

ISSN: 2278 473X

# Journal of Politics & Governance

Vol. 5 No. 2

June 2016

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**Annual Subscription:** Rs. 1000/-

**Editorial and Subscription Enquiry:** editor.jpg@gmail.com

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Printed & Published by Shailesh for Academy of Politics & Governance, 4th Floor, Statesman House Building, Connaught Place, Barakhamba Road, New Delhi –110001

## **Contents**

Electoral Authoritarianism and One-Party Dominance in Southern Africa:  
The Zimbabwean Case

**Tobias Guzura and Jefferson Ndimande**                      **5-18**

Regional Commercial Arbitration Council for SAARC Countries:  
A Critique

**Nishant Sirohi**                      **19-28**

Predicament of Manipur: The Road Ahead

**Meghna Sharma**                      **29-34**

Implication of Astrologers' Work Ethics for Professional Social Work

**Harasankar Adhikari**                      **35-43**



## **Electoral Authoritarianism and One-Party Dominance in Southern Africa: The Zimbabwean Case**

**Tobias Guzura<sup>\*</sup> and Jefferson Ndimande<sup>\*\*</sup>**

### **Abstract**

One party dominance has existed both in democratic, hybrid regimes and undemocratic states. The paper sets out to interrogate the nature of one party dominance in Southern Africa, how incumbent party sustain its dominance and rule, the response of opposition parties and civil society to the dominance. To this end therefore the paper uses Zimbabwe as a case study and using a combination of historical analysis and the electoral authoritarianism as a theoretical framework, it investigates one party dominance, placing it in a historical context and continuum and projects into the future. It shows how one party dominance has been perpetuated by a plethora of tactics such as electoral manipulation, crushing of opposition political parties, undue influence of the judiciary, amendments to the constitution, control of institutions such as the media, security apparatus, use of state resources for party use, resource capture and control patronage and clientelism. However, equally important is the role played by opposition parties in aiding the perpetuation of one party dominance. The paper argues that weaknesses by opposition, the dominance by the leader, lack of coherent strategy and a lack of innovation in adapting to political dynamics serves to weaken their ability to usurp incumbents. Finally the paper makes a prescriptive study and projects the future prospects of democracy in the country.

**Keywords:** One-Party Dominance, ZANU PF, Zimbabwean Politics, Electoral Authoritarianism

### **Introduction**

The collapse of the Soviet Union and the end of Cold War appeared to usher in an era of third wave democracy. Though these events took place miles away from Africa, the continent was to feel its impact as ‘...most former de jure on-party states reinstated multiparty political systems in the 1990s’ (Selolwane and Shale, 2008). Since the collapse of the Cold War and the demise of the Soviet Union, democracy has become the world’s leading political system (Diamond, Plattner, Chu et al, 1997). African states transformed from authoritarian into democracies although in reality they were quasi-democracies retaining the features of authoritarianism in the process. Carbone (2007) underscores the importance of the late 1980s and early 1990s by observing that this period led to the re-emergence of ‘an African version of the global third wave of democratisation processes...’ Organisations such as the World Bank and International Monetary Fund (IMF) set conditionalities for

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aid and this included democracy promotion and consolidation. According to Diamond (1997: xiv) the demise of the Soviet Union and the fall of totalitarianism ‘...established democracy as the typical form of government’ and Africa began to open up democratic space by allowing opposition parties. However, the continent’s elite’s commitment to genuine democracy has been called into question as they have continued employing Machiavellian tactics to hold on to power. A disturbing trend has emerged over the years and a spectre looms and haunts Africa’s democratic project as the desire to hang on to power by elites has witnessed incumbents turning to electoral authoritarianism to stay in power.

Intrigued by this dichotomy and paradox, the paper seeks to analyse the factors that contribute towards the creation and sustenance of one party- dominance in Africa with special reference to Zimbabwe. Zimbabwe is a nominal democracy and holds regular elections, allows for opposition political parties and city councils as well as some municipalities are run by the opposition. In fact opposition parties and operate freely and have over the years been able to make a splash and leave a mark in Zimbabwean political landscape. However, despite advances the opposition has not been able to dislodge the ruling ZANU PF party from power. The party has had close shaves with defeat such as in 2008 but managed to rejuvenate itself and deliver a crushing blow to the opposition in what is probably ZANU PF’s “finest hour”. In light of this, one is intrigued and would seek to understand how the dominant party has sustained itself in power, how it responds to adversity from within and without, lastly why its dominance continues. In essence ‘what are the characteristics of a one-party dominated state as well as that of the dominant party itself?’

The paper is organised as follows, preceding this introduction is the theoretical framework on electoral authoritarianism upon which the paper is anchored upon. Next will be a survey of liberation parties in Southern Africa and how one one-party has dominated each of the countries under review. This section helps set the tone and justifies why the case study approach has been chosen, as it helps establish a trend that exists in the region. The following section will be an in-depth case study on Zimbabwe where ZANMU PF has been in power for over three decades and has employed electoral authoritarianism to stay in power. This will be followed by a forward looking and reflective section on the future of democracy and one-party dominance in the country. Finally, the paper concludes by summing up its main arguments and postulates.

### **Theoretical Framework**

To help understand the issues under discussion, the paper is predicated on the theory of competitive authoritarianism which will be buttressed by electoral authoritarianism. According to Levitsky and Way (2010:4) ‘competitive authoritarian regimes are civilian regimes in which formal democratic institutions are widely viewed as the primary means of gaining power but in which fraud, civil liberties violations, and abuse of state and media resources so skew the playing field that the regime cannot be labelled democratic.’ This gives a semblance and camouflage of democracy as on the surface there appears to be political freedom as opposition political parties are permitted but the state already has an upper hand due to its control of key institutions. Schedler (2006:1) describes electoral authoritarianism as a situation where political regimes ‘...have established the institutional facades of democracy, including regular multiparty elections for the chief executive in order to conceal (and reproduce) harsh realities of authoritarian governance.’ What emerges from this observation is that the holding of elections alone is not sufficient to make a country democratic as elections and electoral management bodies are susceptible to undue influence by the ruling party thus manipulating the electoral process. Schedler (2006:3) asserts that ‘electoral authoritarian regimes play the game of multiparty elections by holding regular elections for the chief executive and national legislative assembly.’ Furthermore, Ghandi and Lust-Okar (2009:412) observe that ‘the logic of authoritarian elections creates a system that generally (barring exogenous shocks) helps keep incumbents in power.’ This then suggests that incumbents manipulate the system through

various methods to stay in power; this can be done by manipulating the rules that shape and govern elections (Ghandi and Lust-Okar, 2009).

Electoral authoritarianism has a number of inherent characteristics which help provide a framework for understanding the system. Schedler (2006:3) writes that ‘...elections are broadly inclusive (they are held under universal suffrage) as well as minimally pluralistic (opposition parties are allowed to run), minimally competitive (opposition parties, while denied victory, are allowed to win votes and seats, and minimally open (opposition parties are not subject to massive repression, although they may experience repressive treatment in selective and intermittent way).’ It is observable that regimes use a mix of subtle force, coercion and allows a modicum of democracy which is just enough not to be termed autocracy. Schedler (2006:3) terms this a ‘contradictory mix of democratic procedures and authoritarian practices’ indicating the subtle nature of manipulation.

In addition the regimes employ a plethora of methods to maintain their grip on power. Incumbents use an array of tactics such as; unfair electoral rules, restricting access of opposition parties to the electoral arena, restricting opposition to equal access to media coverage, redistribution of votes through electoral engineering and fraud, clientelism, use of force patronage are some of the tactics employed by incumbents to stay in power (Schedler, 2006; Diamond, Plattner, Chu et al, 1997; Dahl, 2006; Ghandi and Lust-Okar, 2009). Such practices render elections a sham, a farce and nothing more than window-dressing cosmetic exercises which do not enhance the quality of democracy or advance democratic norms, practices and institutions. In the words of Schedler (2006:3) despite a semblance of democracy such electoral contests ‘...are subject to state manipulation to severe, widespread, and systematic abuse that they do not qualify as democratic.’ therefore despite holding regular elections almost religiously, this does not translate to democracy instead it leads to one party dominance as the incumbents often control the institutions which wield power and run the elections.

### **Liberation Parties and One Party Dominance in Southern Africa**

The legacy of colonialism and the fight against oppression witnessed a response from African nationalists who took up arms to challenges through force of arms the colonialists. This witnessed the creation of liberation parties which also had armed wing as part of their strategies of fighting the enemy. These parties played a pivotal role in liberating the oppressed from the yoke of colonialism and it was unsurprising that these parties won admiration and popularity from the populace. In light of this, these liberation movements won elections and assumed the reins of power. Most countries in the SADC region are ruled by former liberation parties and these have been in power since independence and their hold on power seems to know no end in sight. These have established de-facto one party states and their continued rule unchallenged is a threat to democracy, its genuine establishment and consolidation.

The idea of a dominant party system suggests authoritarianism and a democratic deficiency. This development is to be found in the region where even Botswana and South Africa two countries usually held up as beacons of democracy and good governance are de-facto one party states. Botswana and South Africa, the darlings, the pin-up girls and poster boys held up by the West as examples, paragons and beacons of democracy in the face of authoritarianism on the continent, are de-facto one party states. Selolwane and Shale (2008:4) note that ‘elections in Botswana since 1965 have been dominated by the Botswana Democratic Party (BDP)’ which benefitted in no small part from the discovery of diamonds which meant that she had resources to distribute and act as a benevolent benefactor to the population, this was a game-changer as opposition parties did not have access and control to these resources.

Despite multiparty politics both states remain de facto one party dominated states. Both countries are dominated by a single party whose grip on power is unlikely to loosen in the foreseeable future. According to Selolwane and Shale (2008:4) the de jure multiparty system in Botswana has consolidated de facto one-party domination. The same is equally true for South Africa where '...the dominant party system is so unbalanced in the favour of one recurring winner, opposition becomes discouraged' (Wieczorek, 2012:29). Despite multiparty politics, both parties have ruled unchallenged and unabated in their respective countries and it is inconceivable that opposition parties will dislodge them anytime soon. This is partly because the parties are weak and divided as is the case in Botswana where the opposition has been unable to make any headway because it is weak, disjointed, fragmented and lacks popular appeal (Selolwane and Shale, 2008). Though opposition parties operate freely in South Africa '...they have never posed a significant political threat to ANC dominance because they have no way to acquire the type of legitimacy the ANC has through its historic role in the liberation movement.' One-party dominance has therefore been perpetuated by the weaknesses of opposition parties as well as the independence credentials of the dominant parties and their role in bringing freedom.

On paper, both countries are democratic as opposition parties operate freely and their constitutions are described as progressive and enlightened. Though described as democratic, they fall within the minimally pluralistic form of democracy (Schedler, 2006), under this form of democracy, opposition parties are permitted and function seemingly freely and unmolested. This is so when one considers the competitiveness and comparative strength of opposition parties relative to incumbents (Schedler, 2006). It is noteworthy that in both Botswana and South Africa, the opposition parties are weak and do not have the pulling power of incumbents neither do they have the ideological power and emotional appeal of ruling parties.

