Heterodoxy in conflict resolution
Case study of fire arms in Pakistan

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Abstract

Past four decades have been tumultuous for security law and order in Pakistan. Sharp rise in violence and insecurity besides other factors can be attributed to Small arms and guns. As per one estimate there are almost twenty million small arms in Pakistan, out of which nearly seven million are registered. Certain parts of Pakistan allow weapons as part of their culture and will not give up arms at any cost. The rampant display and show of force with firearms in open by the elite as well as elected representatives has created a class difference between the “have” and “have nots”. Debate and reflection of multiple solutions about firearms leave Pakistan with only untired option; to declare possession of weapons as a constitutional right. This paper focuses on the issue of uncontrolled weapons and discusses the results of a survey carried out on this area of grave concern. It aspires to propose a solution which may sound unorthodox but probably is the only novel option left in Pakistan. This heterodoxy will bring relatively better control resulting into a more egalitarian approach to a problem that is getting exacerbated by the day.

Keywords: Firearms, Pakistan, Heterodoxy, Conflict Resolution,

"The strongest reason for the people to retain the right to keep and bear arms is, as a last resort, to protect themselves against tyranny in government." Thomas Jefferson

Introduction

Small arms are one of the gravest problems for Pakistan with a steady rise in graph since the Russian Invasion of Afghanistan. Under Regan Doctrine(Phillips, 1986), almost all factions of Afghan resistance to Soviets aggression were armed in order to make the war costly, effective and seek quicker results. Influx of AK 47 (Kalashnikov) in Pakistan has not only challenged the cultural values of the nation but shaken human security to the core. The problem got further compounded by lost weapons containers transiting for NATO and US through Pakistan(Rana, 2011).Certain traditional connexions are also associated to possession of weapons in certain parts of Pakistan. Nation owns estimated 20 million
small arms out of which almost 7 million are licensed(Khan, 2013). Under the Supreme Court orders Sindh Government launched a whopping Rupees 100 Million anti-illegal weapons campaign and in one month were successful in confiscating only 18 weapons(Khan, 2013). A 2011 Suo Motu notice by Supreme Court of Pakistan pointed out 180,956 licenses of non-prohibited bore issued by the Government of Sindh whereas 46,114 licenses of prohibited bore and 1,202,470 licenses of non-prohibited bore issued by the Ministry of Interior, Government of Pakistan(Choudhry, 2011). From 2008 to 2013, total of 342 Members of National Assembly (MNAs) received 69,473 Prohibited Bore licences – almost 203 weapons per law abiding legislator(Sadiq, 2013). The gravity of the problem yearns for heterodoxy in policy formulation. This paper aspires to explore the options available in Pakistan so that the state grip on issue of weapons is tightened and practically germane.

**Theory of Societal Change**

Current law and order situation in Pakistan can be attributed to societal trauma witnessed by the nation in past almost four decades. Multiple factors have left lasting imprint on cultural and traditional values and brought about changes that were unexpected and undesirable such as Kalashnikov Culture. Excessive display and ownership of small arms by few and others desiring to do same has literally created classes of “have” and “have-nots”. This deprivation gap between the two is increasing due to easy access, political affiliations as well as exposure to previously hard to acquire technologies and instruments of conflict. Pakistani society has witnessed more than its fair share of disturbance, lawlessness and terrorism not to mention over flow of weapons.

Paris Roland in his book *At Wars End* has argued, that any process of transformation of a society which has just emerged out of civil war into a liberal market economy and well reformed democracy will be extremely tumultuous and institutional capacity needs to be built before such reforms can be ordained(Paris, 2004) It is necessary to develop democratic social institutions before aspiring for lasting peace in societies which have just emerged out of a trauma. The democratic process can only be sustained if it is ready to harness existential conflict energy and transform it into positive vigor for lasting peace.

The fragility and sensitivity of the issue of gun control in Pakistan needs to be reflected in the light of aforementioned theoretical aspects of societal vicissitudes. As proposed by the Theory of Social Change,
institution building and long term planning is the most plausible solution for Pakistan. With second consecutive democratically elected government in place, emphasis in Pakistan needs to be shifted towards institutional capacity building and inclusive policy formulation. Like any other society emerging out of prolonged trauma, Pakistan merits deliberate efforts on part of government to institutionalize new reforms over a long period of time or else it will risk to further destabilize the society and increase violence.

