronavirus that 1st appeared in Wuhan, China, in December and has spread around the world. The total number of cases worldwide has surpassed 83,000 and nearly 3,000 have died; supply chain disruptions have begun to take a toll on the global economy. In northern Italy, the main European hotspot, officials cancel public events. In Iran, facing 1 of the largest outbreaks outside of China, the vice president is reportedly infected. In Japan, which has recorded few cases but is preparing to hold the Summer Olympics in Tokyo, Prime Minister Shinzo Abe Feb. 27 announces a monthlong nationwide school closure; some schools are closed Feb. 29 in the US states of Oregon and Washington.

AFGHANISTAN

Feb. 18—The national election commission declares that incumbent President Ashraf Ghani won 50.64% of the votes in a presidential election held in September, just over the threshold to avoid a runoff. Abdullah Abdullah, the runner-up to Ghani in 2014, took 39.5%, according to the commission. He calls the official results fraudulent.

Feb. 29—US envoy Zalmay Khalilzad and Taliban deputy leader Mullah Abdul Ghani Baradar sign an agreement in Doha, Qatar, that sets the conditions for a withdrawal of US troops from Afghanistan within 14 months. Under the deal, the US will reduce its troop level to 8,600 within 135 days, from about 12,000 currently (and more than 100,000 at the peak of the 18-year-long war). The Taliban agrees to start talks with the Afghan government March 10 on the terms of a permanent cease-fire and a political settlement.

DOMINICAN REPUBLIC

Feb. 16—Officials suspend municipal elections 4 hours after voting begins due to reports from around the country that electronic voting machines have malfunctioned. The elections are rescheduled for March 15. Protesters voice concerns that the ruling Dominican Liberation Party will attempt to manipulate the results ahead of a presidential election in May.

EL SALVADOR

Feb. 9—President Nayib Bukele enters the National Assembly accompanied by heavily armed soldiers and demands that lawmakers approve a $109 million loan to support an ongoing anticrime campaign. Elected in a 2019 landslide over candidates from the 2 mainstream parties, Bukele has retained a high approval rating as the murder rate has dropped on his watch. But the incident in the legislature is widely criticized as an attempted coup harking back to the 1980–92 civil war, which cost some 75,000 lives.

GERMANY

Feb. 10—Defense Minister Annegret Kramp-Karrenbauer, who had been tapped by Chancellor Angela Merkel as her chosen successor, announces that she will step down as leader of the center-right Christian Democratic Union (CDU). The resignation follows an uproar over a Feb. 5 move by the CDU branch in Thuringia state to join with the far-right Alternative for Germany (AfD) to elect a new governor, in defiance of the national CDU's ban on collaboration with the AfD.

INDIA

Feb. 23—Just ahead of US President Donald Trump's 2-day visit to India, violence breaks out between Hindus and Muslims in an escalation of nationwide protests over a new citizenship law that excludes Muslims from eligible categories. Police reportedly stand by as Hindu mobs attack Muslims. More than 40 people are killed in several days of rioting in the capital.

IRAN

Feb. 21—Hardliners win 191 of the seats in the 290-seat parliament. The Guardian Council, which determines who is qualified to run, excluded 7,000 mostly moderate candidates, 90 of whom were already serving in parliament. Many voters boycott the election, cutting the official turnout to 42.6%.

IRAQ

Feb. 1—President Barham Salih nominates former communications minister Mohammed Tawfiq Allawi to serve as prime minister, giving him a month to form a government. Adel Abdul Mahdi resigned as prime minister in November, unable to quell months of antigovernment protests in which more than 500 have died in clashes with security forces.

IRELAND

Feb. 8—Sinn Féin, the former political wing of the Irish Republican Army, wins 24.5% of the popular vote in parliamentary elections, ahead of 2 center-right parties, Prime Minister Leo Varadkar's Fine Gael and the main opposition party, Fianna Fáil. It is the 1st time the left-wing Sinn Féin has finished 1st in an election. But Fianna Fáil ends up with 38 seats, 1 more than Sinn Féin and 3 more than Fine Gael.

MALAWI

Feb. 3—Ruling that a May 2019 presidential election was tainted by "widespread, systematic, and grave" irregularities, the Constitutional Court annuls incumbent President Peter Mutharika's victory. The court orders a new election within 150 days. Mutharika says he will appeal the ruling.

SLOVAKIA

Feb. 29—The anticorruption party Ordinary People and Independent Personalities wins 25% of the vote in parliamentary elections, while the ruling party, SMER-SD, takes just 18%. Public protests against corruption erupted after the 2018 murders of journalist Jan Kuciak and his fiancée Martina Kusnirova, leading to the resignation of Prime Minister Robert Fico and the election of President Zuzana Caputova in March 2019.

SYRIA

Feb. 27—At least 33 Turkish soldiers are killed in an airstrike in Idlib, a province in northern Syria where Syrian and Russian forces are attempting to crush the last main pocket of resistance to President Bashar al-Assad's regime, displacing nearly 1 million civilians from their homes. Turkey supports the rebels and has tried to create a buffer zone along the border.

Feb. 28—Turkish officials help 100s of migrants attempt to cross into Greece as President Recep Tayyip Erdoğan demands NATO military support in exchange for preventing a new wave of Syrian refugees from entering Europe. Turkey already hosts 3.6 million Syrians. ■

Downloaded from http://online.ucpress.edu/currenthistory/article-pdf/119/816/160/400702/curh_119_816_160.pdf by Brett Kier on 21 September 2022

Downloaded from http://online.ucpress.edu/currenthistory/article-pdf/119/816/161/400725/curh_119_816_161.pdf by Brett Kier on 21 September 2022