From the onset post-independence South Africa was dominated by the ANC largely because of its liberation struggle credentials suggesting that it was the party of independence. Wieczorek (2012:29-30) notes that the ANC has over the past years '...solidified its role as the dominant party within South Africa...' and 'since the ANC's rise to dominance in South Africa at the end of apartheid, elections have been entirely predictable.' Part of its appeal has been its mantra that it delivered freedom to the South Africans who had laboured under the evils of apartheid (Harris, 2004). Its main rival was the New National Party which was a 'reconstituted or reformed' National Party and could never quite shake off the stigma of being associated with the party that brought in apartheid. However, the demographics and racial make-up of the country meant that the party would not be a threat to the ANC because its support base remained mainly Afrikaners who were in the minority compared to Blacks. The Democratic Alliance (DA) has emerged as the ANC's challenger but it does not have the pulling power and liberation credentials enjoyed by the ruling party, in any case the issue of race comes into play as its leader Helen Zille is white, its previous leader Tony Leon was white. This lends credence to accusations of it being an elitist party for whites.

Resource capture and control are critical in sustaining the dominance of one-party rule. In Botswana 'the discovery of diamonds soon after independence radically enhanced the capacity of the new government' to deliver services and make headway against poverty but this also '...meant that the party in power could use national development budgets to purchase moral authority and legitimacy...' (Selolwane and Shale, 2008). This was in sharp contrast to opposition parties who did not control resources thus had no financial base to tap into. Furthermore, the independence of the state broadcaster is questionable as it has to toe the ruling party line and towards elections, the incumbents enjoy massive coverage of their rallies. The abuse of state resources in broadcasting is evident in that the ruling party's congresses are beamed live on state television (for example the South Africa Broadcasting Commission broadcast the ANC conferences in Limpopo and Mangaung) whereas the opposition do not enjoy this privilege.



On the other side of the spectrum stand countries that have an image problem and have at some point in their histories been authoritarian. These include Angola and Mozambique who because of civil war and internal strife adopted strong arm tactic to deal with its political rivals. The dynamics in such cases is different from that of Botswana and South Africa and warrant their own examination. This has been the case in Mozambique where the *Frente Para Libertacao de Mocambique* (Mozambique Liberation Front - FRELIMO) has been at the helm since the country's independence, the same applies to another Lusophone country, Angola, where the Movimento Popular de Libertacao de Angola (MPLA) has wielded power since attainment of independence. According to Joseph (2011:325) 'the power and authority of the Angolan regime rests on decades of colonial and postcolonial armed struggle, enormous oil wealth, a petroleum industry that now competes globally...' , these have helped the party's longevity and seen it winning elections with resounding margins. The MPLA has been able to use 'petro dollars' to consolidate its position in Angola coupled with it being the party that brought independence to the country (Roque, 2011). One may then postulate that ideology and control of resources becomes vital in perpetuating one-party dominance. Its patronage system and its ability to distribute resources to its supporters and the population at large may suggest that its dominance will continue unchallenged for a while.

In Namibia, South West African People's Organisation (SWAPO) has been the only party to rule since Namibia's independence in 1990. It has ruled unchallenged and as the party that brought independence to Namibia it has been able to consolidate its power and continues to win elections. It can be presented that its success lies in its 'control' of how to open democratic space thus creating a combination of both defective democracy and hybrid regime (Schedler, 2006). Malawi and Zambia seem to have been able to buckle the trend as at various points in their histories, incumbents have been defeated. However, electoral authoritarianism was practised in various epochs of their political existence first under Banda where Malawi was a de-jure one party state. The wave of democratisation saw Bakili Muluzi defeat Kamuzu Banda. Despite his early promise as a democrat and, Muluzi was soon perfecting the art of electoral authoritarianism and manipulating the constitution to stay in power. He was succeeded by Bingu Wa Mutharika who began employing the tactics of Banda and Muluzi by engaging in electoral authoritarianism. Under his rule, Malawi was sliding back towards intolerance, academics were arrested and detained, civil society found it difficult to operate as the regime was sensitive to criticism and did not take it well.

In Zambia, Kenneth Kaunda's United National Independence Party (UNIP) enjoyed a monopoly of power and was unchallenged. This was made possible by legislation which outlawed political parties, thus rendering Zambia a one party state (Phiri, 1991). In 1991 multi-partyism was introduced and the opposition Movement for Multiparty Democracy (MMD) led by trade unionist Frederick Chiluba triumphed. However, Chiluba soon showed his disdain for opposition and also engaged in electoral authoritarianism, he banned his bitter rival Kenneth Kaunda from contesting presidential elections, attempted to strip him of his citizenship and pressed numerous politically motivated charges against him. Chiluba also amended the constitution thus serving more terms than what was stipulated by the constitution. He was succeeded by Levy Mwanawasa who flexed his muscles by prosecuting Chiluba perhaps as a way of sending across a message to political rivals.

Using a few case studies albeit not in depth, this section has established that there is a trend towards one party domination in the region. The next section will be a case study of Zimbabwe which will analyse how the ruling party has through electoral authoritarianism managed to maintain power for the past thirty-three years.

### **ZANU PF and One-Party Dominance in Zimbabwe**

Zimbabwe attained independence on the 18<sup>th</sup> of April 1980 with the promise of freedom, political expression, political plurality, space for participation and freedom to criticise the government and

disagree with its policies. Prime Minister Robert Mugabe's famous but forgotten speech seemed to indicate that the young country was starting on a positive footing where diversity and the freedoms so greatly cherished and that which had led to the sacrifice of life by believers in human dignity and freedom would be protected and respected. Levitsky and Way (2010:17) pen that Zimbabwe had '...maintained multi-party rule since 1980' but in the early 1990s it was a 'competitive authoritarian state.' This demonstrates that though on paper the regime allowed for multi-party politics, the reality on the ground was different and electoral authoritarianism as well as other tactics were employed by the incumbent to stay in power. Influenced by socialist as well as a fusion of Marxist-Leninist and Stalinist tendencies, the regime sought to establish a one party state where ZANU was the beginning and the end.

Adopting a socialist mantra and ideology borrowed from China and its relationship with North Korea, the regime had a fixation with ensuring a monotheistic hold on power with society. It believed that all institutions had to be subservient to the state and that the state was in essence the party, it is hardly surprising that its allies were one party states which did not allow for any political inclusivity, diversity or plurality. The ruling party was intent to create hegemony and this meant crushing opposition parties, controlling the media and co-opting civil society into the state project (Rich-Dorman, 2001). This was exemplified by the hounding and terrorising of ZAPU which provided opposition to it. Expression of the desire to implement political hegemony was visible as the regime embarked on a vicious campaign which amongst other aims sought to crush the opposition.

ZANU's intolerance and its intention to signal a one party state was made clear when Joshua Nkomo's ZAPU was targeted for liquidation. ZANU viewed ZAPU as its rival and was jealous of the party; this is evident when one looks at the 1963 split of ZAPU, which resulted in the formation of ZANU. Wielding a monopoly of violence through control of the security apparatus ranging from the intelligence services, police and the army, the government was in a position to abuse these state institutions to create a de facto one-party state (Catholic Commission for Peace and Justice, 1997). The Security sector was unleashed upon ZAPU and its supporters under the guise of fighting against insurgents and guerrillas sponsored by ZAPU. According to the Catholic Commission for Justice and Peace (1997) records that 'the government responded with a massive security clampdown on Matabeleland and parts of Midlands' and that 'this was carried out mainly against unarmed civilians in those rural areas which traditionally supported ZAPU, it was also at times carried out against ZAPU supporters in urban areas.' One may adduce that the regime seized upon this as a golden opportunity to crush its political rival which was seen as an impediment to the establishment of a one-party state.

As the terror was taking place in the two regions, presidential elections were held in 1985. The ruling party employed force to harass ZAPU and also prevented it from campaigning freely. One notes the electoral authoritarianism employed by the ruling party. On paper, opposition parties, specifically, ZAPU, were allowed to exist as political entities and contest in the presidential elections. Yet, in practice, opposition parties faced both overt and covert restrictions thus preventing them from campaigning freely. Schedler (2006:3) advances the idea of minimally competitive (where opposition are allowed to win a few seats perhaps in their stronghold) and minimally open (where opposition parties are subject to repressive treatment in selective and intermittent ways), a combination of the two was visible in the 1985 elections. Ghandi and Lust-Okar (2009: 408) note that in electoral authoritarianism 'the playing field is so clearly skewed in favour of the incumbents -given their monopoly over patronage resources and use of force...' Succinctly, the competitiveness of ZAPU in relation to ZANU was reduced due to the state's use of repression, intimidation and violence. This also indicates how farcical and how much of a charade as well as a mockery to democracy these elections were thus adding the dynamic of violence as an explanation to the dominance of the

ruling party. Therefore, it was no surprise that ZANU won another term in office and would still press for the establishment of a one-party state.

With violence having brought ZAPU to its knees, the next step was to find a 'political solution' to neutralise it. Here we see the strategy of weakening opposition parties then bringing them and its support base into being part of a Government of National Unity. The Unity Accord of 22 December 1987 effectively marked the demise of ZANU's political nemesis and rival ZAPU as the two were to enter into a Unity government where in reality ZANU was to be the senior partner and wielding influence. The stage and match towards one-partyism was unchecked as there was no political party strong enough to unseat ZANU and parliament was too weak to effect checks and balances, thus making the country a de facto one party state. The state of affairs was akin to what can be termed illiberal democracy, guided-democracy, defective democracy, hybrid democracy and new forms of authoritarianism (Carbone, 2007; Schedler, 2006, Ghandi and Lust-Okar, 2009, Diamond, Plattner, Chu et al, 1997; Zakaria, 1997). More importantly, this set the tone and precedence for dealing with opposition in the future as a tactic was emerging-that of crushing the enemy through force and violence, then co-opting it thereby neutralising it as a political force. This was to be seen two decades later with the rise and threat of the Movement for Democratic Change (MDC).

ZANU PF was bent on establishing a de jure one party state or if not possible a de facto one party system. According to Riggell (2013), 'in December 1989 the ZANU PF congress passed a resolution endorsing a single-party state. Mugabe announced intentions to call another congress to formally incorporate a single party state into Zimbabwe's constitution.' This move highlights how the ruling party was using its majority in parliament especially considering that ZAPU had been crushed and co-opted into ZANU, to strengthen its position and establish a one-party dominated state. However, this was resisted by the Zimbabwe Congress of Trade Unions (ZCTU) and the student body from the University of Zimbabwe who staged demonstrations against attempts to establish a one party rule. Another grievance was the insipient corruption and moral decay within the ruling party as Ministers and government officials were eating on the gravy train (Willowgate scandal being a case in point).<sup>1</sup> The regime was alarmed at the independence of the student body and the power it wielded in challenging the hegemonic one party project, unsurprisingly for a regime obsessed with regime security and its hold on power, moves were underway to rein in the students. Arrests, intimidation, expulsions, infiltration of student bodies with state security agents and control of university education was the response by the state (Riggell, 2013). Yet again the state had managed to close down an avenue of possible dissent thus ensuring a one-party dominance and de facto dictatorship. The elections of 1990 captured the public's imagination as one of the contestants Edgar Tekere had been expelled from ZANU PF following his condemnation of attempts to impose one party rule. However, as Ghandi and Lust-Okar (2009: 407) observe '...the fundamental stability of the regime is not at stake ...when incumbents hold elections; they have overwhelming advantages through their monopolies of state resources and the means of coercion.' Therefore the state was not worried with the entry of Tekere as an opposition figure because the playing field was and had always been heavily in favour of the ruling party. The state had the security agents at its disposal as evidenced by the shooting of Patrick Kombayi thereby able to wield violence against its opponents, a 'privilege' which opposition parties do not have. In other ways there is an asymmetric relationship as the state is able to call upon its apparatus to tilt the scales to its advantage, in the process there is no clearly defined demarcation between state and party as the party uses state instruments and resources to establish its dominance over the state and population at large.