Legislative changes being proposed in this research are vital and demand prudent handling. Hence, before embarking upon a well agreed framework for updating the Gun Laws in Pakistan it would be apt to plan this journey rather systematically. The foremost concern in this regard is educating masses. This education doesn’t mean regular schooling, rather enlightening masses on the impending debates and societal changes related to the possible constitutional amendments declaring gun possession as a Right. Masses need to be educated on guns, weapon control and their legal rights pertaining to possession and display of such weapons notwithstanding lethal side effects. Extensive long term (minimum 3 to 5 years) campaigns need to be promulgated through multiple communication channels. This could be achieved through electronic media and print media campaigns, awareness drives through social media and internet, advertised messages through radio and through Short Messaging Service (SMS) over the cell phones etc.

Regulatory Decay

There is no dearth of laws on weapons and they have been in place, ambitious to be enforced since 1877. The Arms Act of 1878 (The Act XI of 1878) para VI (19) states that, “the person in possession of illegal weapons will be punished by three years in prison and fine or both” (Act, 1878). This law stayed in place even after creation of Pakistan and was rather reinforced in 1965 when “The Arms Ordinance” increased the punishment to 7 years in prison or fine or both (Ordinance, 1965a). In 1991 the law experienced further severity and the punishment for possession of illegal weapons was increased to life in prison, confiscation of moveable and immovable property or both (Secretariat, 1991). Ostensibly these laws are shockingly intense especially when seen through the decay prism.

Prohibited Bore category of weapons includes all Shotguns with a barrel length lesser than 18” and magazine capacity of more than 30 bullets, fully automatic or machine pistols with a magazine capacity of more than
22 bullets, and pistols or revolvers over 0.45 inches calibre. It also includes all weapons being used by Armed Forces (7.62 mm, mortars and light or regular machine guns etc.). Similarly, Non-prohibited bores include pump action single or double barrel shotguns gauges 12, 16, 20, 28 and 410 with cartridge capacity of not more than 9 and pistols or revolvers of less than 0.45 inches calibre and capacity of less than 22 bullets (Sarfraz, 2014).

Rampant law and order situation makes it evident that either masses as well as elite are ignorant of these laws or those in possession of weapons don’t care much about these laws. Other than few yearly newspaper advertisements, government seems to have failed in executing these laws. This gross neglect indicts government in uncontrolled display of weapons and issuance of licenses. To make the matter worst security has been relegated as the organizational responsibility (Security enhancement measures after Peshawar School attack of December 16, 2014 being case in point) (Waris, 2015).

This research argues that possession of small arms of non-prohibited bore including all rifles, revolvers and pistols etc. be institutionalized and permitted across the board and a Right. Ownership of automatic weapons however may be allowed to officials of Armed Forces or law enforcement officials only. This Right of Possession of Small Arms needs to be enacted through a constitutional amendment.

The Dilemma

In the absence of security provided by the state and loss of faith in political leadership, masses tend to feel chaotic and resort to methods of creating self-defence relying on personal safety and protection networks. After Peshawar School attack, government asked all educational institutions to beef up their passive as well as active security measures including armed guards at school premises and weapons training of both teachers and students. Ironically, the law prohibits possession and display of any weapons at educational institutions (Ordinance, 1965b). Finding the solution to this dilemma has been left to the best imagination of schools and other educational institutions.

The ease of access in quality and quantity of arms availability makes the disarmament argument irrelevant. When the state fails or refuses to provide basic human security there are limited choices left with people. People feel threatened not because they are armed – they arm themselves because they feel threatened through legal as well as illegal means. The
root causes of each conflict are multifaceted and multifarious and it is naïve to blame any single aspect. The exacerbation in violence and absence of peace can be attributed to causes including financial and social, greed and grievance, political and personal etc. and not to weapons alone. Unless a divergent solution is proposed, brushing any protracted conflict under the rug never resolves it. Small arms are weapon of choice for drug paddlers, smugglers, criminals as well as for security personal.