The likelihood of incumbents losing elections they organise and run was seemingly impossible. However, as the emergence of an alternative voice in the political landscape seemed to indicate that the challenge to one-party dominance would come from within as opposed to without; this was to be a theme in the early to mid-1990s as Margaret Dongo was to leave the party due to internal

electoral fraud. The formation of the opposition Zimbabwe Union Movement (ZUM) was greeted with derision, contempt by the state revealing its discomfort, disdain and abhorrence for alternative voices other than its own. Despite a sudden appearance of political parties (FORUM, ZUD), some disappeared and fizzled out at the same speed at which they had appeared on the scene. The parties were too weak and often relied on the sheer force of the personality of the leader to sustain their survival. During this period none of the opposition parties made any substantial headway and one-party dominance continued. Bogaard (2004:173) observes that ‘...weak parties make it easier for the ruling party to win...’ and this was true for Zimbabwe during this period as there was no viable opposition to write home about. Perhaps this was because the ruling party had managed to severely weaken them as well as its own popularity at the time, this then rendered them useless in the process.

However, the regime was unbending and unprepared to open up democratic space to allow for genuine participation, and debate. The state crushed any form of dissent using its security apparatus, enacted laws to prevent any real development of democracy, muzzled civil society, intimidated student union, trade unions all in a bid to maintain political monopoly of power and hegemony. The media was controlled by the ruling party creating an unhealthy scenario where the state determined what the citizenry read and in the process filtering news and creating a version of reality pleasing the political elite.

The political playing field often favours the ruling party hence giving it an unfair advantage over its opponents. This is visible as ‘incumbents manipulate the system to insure prolonged rule’ (Ghandi and Lust-Okar, 2009:407). Though multi-party systems are in place and elections held religious every five years, the playing field is never level thus evoking the idea of ‘competitive authoritarian regimes’ (Levitsky and Way, 2010: 16). This is a system where elections are held, opposition parties exist yet the incumbents use subtle authoritarian means to circumvent democracy and stay in office.

The regime has created a ‘system’ which is permeated and dominated by the ruling party and its clients, the system results in loyalists being rewarded through posts in government owned companies, key and strategic organisations such as media, electoral bodies, delimitation commission, registrar general, the security sector and with the discovery of diamonds these have been captured by the state to fund its activities. Masunungure (2009:66) describes this as ‘state-financed patronage’ which serves to impair the objectivity of the individuals selected into organisations which are supposed to be apolitical and impartial. The regime has controlled and restricted media space as opposition parties are side-lined and deliberately granted very little coverage thus creating an ‘asymmetrical media terrain’ (Masunungure, 2009:66). This is achieved through appointing party loyalists to key positions in broadcasting and as editors of state owned print media. This resonates well with Gramsci’s idea of hegemony where the state creates consent by controlling the media thus restricting opposition’s ability to tell its side of the story or present its policies.

The delimitation of boundaries and constituencies enables the ruling party to have an unfair advantage over its rivals. Ghandi and Lust-Okar (2009:412) point out that ‘demographic factors appear to affect both the basis of voting and turnout. Citizens in rural areas are more likely than those in urban areas to appear at the polls and to vote for pro-regime candidates.’ This is applicable to Zimbabwe where a great majority of the population resides in the rural areas and the incumbent are able to use their access to resources to ‘buy and win’ the loyalty and vote of the constituency. Masunungure (2009:66) observes how state patronage through ‘politically motivated distribution of food aid to starving voters especially in the rural areas.’ It is common sight to watch news bulletins towards election time and see aspiring Members of Parliament making donations to the constituency all in an effort to woo and win votes. It is easy to buy the votes of the poor (Ghandi

and Lust-Okar, 2009:409) as there is also the element of fear that the ruling party may withdraw its patronage and in the process punish them for their defiance. When the Movement for Democratic (MDC) was formed in September 1999, and proved its popularity amongst the urbanites ZANU PF through the Zimbabwe Electoral Commission (ZEC) responded by reducing the constituencies in the urban areas and expanding those in its rural areas where there is traditionally support for it.

ZANU PF has been traditionally stronger and popular in the villages. This is due to a combination of its liberation war credentials, patronage system (such as selective distribution of food aid, farm implements) and use of coercive power and violence to keep the villages in line. The state's ability to project itself as the benevolent benefactor of the rural folk is captured in an observation by Masunungure (2009:66) 'traditional and community leaders were also mobilised to deliver the rural vote in exchange for perks such as vehicles, electrification of their homes, and most critically, the privilege to allocate scarce and highly valued food aid, farm inputs and equipment.' This is unlike the opposition which did not have access to state resources hence no leverage so as to say to use in wooing the rural voters.

The ruling party has often blurred the lines between state and party thus channelling state resources towards the party. Resource capture and control have been central to the continued survival of a one-party dominance as this projects the incumbents as the saviours and perpetuates a patron and benefactor type of relationship where the state acts as patron and the citizenry owe their prosperity to the goodness and benevolence to the state. The reality is that 'opposition parties usually cannot compete with the regime in offering material inducements...' as '...control over state resources [is] important in driving voter behaviour...' (Ghandi and Lust-Okar, 2009:408-9). One such resource has been land which is controlled by the state thereby enabling it to distributed partisan or more accurately claim all the glory for its re distribution. This was crucial in retaining the vote and loyalty of the peasants and rural folk who were increasingly becoming disillusioned with the regime in the face of the MDC making strides in the country. It can be argued that the land reform programme was partly a well calculated political move which bought the regime a new lease of life.

Furthermore, through control of the central bank where the party would doll tap into the treasury to fund its campaigns and buy implements for newly resettled farmers. Gideon Gono was the Reserve Bank governor and under his term of office, ZANU PF was able to access state reserves, used them to finance their campaigns, bought 'sweeteners' and 'presents' to woo voters such as computers, ploughs, tractors, fertiliser, grain all in a bid to win the vote of the newly resettled farmers (Masunungure, 2009). These would then feel a gratitude and sense of eternal loyalty to the party which gave them land and empowered them so as to speak. With the economy on free-fall, the discovery of diamonds a new dimension and dynamic was added. The country was now using American dollars and rands which meant that there was no more printing of money. However, the discovery of diamonds provided much needed financial injection into not only the state but the party itself. This enabled the party to go on a campaign blitz, a charm offensive and use its discovery as leverage to win votes through promises of empowerment and indigenisation.

The role of ZEC has to be analysed as they are a vital cog in the party's continued electoral successes. It is widely accepted that the holding of elections is not in itself an indication of democracy. One of the tactics employed by the regime has been of electoral engineering, rigging or what can be described as electoral manipulation. ZEC's integrity has been 'impaired' (Masunungure, 2009:66) as it does not have the people's confidence, it cannot be trusted to run a free, transparent and fair election due to its close and intimate relationship and connections to ZANU PF which is the ruling party as well as a contestants therefore an interested party with vested interests in the outcome of elections. ZEC which runs the country's elections has often been accused of being impartial as ZANU PF aligned individuals have over the years run the body (Crisis in Zimbabwe Coalition, 2013;



Zimbabwe Institute, 2007; Makumbe, 2009). The country has held regular elections since its independence but these have often been fraught with allegations of voter irregularities. The sustenance of a one-party dominant system in the country has been the state's control of electoral management bodies.

The strategic importance to incumbents of electoral management bodies is great as they are key to the regime's survival and winning of elections. Put rather bluntly, electoral management body is at the epicentre of the continued one-party dominance as it ensures that incumbents do not lose elections. Ghandi and Lust-Okar (2009:413) observe that '...incumbents establish the composition and independence of electoral commissions that play a large role in the counting and certifying of final results.' ZEC's members are appointed by the President suggesting that the independence of the organisation is questionable (Makumbe, 2009:120).

The composition of electoral commissioners is worrisome as the greater bulk of them are beneficiaries of ZANU PF patronage as well as having links to the security sector (Zimbabwe Institute, 2007). Party loyalty more than competence is what seems to matter, furthermore, it is inconceivable that the ruling party would want independent-minded and reform oriented commissioners as this would expose the rot within the system thus weakening its position. Therefore through patronage and offering rewards and 'generous' perks to commissioners, the party is able to count on these handpicked individuals to deliver a result acceptable to the incumbent. This raises doubts about impartiality, transparency and openness within the electoral body. The stain of the March 2008 were ZEC in both comical and farcical manner delayed announcements of results coupled with the bungling of the running of the 2013 elections where the voters roll was availed a day before elections suggests that the body serves the interest of one party-the incumbent. This enables the ruling party to engineer results and engage in electoral fraud in collusion with electoral management bodies (Ghandi and Lust-Okar, 2009:413) and what Makumbe (2009:122) describes as 'playing a numbers game' as ZEC engineers results.

The independence of the registrar General's office has to be called into question. The Registrar General Tobaiwa Mudede has been at the helm as a result of the ruling party's patronage system which rewards him for a job well done. His office has presided over a shambolic voter's roll where the names of deceased and those outside the country still appear. Undoubtedly these 'voters' cast their vote for ZANU PF. Disconcertingly has been the link between ZEC and the Registrar' Office which is in charge of voter registration and most importantly the voter's roll. The office has no independence as it is subject to manipulation and undue influence by ZANU PF therefore it is an important body in ensuring the survival of the regime. This is exacerbated by the fact that the office is in reality a political appointment thereby its bearer tends to be more concerned with who butters his bread and serves the interest of his masters and his party. Infiltration of a civilian body by state security agents whose loyalty lies with the ruling party cannot be ruled out as these are important in providing the logistics to help run elections and deliver an acceptable result favourable to the incumbent. The 2013 elections the sub-plot of the shadowy Israeli company Nikuv who were hired as consultants by the Registrar's office to provide 'expertise' with the voter's roll (Sole, 2013). Eyebrows were raised because this same company has been accused of voter manipulation in Zambia as well as the lack of transparency with which it was hired by the government indicates that there could have been sinister dealings going on.

ZANU PF has often had a two-thirds majority in parliament which is what is needed to pass amend the constitution. It has used this majority to further its policies and interests. One method employed to ensure that parliament and parliamentarians are loyal to the party position is to carefully screen and select contestants in primary elections carefully. The regimes determination to stay in power is such that it is willing to manipulate even its own internal results to ensure that the 'right' candidate

wins and represents the party. This ensures that only the loyal and subservient are in parliament. One recalls how Margaret Dongo successfully challenged and exposed this vote manipulation when she lost her primary election and she argued that it had been rigged. As a result of such manipulation, parliament has often been too weak to effectively act as the police by providing checks and balances to ensure that the executive does not abuse its power and authority. However, because of clientelism, politics of patronage and a use of both formal and informal networks the state has been able to weaken the authority of parliament. The ruling party tended to have a majority in parliament thus leaving the door and path clear for changes to the constitution. Parliament became nothing but a talk shop and served to rubber stamp the decisions of the executive.

A weak parliament with virtually no powers to provide checks and balances passed laws and legislation were passed which curtailed the activities of civil society organisations thus closing space for any debate. For instance the NGO's Bill (though never passed) was an attempt to cower and scare civil society organisations which were becoming too vocal and were thus regarded as a threat by the state. Laws such as AIPPA were targeted at muzzling the media which was viewed as too close to the opposition Movement for Democratic Change (MDC). These laws gave the ruling party an advantage over opposition parties as police could deny them permission to hold rallies and they could be detained under various laws limiting their freedom of movement and gathering.

No discussion on the regime's survival would be complete without making reference to the security sector. Security apparatus have been since independence been key to the regime's strategy of survival, this can be seen in the targeting and liquidation of ZAPU in the 1980s, the intimidatory tactics employed against the party, the intimidation of ZUM though not on a large scale, and after the year 2000 the sector became active politics. According to the Zimbabwe Institute (2007:7) after the referendum defeat in February 2000, Mugabe turned to the military to help him stay in power and key appointments of ex security personnel were made to the Electoral Supervisory Commission (ESC), and the security apparatus directed and orchestrated farm invasions and trained youth militia. The same period witnessed the rise to prominence of 'securocrats' indicating the militarisation and securitisation of the state.

Military commanders made began making political statements and never hid their party membership or allegiance. Security personnel drafted strategy, logistics and provided tactical training for non-state security machinery such as the ZANU PF militia the green bombers (Crisis in Zimbabwe, 2013). Former military personnel loyal to the regime and perhaps disconcertingly card holding members of the ruling party were placed in charge of key strategic institutions such as electoral management bodies, broadcasting (Crisis in Zimbabwe Coalition, 2013). This indicates how vital the sector has been in sustaining one-party dominance as from time to time the incumbent has called upon it to intimidate and crush enemies of the state and send across a message to opposition. Furthermore, the inclusion of security personnel in electoral bodies, media regulatory body suggests that the regime determines and controls the rules of democracy in the country. It can be presented that this is akin to a guided democracy, a nominal democracy which is tainted with authoritarianism.

### **The opposition and one-party dominance-unwitting conspirators?**

The paper has thus far examined how incumbents sustain themselves in power. However, it would be a great injustice and a travesty of academia not to explain how opposition political parties unwittingly contribute to on-party dominance. In this brief section; we argue that the internal weaknesses and fragmentation of opposition parties diminishes their competitiveness thereby enabling the continuation of one-party dominance in the country. we also consider the implications of the MDC leader Morgan Tsvangirai having been at the helm of the party for more than a decade

and present a trajectory with regards to Zimbabwe becoming a truly multiparty state or it will remain a one-party dominated state.

Paradoxically opposition political parties have unwittingly aided the sustenance of one-party dominance in Zimbabwe through a lack of decisiveness. Carkoglu (2012:2) states ‘...a weak opposition is conducive to facilitating a dominant party’ and this has been visible in the country as the opposition has due to a number of factors been rendered weak. Internal strife and splits within the opposition have contributed to their weakness thus impacting negatively on their ability to dislodge the ruling party. This is in sharp contrast to ZANU PF which despite its own internal strife has been able to remain united therefore consolidating its power in the process. The importance of cohesion is stated by Levitsky and Way (2010:18) who note that a key determinant in ensuring the longevity and survival of a dominant party is its cohesion even in the face of economic meltdown or the rise of a popular political opposition.

The MDC was best by personality clashes and issues over policy as well as to some extent regionalism. This led to the party’s split in 2005 leading to a fragmentation and weakening of the party and in this benefitted ZANU PF which arguably emerged with the upper hand. Since then, the opposition has fragmented with Job Sikhala forming his own MDC-99 and other backers of the MDC such as Lovemore Madhuku forming their own parties thus crowding an already crowded field. The split meant that the vote would be split between both MDC factions thereby handing ZANU PF an easy victory. It then can be argued that the internal weaknesses of opposition parties are a major contributing factor to sustaining the political status quo and this has only served to benefit ZANU PF and its one-party dominance.

This is especially true when one considers the response to opposition claims of ‘stolen elections.’ yet surprisingly; they still participate in elections when the level field they require is still uneven. Given such a scenario, it is unforeseeable that one-party dominance will be broken. The Presidential elections of 2002 were marked by intimidation, threats of violence and violence perpetuated by the ZANU PF militia, war veterans and other state aligned organisations. The MDC argued that these elections were neither free nor fair citing intimidation, restricted access too campaign in certain areas amongst other reasons. The same was to happen in the 2005 elections which were preceded by Operation Murambatsvina which displaced a sizeable number of urban dwellers who it is argued were potential MDC voters. Yet again, the 2008 elections were characterised by violence, and this time there was ZEC’s incompetence as results for presidential elections were delayed by six weeks and when they were announced, they were rather suspicious (Crisis in Zimbabwe Coalition, 2013). The opposition has called into question the fairness of election results citing a number of irregularities such as the chaotic and shambolic state of the voters’ roll and in the case of the 2008 March presidential elections, there was a deafening and embarrassing delay of more than a month in announcing the results. Surprisingly opposition continue to take part in sham elections and by so doing contribute to the legitimacy and establishment of one-party dominance.

Opposition parties have not been able to form a strong enough coalition to unseat the regime. Though coalitions have been formed on paper, these have been with small and insignificant parties who do not have a huge support base. For example, the 2013 elections witnessed the formation of a coalition involving Tsvangirai’s MDC, ZAPU and Mavambo/Dawn/Kusile which was in all fairness a weak coalition as the other faction of the MDC led by Welshman Ncube which hypothetically could have been a game-changer was not part of the coalition. In essence, coalitions are not about numbers but the quality and substance which the various parties bring into the table. If a coalition is to work and be successful, then much time, planning and resources as well as a clear division of positions and posts as well as responsibilities should be given to each party. As things stand, one-



party dominance will continue because the parties are weak, divide and this plays into the hands of ZANU PF.

The MDC has been in opposition for the past fourteen years and what is disturbing is that Morgan Tsvangirai has been at the helm of the party since its inception. This is a cause for concern as it shows that Zimbabwe's evolution towards genuine democracy has not taken root. One fears the real danger of the opposition becoming like the ruling party and in the process continue the less than glorious 'tradition' of one party dominance in the event the opposition comes into power. It therefore appears as if hanging on to power even when this defies logic and common sense is one result of being continually beaten in elections by the ruling party. One observes how there is intolerance of views different to that of the opposition leader, purging of the party, rewarding of loyalists and a reluctance to step down from power are all signs pointing towards a system dominated by one party.

### **Conclusion**

By virtue of having a majority in parliament, the ruling party was able to create a de facto one-party state unchallenged due to weakness of parliament as well as through its control of parliament achieved through control of electoral management bodies, collusion by ZEC, resource capture and control, security apparatus, monopoly of force, weakness of opposition, control of the central bank have all been important in ensuring one-party dominance in Zimbabwe. Nietzsche (1886) wrote and immortalised the words 'he who fights with monsters might take care lest he thereby become a monster himself', advice which is particularly appropriate even to opposition parties. These are apt words and a stark reminder to observers, analysts, students of history and African politics, bearing in mind that those in charge of one-party dominated states started off with good intentions, they were fighting against various monsters, yet they became monsters themselves and use skull drudgery to stay in power. The opposition in Zimbabwe must take heed of this and renew itself first to bring multi-partyism and secondly to ensure that in the event it attains power, Zimbabwe will not be a one-party dominated state.

### **End Notes**

<sup>1</sup> The Willowgate Scandal was a 1988-89 Zimbabwean political scandal in which the [Bulawayo Chronicle](#) revealed illegal resale of automobile purchases by various government officials. The ensuing investigation resulted in the resignations of five members of President [Robert Mugabe's](#) cabinet. One of the five, [Maurice Nyagumbo](#), later committed suicide after being charged with perjury. The reporters who had broken the story, [Geoffrey Nyarota](#) and [Davison Maruziva](#), were subsequently removed from their posts.

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## Regional Commercial Arbitration Council for SAARC Countries: A Critique

Nishant Sirohi\*

### Abstract

South Asian Association for Regional Cooperation (SAARC) was established in the year 1985 by the seven South – Asian countries with the objective to promote welfare in the region; to accelerate economic growth; and to promote active collaboration and mutual assistance in the economic, social, cultural, scientific and technical fields. Since its inception, the SAARC has achieved many goals through the mutual cooperation. In the recent decades, there is also increase in cross – border trade and investment between the regional countries which are resulting in the economic growth and sometimes disputes as well between the parties during the course of trade and business. As there are not always political solutions to the things; there are other technical methods present to resolve the problems and disputes arising on the trade, commerce and at other various levels. In the present paper, the author will firstly discuss the arbitration and commercial arbitration as means of dispute resolution; secondly will discuss the arbitration in India; thirdly will discuss the arbitration in other SAARC Countries; fourthly will discuss the SAARC Arbitration Council; and fifthly will discuss the idea of SAARC Regional Commercial Arbitration Council.

**Keywords:** SAARC, Trade, Arbitration, Commercial Arbitration, Dispute Resolution

**[Acknowledgement:** This paper is the outcome of the research which the author undertook as an Intern in February 2016 at the National Judicial Academy, Bhopal. The author wishes to thank Dr. Geeta Oberoi (Director In – Charge) for allowing him to undertake this internship and to allow him to rapporteur for the *Workshop for Judges from SAARC Countries*. The work reflects personal opinion and the errors, if any, are attributed only to the author.]

### Introduction: Why Arbitration?

Litigation and arbitration are both methods of resolving disputes – one outside the court of law while the other through a private tribunal. ‘Arbitration’ is well defined by Romilly MR in the *Collins v. Collins*<sup>1</sup> as: “... arbitration is a reference to the decision of one or more persons, either with or without an umpire, of a particular matter in difference between the parties”. The Supreme Court of India observed that, “arbitration is a mode of settlement of disputes evolved by the society for adjudication and settlement of the disputes and the differences between the parties apart from the Courts of Law”<sup>2</sup>. Litigation as we understand generally is a law suit, a judicial contest before the court of law. The High Court of Calcutta in *Vide Mury Exportation v. Khaitan & Sons*<sup>3</sup> holds that litigation means dispute and not actual proceedings in a court of law.