The argument about presence or absence of conflicts with firearms being main cause seems baseless on multiple grounds. Conflicts and violence have existed in human society since eternity and long before the small arms were invented. Even one of the most peaceful societies like Norway has experienced violence (Andres Breivik Case in point)(Buchanan, 2012) which means that while small arms may certainly facilitate violence they rarely are main cause of a conflict.

In 2011, a bill was floated in Pakistan National Assembly to outlaw the guns in Karachi which was opposed by Muttahida Qomi Movement (MQM) on the argument of ease of proliferation. The next day another bill was launched in Assembly by MQM demanding outlawing guns all over the country which was opposed by Awami National Party (ANP), Muslim League Nawaz (MLN) and Jameat-e-Ulema-e-Islam Fazal-ur-Rehman (JUIF)(Abbas, 2011). Initiation and opposition leading to failure of passage of these bills can easily be interpreted as support for firearms possession and anti-disarmament stance of these parties, thus facilitating the legislation process owing to prevalent support.

**On Disarmament**

As mentioned above, firearms may aid the crime but the motive rests elsewhere – a fact that is applicable globally. In Rwanda Genocide where the death toll was more than 800,000 the weapon of choice was not guns but machete(Kuperman, 2000). Between 2000 and 2012 there have been 334,168 gun related deaths in USA, average of 27,847 fatalities per year(Cohen, 2013). The data from 1950 to 2000 reveals that rate of homicide reached highest number of 24,703 in 1991 but then fell down to the 1960s level of 15,552(Alexia Cooper, 2011). These figures show that the real reasons for excessive rate of homicide is not the presence of guns but multiple social, cultural, religious and other conflictual issues. The argument supporting traditional approach of buy back or voluntary deposit of the guns has been refuted in multiple countries such as Australia, Brazil and Argentina etc. After 1996 Port Arthur killing of 35 people(Webster,
2013), Australian government’s buyback program culminated in smelting of almost one million weapons. Since Australians import 100% of their weapons, by middle of 2012 they had same number of guns as they had before Port Arthur shooting. In almost 16 years they imported latest and better quality 1,055,082 firearms averaging 65,943 per year(Webster, 2013).

Similarly a study carried out on the buyback program in Argentina suggests that the conclusions are mostly ambiguous(Lenis, 2010). Logically the crime is likely to go down if the criminal knows that the victim might possess a weapon as well, therefore if a portion of population decides to surrender their weapons criminals are least likely to follow suit keeping crime rate higher. Counter argument to this however, is that the gun fatalities are likely to go down in absence of the guns, a claim that is again refuted by Rwanda genocide.

In Pakistan laws have failed due to lack of implementation, buybacks have not worked, every crackdown by the law enforcing agencies brings even a larger number of guns and the state has tried all traditional methods to hush the unruly undercurrents on the issue – the last resort left with the state is to allow firearms as a constitutional Right. The only hindrance notwithstanding absence of common sense, is the elitist ego and an unfounded paranoia on the part of state apparatus.

As part of this proposal, display of weapons needs even more stricter rules and needs to be treated as a taboo. In societies like USA, where 2nd Amendment provides everyone a right to possession of weapons, there is a very strict law on display of weapons in public. In Pakistan, certain high ranking officials and elites afford themselves the perk to move with dozens of armed gunmen displaying, pointing and at time waving these weapons in public even in presence of children and women—a practice that can clearly be labelled as structural violence against those who don’t own weapons or don’t display it.

Making the ownership a Right doesn’t make it obligatory for everyone to own a weapon. In fact this can be a great opportunity to harness the issue and take account of every weapon already held, or manufactured/imported, making every weapon traceable. Understandably, the initial graph of violence might show and upwards trend but more likely than not, this certainly will fall back to normal if not below that with the passage of time.
Survey Findings

To substantiate affirmations being made in this research a survey (Iftikhar) was conducted using random sampling methods, both online as well as in person. Total 107 respondents (82 Male and 25 Female) were surveyed with age group varying between 18 years and 75 years. Survey focused on ten questions and answers were mostly sought using Likert Scale. The questions generally focused on issues relating to gun ownership, reasons for aspiration to own (or not to own) weapons, declaration of gun possession as a Constitutional Right in Pakistan, causes of excessive weapons in society and movement of elite with weapons etc.