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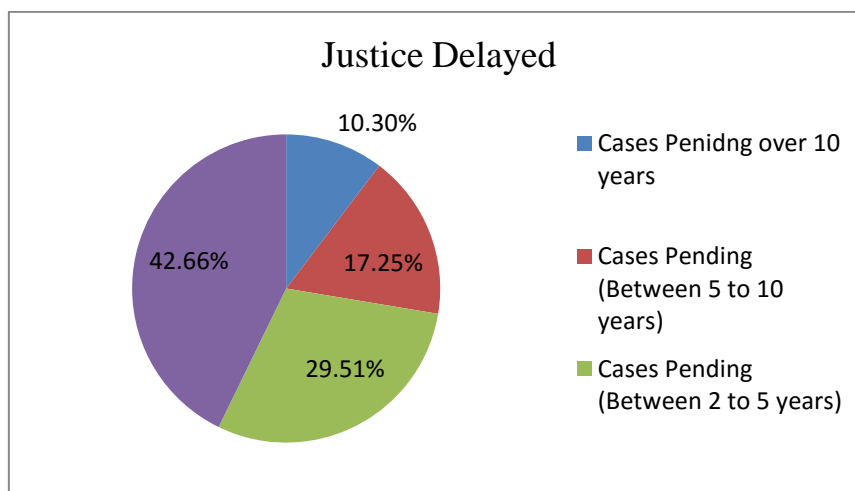
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Disputes may arise in a variety of situation which may vary being related to trade and business, property, marriage, children, succession, tenants etc. There are also domestic and international disputes and there are also some disputes which can only be settled in the courts of law and are not suitable for alternative dispute resolution (ADR)<sup>4</sup>. Law encourages parties, as far as possible, to settle their difference privately by mutual concessions or by the mediations of third person. Litigation is an evil, albeit necessary, and being also very expensive, law wished it to keep to the minimum. When the parties agree to have their disputes decided with the mediation of a third person, but with all the formality of a judicial adjudication, that may be, called arbitration<sup>5</sup>. In the commercial disputes, the parties prefer the ADR over the litigation as ADR has its own course of benefits.

There is huge pile – up of cases before the courts across India and, with no reservation, also in other SAARC Countries and the reason for the same has manifold. It is not the sloth in the judicial system all alone, but also the government in India and of other SAARC Countries is equally responsible for the same. The table given below explains the pendency of cases before the courts in India<sup>6</sup> (See Table 1 & Figure 1):

**Table 1: Number of Cases Pending before the Courts in India**

Cases Pending over 10 years	2265094
Cases Pending (Between 5 to 10 years)	3853013
Cases Pending (Between 2 to 5 years)	6489434
Cases Pending less than 2 years	9380438



**(Figure 1)**

Indian Judiciary after the international criticism is now promoting the Arbitration (both the domestic and international) which is finally helping in disposing the cases and in giving speedy justice. The reason for choosing arbitration over litigation boil down to these factors: neutrality, expertise, confidentiality, procedural flexibility, ability to choose the language and place of arbitration, the finality of the award and enforceability. The other advantages of arbitration include the case by case resolution of the dispute as well as arbitration is typically less costly and faster than traditional litigation.

### Commercial Arbitration

The Supreme Court of India observed in the case of *B. R. Enterprise v. State of Uttar Pradesh*<sup>7</sup> that: "Commercial arbitration has a relation to disputes arising out or of in connection with commercial activities. Clause (f) of sub – section 1 of Section 2 of the new Act defines commercial arbitration in

relation to International disputes arising as a result of commercial activities between two individuals or institutions belonging to two different countries. In the Black's Law Dictionary (6<sup>th</sup> Edition at p. 269) the word "commerce" is defined as "the exchange of goods, productions of property of any kind; the buying, selling and exchanging of articles".

Section 2 (1) (f) of the Indian Arbitration & Conciliation Act means one arising from a legal relationship which must be considered commercial where either of the parties is a foreign national or resident or is a foreign body corporate or is a company association or body of individuals whose central management or control is in foreign hands<sup>8</sup>. Whereas 'commercial' in Stroud's Judicial Dictionary (5<sup>th</sup> Edition) is defined as "traffic, trade or merchandise in buying and selling of goods"<sup>9</sup>.

There is an increase in international trade and investments which is accompanied by growth in cross – border commercial disputes. Given the need for an efficient dispute resolution mechanism, international commercial arbitration has emerged as the preferred option for resolving cross – border commercial disputes and preserving business relationships between the countries. International commercial arbitration encompasses within its ambit matters relating to arbitration agreements and the applicable law to these agreements including substantive and procedural law, enforcement of foreign awards as well as setting aside and annulment and many more<sup>10</sup>.

In 2014, the Law Commission of India in its 246<sup>th</sup> Report<sup>11</sup> recommended various amendments in the Arbitration and Conciliation Act, 1996 so that India may become a hub of international commercial arbitration. The Government of India has under its consideration, proposals for making arbitration as a preferred mode for settlement of commercial disputes by making it more user – friendly, cost efficient and expeditious disposal of cases.

### **Arbitration in India**

The Indian Arbitration and Conciliation Act, 1996<sup>12</sup> provides the provisions for the matters related to domestic and international arbitration. The Act has three parts – Part I deals with domestic arbitration when the arbitration is seated in India; Part II provides the provision for foreign awards and their enforcement; and Part III provides the statutory embodied provision for conciliation<sup>13</sup>.

In Part I, Section 8 regulates the commencement of arbitration in India, Section 3, 4, 5, 6 to 10, 26, 27, 28 to 30 regulates the conduct of arbitration. Section 34 regulates the challenge to the award. Section 1, 2, 7, 8, 9, 27, 37, 38 to 43 are ancillary provisions that either support the arbitral process or are structurally necessary<sup>14</sup>. Further, Courts have found that Chapters III to IV i.e. Section 10 to 33 of Part I of the Act contains crucial or procedural law which parties would have autonomy to opt out from. The other chapters of Part I of the Act form part of the proper law<sup>15</sup> thus making those provisions non-derogable by parties subjected to Part I, even by contract. Part II, on the other hand regulates arbitration only in respect of commencement and recognition and enforcement of a foreign award and no provisions under the same can be derogated by a contract between two parties<sup>16</sup>.

The Supreme Court of India observed in the case of *Guru Nanak Foundation v. Rattan Singh & Son*<sup>17</sup> that: "... the way in which the proceedings under the Act are conducted and without an exceptional challenge in courts has made lawyers laugh and legal philosopher weep". This was the foresight of the Supreme Court which predicted the emergence of arbitration in the future as a wide spread mechanism of dispute redressal. Now in India, 74% of contracts had an arbitration clause<sup>18</sup> and 91% of the companies surveyed included preferred arbitration (not litigation) for resolution of future disputes.<sup>19</sup>

India has number of domestic, specialist and international arbitral institutions, working efficiently throughout in their spheres, are named below:

***Domestic Arbitral Institutions in India***

- Indian Council of Arbitration (ICA), New Delhi
- International Centre for Alternative Dispute Resolution (ICADR), New Delhi
- Delhi High Court Arbitration Centre (DAC), New Delhi
- Nani Palkhivala Arbitration Centre (NPAC), Chennai
- Indian Merchants Chamber, Court of Arbitration, Mumbai
- FICCI Arbitration & Conciliation Tribunal (FACT), New Delhi
- LCIA India

***Specialist Arbitral Institutions in India***

- Construction Industry Arbitration Council (CIAC), New Delhi
- SCOPE Forum of Conciliation and Arbitration (SFCA), New Delhi
- Permanent Machinery of Arbitrators (PMA), Department of Public Enterprise, New Delhi

***International Arbitral Institutions in India***

- LCIA India
- Permanent Court of Arbitration (PCA)
- Chartered Institute of Arbitrators (CIArb) – India branch
- Singapore International Arbitration Centre (SIAC)

**Arbitration In Other SAARC Countries**

**Afghanistan**<sup>20</sup>: The Commercial Mediation Law of 2007<sup>21</sup> and the Commercial Arbitration Law of 2007<sup>22</sup> governs the alternative dispute resolution mechanism in the country. There is only one domestic arbitral institution – Afghanistan Centre for Commercial Dispute Resolution (ACDR) – which was established in June 2015 by the Afghanistan Chamber of Commerce and Industries and Harakat – Afghanistan Investment Climate Facility Organization. Currently there is no active international institutional ADR facility in Afghanistan and also there is no trace of commercial arbitration.

**Bangladesh**<sup>23</sup>: The Arbitration Act (2001)<sup>24</sup> governs both domestic and international arbitrations in Bangladesh. There is no statutory definition of domestic arbitration in the Act. The Arbitration Act is based on the UNICITRAL Model Law although there are a few differences. For example, the Act grants the High Court division of the Supreme Court of Bangladesh the power to determine the jurisdiction of the arbitral tribunal in certain circumstances. In Bangladesh, commercial matters and disputes are generally submitted to arbitration. Arbitration agreements must be in writing to be referring for arbitration. There are two international arbitral institutions in Bangladesh, namely:

- Bangladesh International Arbitration Centre established by a number of bodies including the International Chamber of Commerce, Bangladesh and the Metropolitan Chamber of Commerce & Industries; and
- Bangladesh Council of Arbitration set up by the Federation of Bangladesh Chamber so Commerce and Industries.

**Bhutan**: There is no arbitral institution or body for Alternative Dispute Redressal in Bhutan. Only the Chapter 2 from Article 4 – 24, of the Alternative Dispute Redressal Act of Bhutan, 2013<sup>25</sup> calls for existence of the “Bhutan Alternative Dispute Redressal Centre” as an independent and non-government body.

**Maldives**: There is no arbitral institution in Maldives. Chapter XI, Article 75 to 81, of the Arbitration Act says, “for the purpose of this Act and in order to execute its duties under this Act, an arbitration



centre titled Maldives International Arbitration Centre shall come into existence with the commencement of this Act. All the work leading up to the establishment of the Arbitration Centre until the commencement of its operations shall be carried out by the Attorney General”.

**Nepal:** The Arbitration Act, 1999<sup>26</sup> governs the matters related to Arbitration in Nepal which came into force at once. The principle object of the Act is to up – date the current legal provisions relating to arbitration. The Act borrows some propositions incorporated in the UNICITRAL Model Law on the subject. Nepal’s only arbitral institution – Nepal Council of Arbitration was founded in 1991.

**Pakistan**<sup>27</sup>: The Arbitration Act, 1940<sup>28</sup> governs the domestic arbitration in Pakistan. This legislation was passed before Pakistan’s independence, but continues to be in effect. The Act applies to three types of arbitration: i) arbitration without court intervention; ii) arbitration where there is no suit pending with court intervention; and iii) arbitration “in suit” with court arbitration.

In Pakistan, there are two arbitral facilities, namely:

- Karachi International Arbitration Centre, established by the Pakistan National Committee of the International Chamber of Commerce. The Centre is not an institution but a facility to conduct arbitration hearing.
- National Centre for Dispute Resolution, formerly known as Karachi Centre for Dispute Resolution was established in February, 2007 with the approval of the High Court of Sind, and financial assistance of International Financial Corporation.

**Srilanka**<sup>29</sup>: The Arbitration Act No. 11 of 1995<sup>30</sup> regulates both domestic and international arbitrations in Sri Lanka, and is based on the UNICITRAL Model Law. Other provision regulating arbitration can be found in the Civil Procedure Code, 1889 where as the High Court of Provinces (Special Provisions) Act, 1996 governs the enforcement of arbitral awards. Sri Lanka has two arbitral institutions, namely:

- Sri Lanka National Arbitration Centre.
- Institute for the Development of Commercial Law and Practice Arbitration Centre established in 1996 as part of the Institute for the Development of Commercial Law and Practice with the assistance of Swedish International Enterprise Development Corporation and Swedish Institute for Legal Development.

### **SAARC Arbitration Council**<sup>31</sup>

The South Asian States met and decided to establish South Asian Association for Regional Cooperation (SAARC) in Dhaka in 1985. In 2004, the SAARC Council of Ministers decides to establish Conciliation and Arbitration mechanism for the region under the auspices of SAARC in Islamabad. In 2005, an agreement for establishment of SAARC Arbitration Council (SARCO) was signed in Dhaka. The Secretariat was established in Islamabad in 2010 on the basis of the rules modelled on the UNCITRAL Arbitration Rules and was then headed by a Director General – Thusantha Wijemanna (Sri Lanka) preceded by Syed Sultan Ahmed (Pakistan).

SAARC Arbitration Council is an inter-governmental body mandated to provide a legal framework/forum within the region for fair and efficient settlement of commercial, industrial, trade, banking, investment and such other disputes as may be presented to it by the parties. It was established with the vision to be the most sought Arbitration Forum in the region, by becoming a centre of excellence for Alternate Dispute Resolution. On the objective to provide fair, inexpensive, expeditious and high quality arbitral and conciliatory services to resolve trade, commercial, investment and disputes of similar nature in order to facilitate the expansion of business activities in the region. It has been years since its inception and yet not a single matter has been registered in the said Council. The importance of the Arbitration Council of the European Union is well known and SAARC needs to attain the similar if not the equal level of importance within the SAARC members.

The jurisdiction of the local courts to annul a foreign award is one major issue in the practice of international arbitration. The Supreme Court of India in the *Bharat Aluminium Co. v. Kaiser Aluminium Technical Service Inc*<sup>32</sup> observed that ‘The Arbitration Act, 1996’ has accepted the territoriality principle which has been adopted in the UNCITRAL Model Law. When the Supreme Court of India was examining the jurisprudence of *Bhatia International v. Bulk Trading S. A.*<sup>33</sup> it ruled that part I of the Arbitration Act 1996 would have application to international commercial arbitration held outside India.

In the *BALCO*<sup>34</sup> the court’s interpretation of the relevant provisions of the New York Convention is very vital as enforcement of foreign awards falls within the preview of conflict of laws/ private international law, the New York Convention harmonises the law relating to recognition and enforcement of foreign arbitral awards<sup>35</sup>. After a detailed and in depth analysis of the New York Convention and the Indian enactment Arbitration and Conciliation Act 1996, also taking into consideration of various leading commentators on international commercial arbitration, the Constitution Bench observed<sup>36</sup>.

“The underlying motivation of New York Convention was to reduce hurdles and produce a uniform, simple and speedy system for enforcement of foreign arbitral awards”.

The bench observed that the Convention embodies a consensus evolved to encourage consensual resolution of complicated intricate and in many cases very sensitive international commercial disputes. Therefore, according to the Courts’ observation, the interpretation which hinders such a process ought not to be accepted<sup>37</sup>. By taking note of the Supreme Court of India’s observations on the enforcement of foreign award in the local courts, it can be said that by virtue that the SAARC Countries (except Maldives, which is not signatory to the Convention) are signatory to the New York Convention and hence an obligation is cast on each one of them to practice the international law under the principle of *pacta sunt servanda*. Table given below shows the dates when the SAARC Countries signed the New York Convention<sup>38</sup> (See Table 2):

**Table 2: Entry Dates of SAARC Countries in New York Convention**

State	Entry into Force
Afghanistan	28/02/2005
Bangladesh	04/08/1992
Bhutan	23/12/2014
India	11/10/1960
Nepal	02/06/1998
Pakistan	12/10/2005
Sri Lanka	08/07/1962
Maldives	-

#### **SAARC Commercial Arbitration Council – An Idea**

SAARC is on the track to establishing a South Asian Economic Union envisages free trade area in both goods and services<sup>39</sup>. At present, the cost of trading across borders in South Asia is one of the highest in the world as the economies of the region have maintained a higher level of protection within the region than with the rest of the world<sup>40</sup>. The statics available on the trade and investment between India and other the SAARC Countries<sup>41</sup> showcase on how there is steady growth in the mutual trade between the countries (see Table 3 & 4). Now there are more competencies in the SAARC Countries’ economies and markets as it was ever before, and this is very much visible in the new rankings given by World Bank Group and World Economic Forum on various levels that highlight the trade and business capacities of the SAARC Countries (see Table 5 and Table 6).



Table 3: Export between India and other the SAARC Countries

Countries/Year	2008 – 09	2009 – 10	2010 – 11	2011 – 12	2012 – 13	2013 – 14	2014 – 15
Afghanistan	396.5	464.5	421.6	506.9	472.1	475.8	422.2
Bangladesh	2460.9	2424.2	3237.9	3836.7	5122.4	6138.5	6450.5
Bhutan	110.6	118.2	175.9	230.5	200.8	356.2	335.4
Maldives	128.3	79.8	100.0	124.7	122.4	106.3	152.6
Nepal	1555.4	1528.4	2166.4	2739.9	3028.6	3598.3	4556.3
Pakistan	1420.3	1572.6	2031.3	1554.2	1837.1	2286.3	1856.7
Sri Lanka	2368.5	2168.8	3503.4	4371.9	3976.0	4569.1	6711.7
<b>SAARC</b>	<b>8440.5</b>	<b>8356.5</b>	<b>11636.5</b>	<b>13364.8</b>	<b>14759.4</b>	<b>17575.4</b>	<b>73367.1</b>

Table 4: Import between India and other the SAARC Countries

Countries/Year	2008 – 09	2009 – 10	2010 – 11	2011 – 12	2012 – 13	2013 – 14	2014 – 15
Afghanistan	128.8	124.4	145.3	129.7	158.27	212.8	263.8
Bangladesh	308.4	254.1	445.9	582.7	637.4	479.9	620.6
Bhutan	149.6	152.4	201.3	203.4	164.0	152.0	149.7
Maldives	3.9	3.6	31.9	19.2	6.3	4.0	4.3
Nepal	490.4	452.4	513.4	550.8	543.7	529.6	640.4
Pakistan	362.8	275.0	332.3	400.2	541.0	430.8	497.3
Sri Lanka	353.0	353.0	500.1	716.9	625.7	671.8	759.3
<b>SAARC</b>	<b>1796.9</b>	<b>1651.8</b>	<b>2170.2</b>	<b>2602.8</b>	<b>2676.3</b>	<b>123671.7</b>	<b>2935</b>

Table 5: Ease of Doing Business Ranking 2016<sup>42</sup>

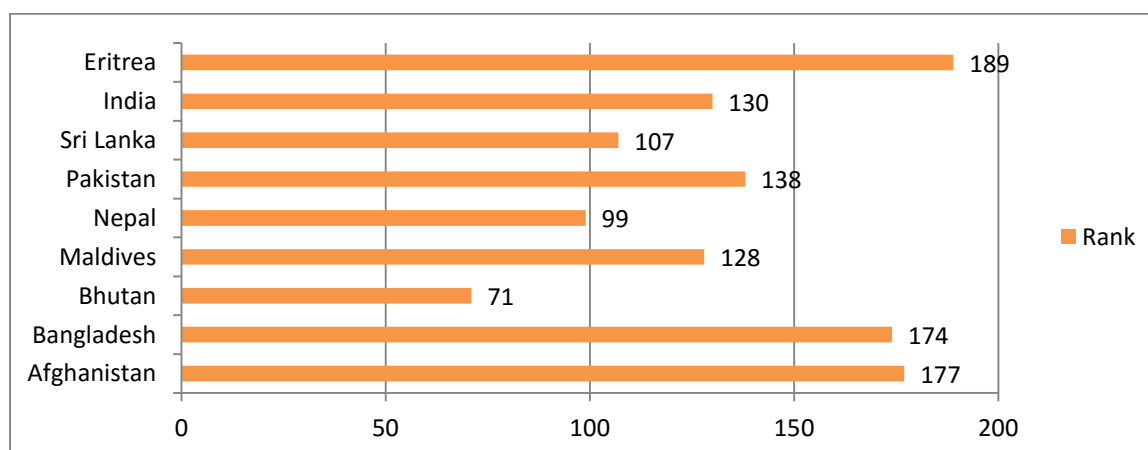


Table 6: The Global Competitiveness Index 2014–2015 Rankings<sup>43</sup>

Country	General Competitive Index	Basic Requirement	Efficiency Enhancers	Innovations and Sophistication Factor
Afghanistan	-	-	-	-
Bangladesh	109	113	103	122
Bhutan	103	88	123	111
Maldives	-	-	-	-
Nepal	102	100	115	124

<b>Pakistan</b>	129	134	101	83
<b>Sri Lanka</b>	73	75	75	43
<b>India</b>	71	72	61	52

The growth of international and regional trade is bound to give rise to international disputes which transcend national frontiers and geographical boundaries. For the resolution of such disputes the preference to international arbitration over litigation in national courts is natural because of arbitration being preferred by the foreign elements and also because there is no international court to deal with international commercial disputes<sup>44</sup>. In situation of this kind, recourse to international arbitration in a convenient and neutral forum is generally seen as more acceptable than recourse to the courts as a way of solving any dispute which cannot be settled by negotiation<sup>45</sup>. Informality of the arbitral process permits relaxation from strict rules of evidence and it reduces costs and delay which are often unavoidable in litigation<sup>46</sup>.

### Conclusion

Share of SAARC trade in world trade is abysmally low in comparison to other regional groups. Even Intra – SAARC is governing at very modest pace and remains substantially lower than that of other regional groups<sup>47</sup>. World Bank highlights that the reasons for this low level of trade include protectionist trade regimes, which discriminated against trade among larger neighbors; continued conflict between India and Pakistan; transport and trade facilitation constraints<sup>48</sup> and there is also no institutional adjudicating body to resolve commercial disputes. For the effective implementation of the economic reforms introduced in the SAARC Countries through the mutual cooperation, it is necessary to recognize the demand of the business community and investors for the reform in the arbitration laws in region. The Supreme Court of India observed that:

“We should make the law of arbitration simple, less technical and more responsive to the actual realities of the situation but must be responsive to the canons of justice and fair play and make the arbitrator adhere to such process ad norms which will create sense that justice appear to have been done”<sup>49</sup>.

Likewise, this is the high time when the Governments of the SAARC Countries should recognize the need for reform in the laws relating to arbitration and establish the ‘SAARC Regional Commercial Arbitration Council’ on the basis of the UNICTRAL Model Law on International Commercial Arbitration and the ICC Rules for Conciliation and Arbitration. This new Council should be designed taking in care of every need of the SAARC region and having universal application. The object should be to provide a unified legal framework for the fair and efficient settlement of disputes arising in the regional commercial relations. If came into reality this would eliminates a dichotomy in the laws applicable to domestic arbitration of respective countries and that applicable to international commercial arbitration and will results in the more prosperous economic growth in the region which would not only be beneficial to the regional countries but also for the global economy.