Total 59% of the respondents want to own a weapon while only 8% strongly disagreed. Out of those who want to own the fire arms 59% want it for their personal safety and security, an allegation stemming from the fact that state has increasingly absolved itself from any responsibility to provide basic human security to masses. Question was asked using Peshawar Army Public School attack as reference for security at educational institutions. More than 80% of the respondents desire posting of the armed guards outside school institutions for the fear of lack of security for those attending educational institutions.

On the question of declaring gun possession as a Right through constitutional amendment, 42% agreed while 45% disagreed, with 13% remaining neutral. The proposals being made in this research in light of Theory of Societal Change can offset the reservations of those 13 % lacking clarity in decision making on the issue and can evidently swing in a
more convincing direction, making a significant difference towards fulfillment of the proposals of this paper.

On the question of VIPs moving with weapons a whopping 77% disapproved of the act while only 12% granting them this luxury and another 11% remaining neutral. The resentment takes its roots from the notion that those responsible for provision of safety and security to general populace remain worried for their own lives more than those who get them elected to the office. This antipathy against the elected representatives and high officials is the product of institutional weakness when seen through the prism of Theory of Societal Change and remains a formidable challenge for Pakistan.

On apportioning the blame for excessive guns in society, male respondents mostly thought it to be government failure, while female participants considered multiple Afghan wars as the main cause. These numbers make enhanced awareness campaign obligatory before fresh gun laws can be promulgated.
Recommendations

A Firearm Ownership Regulatory Authority (FORA) needs to be created as a wing of National Database Registration Authority (NADRA). While this organization needs to have an effective task force that needs to work in close collaboration with the Police Department – further modalities on improvement of policing of issue making use of the Motor Way Police Model, have sufficiently been discussed by multiple authors and can only be over emphasized here. FORA should ensure weapons accountability. The lethality of the proposed solution merits tough implementation and punitive actions across the board.

Allowance and possession of weapons as a Right will serve many purposes. Firstly, legal import, purchase and possession will allow government as well as gun buyers/sellers will make every weapon perceptible. Secondly it will effectively shut down the black market for weapons manufacturing and sales. Thirdly, it will make enforcement and random checking of the weapons easier, effective, and meaningful since FORA task force would integrate and assimilate into the existing policing system and NADRA. Fourth, possession of weapons will help in reduction of gun related violence since criminals would expect victims to possess weapons. Fifth, the customary possession of weapons in FATA can serve as a role model for absence of street crimes and safe possession of weapons by almost every household. Six, Western model of traffic Police salaries being generated out of violation tickets money can be replicated for FORA. Finally, there is a large number of light engineering expertise available in traditional gun markets of Khyber Pakhtunkhawa as well as Baluchistan. The knowledge and expertise of these individuals can seamlessly be
integrated in the overall gun manufacturing industry under government auspices, which can help streamline this industry as private enterprises, generate much needed revenue and add considerably to export of quality weapons.

The constitutional changes being proposed in this research expect a strong rebuttal from certain quarters of society, especially the elite. There may thus be a requirement to systematically float and implement this proposal through legislation and if possible through a referendum. Government will have to muster rigorous efforts to bring around this change the only untried solution to harness illegal weapons Pakistan.

Conclusion

Enlightenment in promulgating fresh laws for the land are the only way forward for Pakistan. Traditional buyback and crack downs have not worked, MNAs and other high officials continue to blitz the street with dozens of armed guards, political parties keep adding to stacks of the firearms, tribal belt doesn’t want to give away their weapons – the only option left for an egalitarian solution for firearms is to declare its possession a Right. It is about time we tried heterodoxy in resolution of this conflict and harness the problem for future. This research has suggested legislation on Right of Possession of Firearms after sustained educational media. Those of us who still believe that it is possible to harness the issue through buybacks, crackdowns or any other methods of disarmament need to recheck the realities on ground. To cap in George Bernard’s words, “give arms to all men who offer an honest price for them, without respect of persons or principles: to aristocrat and republican, to Nihilist and Tsar, to Capitalist and Socialist, to Protestant and Catholic, to burglar and policeman, to black man white man and yellow man, to all sorts and conditions, all nationalities, all faiths, all follies, all causes and all crimes.”(Shaw, 2005).

References


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