### End Notes

\* 28 LJ 186: (1858) 26 Beav 306

<sup>2</sup> *Food Cooperation of India v. Joginder Paul, Mohinder Paul and another* [AIR 1989 SC 1268]

<sup>3</sup> AIR 1956 Cal 644, 648

<sup>4</sup> *Nataraj Studios v. Narang Studios* [AIR 1981 SC 537]

<sup>5</sup> Avtar Singh, “*Law of Arbitration & Conciliation and Alternative Dispute Resolution System*” 14 (Eastern Book Company, Lucknow, 9<sup>th</sup>Edn, 2009)

<sup>6</sup> National Judicial Data Grid, Summary Report of India as on Date: 06/06/2016, Available at: [http://164.100.78.168/njdg\\_public/main.php](http://164.100.78.168/njdg_public/main.php) (Visited on June 6, 2016)

<sup>7</sup> (1999) 9 SCC 700: 1999 (9) JT 39

<sup>8</sup> *R. M. Investments & Trading Co. Pvt. Ltd. v. Boeing Co.* [AIR 1994 SC1136]

<sup>9</sup> *New Delhi Municipal Council v. Sohan Sachdev (dead) represented by Mrs. Hirinder Sachdev w/o Late Sohan Lal Sachdev* [(2000) 2 SCC 494]

<sup>10</sup> "International Commercial Arbitration: Conflict and Perspectives" *Annual Survey of Indian Law* 233 – 245 (Indian Law Institute, New Delhi, Vol. XLIX 2013)

<sup>11</sup> Law Commission of India 246<sup>th</sup> Report, Available on: <http://lawcommissionofindia.nic.in/reports/Report246.pdf> (Visited on May 3, 2016)

<sup>12</sup> Indian Arbitration and Conciliation Act, 1996, available at: <http://www.ficci-arbitration.com/htm/acts.pdf> (Visited on May 3, 2016)

<sup>13</sup> The World Bank Group: Investing Across Boards – Indicators of Foreign Direct Investment Regulation: INDIA, available at: <http://iab.worldbank.org/data/exploreconomies/india> (Visited on May 3, 2016)

<sup>14</sup> *Bharat Aluminum Co. v. Kaiser Aluminum Technical Service Inc.* (2012 (9) SCC 552)

<sup>15</sup> *Anita Garg v. M/S Glencore Grain Rotterdam B. V.* [2014 (4) ARBLR (Delhi)]

<sup>16</sup> Op. Cit. 15

<sup>17</sup> AIR 1981 SC 2075

<sup>18</sup> Ernest & Young Study *Changing Face of Arbitration in India (2011)*, available at: <http://www.ey.com/IN/en/Services/Assurance/Fraud-Investigation---Dispute-Services/FIDS---Changing-face-of-arbitration-in-India> (Visited on May 3, 2016)

<sup>19</sup> PriceWaterhouseCoopers, *Corporate Attitudes & Practices towards Arbitration in India (2013)*, available at: <https://www.pwc.in/assets/pdfs/publications/2013/corporate-attributes-and-practices-towards-arbitration-in-india.pdf> (Visited On May 3, 2016)

<sup>20</sup> The World Bank Group: Investing Across Boards – Indicators of Foreign Direct Investment Regulation: AFGHANISTAN, available at: <http://iab.worldbank.org/data/exploreconomies/afghanistan> (VISITED On May 3, 2016)

<sup>21</sup> Commercial Mediation Law of 2007, available at: <http://www.wipo.int/wipolex/en/details.jsp?id=13858> (Visited On May 3, 2016)

<sup>22</sup> Commercial Arbitration Law of 2007, available at: <http://moci.gov.af/Content/files/Commercial%20Arbitration%20Law%281%29.pdf> (Visited On May 3, 2016)

<sup>23</sup> The World Bank Group: Investing Across Boards – Indicators of Foreign Direct Investment Regulation: BANGLADESH, available at: <http://iab.worldbank.org/data/exploreconomies/bangladesh> (Visited on May 3, 2016)

<sup>24</sup> The Arbitration Act (2001), available at: [http://www.mccibd.org/images/uploadimg/act\\_and\\_policy/corporate\\_governance/The-Arbitration-Act-2001.pdf](http://www.mccibd.org/images/uploadimg/act_and_policy/corporate_governance/The-Arbitration-Act-2001.pdf) (Visited On May 3, 2016)

<sup>25</sup> Alternative Dispute Redressal Act of Bhutan, 2013, available at: <http://oag.gov.bt/wp-content/uploads/2010/05/Alternative%20Dispute%20Resolution%20Act%202013.pdf> (Visited On May 3, 2016)

<sup>26</sup> The Arbitration Act 1999, available at: [http://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=53851&p\\_country+NPL&p\\_count=117](http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=53851&p_country+NPL&p_count=117) (Visited on May 3, 2016)

<sup>27</sup> The World Bank Group: Investing Across Boards – Indicators of Foreign Direct Investment Regulation: PAKISTAN, available at: <http://iab.worldbank.org/data/exploreconomies/pakistan> (Visited on May 3, 2016)

<sup>28</sup> The Arbitration Act 1940, available at: <http://www.wipo.int/edocs/lexdocs/laws/en/pk/pk066en.pdf> (Visited on May 3, 2016)

<sup>29</sup> The World Bank Group: Investing Across Boards – Indicators of Foreign Direct Investment Regulation: SRI LANKA, available at: <http://iab.worldbank.org/data/exploreconomies/sri-lanka> (Visited on May 3, 2016)

<sup>30</sup> Arbitration Act No. 11 of 1995, available at: [http://www.commonlii.org/lk/legis/num\\_act/aa11o1995183/](http://www.commonlii.org/lk/legis/num_act/aa11o1995183/) (Visited on May 3, 2016)

<sup>31</sup> For more information, See SAARC Arbitration Council, available at: <http://sarco.org.pk/about.html> (Visited on May 2, 2016)

<sup>32</sup> 2012 (8) SCALE 333

<sup>33</sup> Appeal (civil) 6527 of 2001

<sup>34</sup> (2012) 9 SCC 552

<sup>35</sup> Op. Cit. 11

<sup>36</sup> Op. Cit. 35

<sup>37</sup> Ibid.,

<sup>38</sup> UNICTRAL Status Convention on the Recognition and Enforcement of Foreign Award (New York, 1958) available at:

[http://www.uncitral.org/uncitral/en/uncitral\\_texts/arbitration/NYConvention\\_status.html](http://www.uncitral.org/uncitral/en/uncitral_texts/arbitration/NYConvention_status.html) (Visited on May 3, 2016)

<sup>39</sup> Editorial, "SAARC nations resolve to set up South Asian Economic Union", *Economics Times*, November 27, 2014, available at: [http://articles.economictimes.indiatimes.com/2014-11-27/news/56515654\\_1\\_south-asian-economic-union-saarc-region-barriers](http://articles.economictimes.indiatimes.com/2014-11-27/news/56515654_1_south-asian-economic-union-saarc-region-barriers) (Visited on June 8, 2016)

<sup>40</sup> Rajeev Jain & J. B. Singh, *Trade Pattern in SAARC Countries: Emerging Trends and Issues* 30 (3) Reserve Bank of India Occasional Papers 73 – 117 (Winter, 2009)

<sup>41</sup> Reserve Bank of India: HANDBOOK OF STATICS ON THE INDIAN ECONOMY (2012 – 13) available at: <http://rbidocs.rbi.org.in/rdocs/Publications/PDFs/FHB160913FLS.pdf> (Visited on May 3, 2016), and Reserve Bank of India: HANDBOOK OF STATICS ON THE INDIAN ECONOMY (2014 – 15) available at: <https://www.rbi.org.in/scripts/annualPublications.aspx?head=Handbook%20of%20Statistics%20on%20Indian%20Economy> (Visited on May 3, 2016) [Figures in US \$ Million].

<sup>42</sup> World Bank Group, *Report on Doing Business 2016: Measuring Regulatory Quality and Efficiency*, available at: <http://www.doingbusiness.org/~media/GIAWB/Doing%20Business/Documents/Annual-Reports/English/DB16-Full-Report.pdf> (Visited on June 6, 2016)

<sup>43</sup> Klaus Schwab, *The Global Competitiveness Report 2014 – 2015* (World Economic Forum, 2015), available at: [http://www3.weforum.org/docs/WEF\\_GlobalCompetitivenessReport\\_2014-15.pdf](http://www3.weforum.org/docs/WEF_GlobalCompetitivenessReport_2014-15.pdf) (Visited on June 6, 2016)

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<sup>44</sup> P. C. Rao and William Sheffield, *Alternative Dispute Resolution: What's it is and how it works* 13 – 23 (Universal Law Publishing Co. Pvt. Ltd., New Delhi, First Edition, 2013 (Reprint))

<sup>45</sup> Alan Reform and Martin Hunter, *Law and Practice of International Commercial Arbitration* 26 (Sweet & Maxwell, London, 3<sup>rd</sup>Edn., 1999), also available at: <http://international-arbitration-attorney.com/wp-content/uploads/arbitrationlaw2692249551.pdf> (Visited on June 6, 2016)

<sup>46</sup> Op. Cit. 43

<sup>47</sup> Op. Cit. 41

<sup>48</sup> Ibid.,

<sup>49</sup> Op. Cit. 3

## Predicament of Manipur: The Road Ahead

Meghna Sharma\*

### Abstract

With its immense potential, Manipur deserved to be the crown jewel of India. However, it has become a victim of its history as well as its geography and this paper examines the major problems in Manipur. Insurgency has emerged as the biggest threat to Manipur; it has the largest number of insurgent groups compared to anywhere else in India. The proximity to the Golden Triangle of Southeast Asia has made Manipur a centre of drug trade. The fissures of inter-tribal dynamics within the social structure of Manipur and juxtaposed within the question of Greater Nagalim, pose a challenge to the existence of Manipur as well. This paper brings together possible solutions that can help Manipur achieve success against the multitude of problems that it faces today. It seeks to explain that the solutions are not administrative alone but social as well.

**Keywords:** Insurgency, Armed Forces Special Powers Act, Manipur, India

### Introduction

The North East comprises of the contiguous Seven Sister States<sup>1</sup>—Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura—and the Himalayan state of Sikkim. These states are grouped under the MDONER ministry of the Government of India. Except for the Goalpara region of Assam, the rest were late entrants to political India—the Brahmaputra valley of Assam became a part of British India 1826<sup>2</sup>, and the hilly regions even later.

These states cover an area of 255,511 km<sup>3</sup>, or about 7 percent of India's total area. They had a population of 44.98 million in 2011, about 3.7 percent of India's total. Although there is great ethnic and religious diversity within the seven states, they also have similarities in political, social and economic contexts. At the time of independence North East consisted of Assam, Tripura and Manipur. The state of Assam has seen many changes since Independence. In 1948, the Northeast Frontier Agency (NEFA) consisting of districts bordering Tibet was separated from Assam. Nagaland was carved out in December 1, 1963 and Meghalaya followed in January 21, 1972. Mizoram also separated from Assam in 1972. On February 20, 1987, NEFA became a state, Arunachal Pradesh. While Tripura joined the Indian Union as a state on October 19, 1949, Sikkim acceded on April 14, 1975.<sup>4</sup> Today these states combine to form North East.

Manipur with the city of Imphal as its capital has a total population of 2,166,788 persons according to the 2011 census. There are a number of ethnic groups in Manipur. The major ethnic groups of Manipur are the Meiteis, the Meitei Pangals (Muslims), Nagas, Zomis and Kuki. It is bounded by the Indian states of Nagaland to the north, Mizoram to the south and Assam to the west; it also borders Burma to the east.<sup>5</sup> The Meiteis (Meiteis), who live primarily in the state's valley region,

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form the primary ethnic group (60% of the total population) but occupy only 10% of the total land area. Their language, Meiteilon (Meeteilon), (also known as *Manipuri*), is also the lingua franca in the state, and was recognized as one of the national languages of India in 1992. The Muslims (Meitei-Pangal) also live in the valley; the Kukis, Nagas, Zomis and other smaller groups form about 40% of the population but occupy the remaining 90% of the total land area of Manipur. Out of the total population of Manipur 46.01% follow Hinduism, 34.04% follow Christianity, 8.81% follow Islam and the rest follow others.<sup>6</sup>

Vaishnavism is the predominant form of Hinduism that is followed in Manipur. The Meiteis majorly subscribe to this form of Hinduism. There are accounts of Vaishnavism preaching in the Puranas but in the modern sense Vaishnavism acquired a predominant form in Manipur when the king of Shan kingdom of Pong gifting the Manipuri king Kayamba with the Vishnu Chakra. So the kings started to worship Vishnu around 1740's and very soon it spread among the Meiteis<sup>7</sup>. They don't worship only Krishna but the Radha-Krishna form. This predominant theme of religion is also reflected in the classical dance form of Manipuri dance which centers around Raas Lila.<sup>8</sup> Christianity in Manipur started to spread in the 19th century onwards by missionaries. The 20th century saw the establishment of a few Christian schools which then introduced Western-type education in this part. Christianity is predominantly prevalent among the hill tribes.

### **Issues and Challenges**

The historical richness of Manipur would rival any of the great Indian kingdoms which had existed throughout history. Western historians had often accused Indian history lacking a sense of linear sense of time. And yet the "Buranjis" maintained by the Ahoms in Assam and "Cheitoron Kumbaba" by the Manipuris run counter to the theory proposed by the Western historians. The earliest history of Manipur goes back to the 33-34 AD. Manipur came under British rule as a princely state (kangleipak) in 1891 and existed until 1947, when it acceded to the newly independent Union of India<sup>9</sup>. Today Manipur is far off from the cultural greatness and historical awe that it symbolized in olden times. Today Manipur is often quoted as story of failure of the policymakers however some faults of the Manipuri society as well.

And it is this context, that the present debate on the Inner Line Permit must be understood. Inner Line Permit was first drawn in a few areas of North East during the erstwhile British era with the intention of regulating movement of "British subjects" into certain areas of their dominions. This concept continued in the post-independence era and is today being seen in Manipur as a tool to saving their identity. North East has always boiled on the question of identity which is deeply rooted in the "us versus them" discourse fixed fundamentally to territory. And it is through this prism that Manipur must be seen.

Manipur is landlocked between Nagaland, Assam and Mizoram on the East and Myanmar on the West. There are three major highways connecting Manipur to the rest of India .They include National Highways 150 (Tipaimukh Road), National Highway 39 and National Highway 53.<sup>7</sup>Of these the highway passing majorly through the Naga inhabited areas i.e. NH 39(starting in Numaligarh in Assam and ending in the Indo-Myanmar border) is the lifeline for the Manipur state with major transportation and trade carried through this network. It covers a distance of 436 kms of which 115 kms is in Assam 100 kms in Nagaland and 211 kms in Manipur. It enters Manipur from Tadubi village in Senapati district in Manipur.<sup>10</sup> It is this particular strategic location that has also become Manipur's greatest nightmare. Today the problems that are seen in the state of Manipur are many .Some of the most major issues are home-grown insurgency, removal of AFSPA (Armed Forces Special Powers Act) and the issue of the greater Nagalim among others.



Insurgency in Manipur stuck roots early along with the rest of North East in the era after independence<sup>11</sup>. While the reasons of growth of insurgency among various North East states are homogenous yet the course and the trajectory of the growth have been quite dissimilar. While the demands of ULFA (United Liberation Front of Asom) in Assam and NSCN-IM (National Socialist Council of Nagaland- Isak Muivah faction) in Nagaland have centered on secession and the question of sovereignty, the insurgency in Manipur has 2 different strands. While the hill tribes merely demanded a tribal state which would preserve their own cultural identity, the valley based populace majorly the Meities has demanded complete succession based on historical evidence that the Manipuri kingdom was never a part of the political entity called India until the British era.

Over a period of time however most of these insurgents and secessionists stopped their active operations against the Indian state. While they continued to hold to their arms the state in effect couldn't resolve this question. As such today the Manipuri society is one in which arms exist in the public milieu. When the state becomes too powerful to be an enemy the people turn towards each other and this is what has invariably happened. From 3 insurgent groups in the 90's among the Meities today there are 15 active insurgent groups who are out there to gain the spoils of the war.<sup>12</sup> Thus what we see today is large scale extortion, black-marketing and other actions which have crippled the Manipuri economy. For a state which has enormous potential in terms of gaining from the tourism industry, the Manipuri tourism story has failed to take off due to disarray in the economy of Manipur. The state has failed to take corrective measures to stop black marketing, extortion etc. It is common sight to witness parked cars outside petrol pumps for 5 days waiting in line to get their share of petrol. Such is the condition of the Manipuri economy today.

When discussing the armed insurgencies afflicting Manipur a special mention has to be made of the Kuki issue. The Kukis are an ethnic group that is spread throughout the Northeastern region of India, Northwest Burma and Chittagong Hill Tracts in Bangladesh. In Northeast India they are present in all the states except Arunachal Pradesh. They are predominantly present in Manipur. The genesis of the Kuki struggle lie in the aftermath of the Kuki-Naga and the Kuki-Zomi struggle in the late 80's and the early 90's. With a demand to create a separate Kuki homeland for the Kuki people, these groups took up arms<sup>13</sup>. This demand for the Kuki homeland has further complicated the return of normalcy in Manipur. While most of these groups have announced a ceasefire yet repeated calls are made from the leaders of the groups towards a renewal of armed militancy if their demands are not met<sup>14</sup>. These repeated calls affect the ongoing negotiation process between the Government of India and NSCN (IM) since very often their "demands" have overlapping territorial aspirations.

The relation between arms and drugs trade has been one that occurs with alarming regularity. Manipur is no different to this paradigm. Manipur is home to 50,000 drug users including 34,500 intravenous drug users (IDU) while about 14,000 drug users are concentrated in Imphal alone, according to UNODC (United Nations Office on Drugs and Crime) reports. Injection drug use is common in countries neighboring the "Golden Triangle" (Myanmar, Laos, and Thailand), known for heroin export to other countries. The spreading of HIV and injection drug use outbreaks in countries neighbouring the Golden Triangle, especially the north-eastern Indian state of Manipur, have been associated with drug abuse, due to its proximity to the aforementioned Golden Triangle. There is a huge amount of money involved in this illicit drug trade including in the transportation to and from Manipur acts as the transit point for this illicit trade. Some of the armed groups have heavily invested in this trade and this has led to a gruesome turf war. The local civic society has taken a strong stand against drug trade and drug abuse but a lot more need to be done in this regard.

Armed Forces Special Powers Act or AFSPA as it is popularly known has been a thorn in the Indian polity for a large number of years now. The Manipuri lady Irom Sharmila has been fasting against repealing this act<sup>15</sup>. However the most important question of AFSPA removal, hinges around the fact

that whether the conditions which caused the invocation of AFSPA in Manipur have been addressed or not. It is in relation to this that the question of removal of AFSPA must be raised.

The final major contentious issue is the question of greater Nagalim. The road towards reconciliation with Nagaland is being hailed as one of the greatest victories of the Indian administrative system. Yet it is not clear as to how this peace deal would affect the question of Nagalim. North East has always witnessed a never ending assertion of political rights where the offshoot of one particular movement demands a more radical deal than the one which was obtained. Any serious expert of the North East can gauge that the Naga peace deal being harbored by Isaac-Muivah faction is not the end of the Nagalim question and neither is the question of non-territorial Nagalim the logical solution at this point.

The Naga society is one of diverse contours. It is in the backdrop of this premise that the present agreement between Government of India and the NSCN-IM must be understood. Thuingaleng Muivah -the leader of NSCN-IM -a Tangkhul Naga hails from Somdal village in Ukhru district of Manipur. Historically it has been the Angami Nagas who have lead the Naga rebellion. Phizo Naga the godfather of Naga movement was an Angami Naga. It would be interesting to see how much the proud Angamis would accept a peace process driven by a Tangkhul Naga from Manipur. The Naga Hoho council and the Church which are powerful forces in Naga politics have been kept out of this whole Naga peace process. Such development does not auger well for Manipur which always becomes the burning ground for assertion of Naga muscle .The previous 100 days economic blockade of Manipur is a stark reminder of this fact. When the Naga's close down the Manipur highway it creates havoc on the Manipuri population. LPG prices shoot upto even record margins like Rs. 2000 per cylinder. Such regular occurrences further cripple down the already fragile Manipuri economy.

The demand centered around Greater Nagalim often manifests itself in NH39.The Nagas, who dominate Manipur's Senapati district through which NH 39 passes, block the highway whenever any dispute with the Meiteis, who are the dominant community in the state but are concentrated in the 1843 sq km Imphal Valley that accounts for only 8.25% of Manipur's landmass, arises. In 2010 When the NSCN-IM patriarch Thuingaleng Muivah wanted to visit his home in Senapati district, it saw massive protests in Manipur.<sup>16</sup>Eventually it lead to a blockade of Manipur which lasted for more than a 100 days. Whenever the Nagas block this lifeline, the prices of food, fuel and all other essential commodities skyrocket. In 2012 a 120-day blockade by the Kukis (another tribal group that had, in the 1990s, clashed with Nagas that claimed hundreds of lives) demanding a district be carved out of the areas they're concentrated in and a counter-blockade by Nagas caused a crunch of commodities and sent prices of LPG cylinders soaring to Rs 2,000.<sup>17</sup> On an average, NH 39 faces disruptions about 60 days a year.

### **The Way forward**

So the solution today to improving the condition in Manipuri has to be a multi-pronged approach, it cannot hinge on ILP (Inner Line Permit) alone. The first step towards this is a better law and order condition. This assertion of law and order however has to come from the local police rather than the army. The local police is always seen as more friendly that the army. Hence the local law and order and administrative machinery must act together towards solving the crisis. Today there are almost 15 different active insurgent groups operating in Manipur. Efforts must be made to remove arms from these groups. The government must make new amendments to the peace deals that are being signed with these groups. Removal of arms and ammunition must become the foremost priority. The administrative machinery must make concrete reforms so that basic services reach the average citizen bypassing the maze of black-marketing that exists today. The implementation of Aadhar and Direct Cash Transfer would be a welcome step in this regard. Power is a big let-down in the Manipuri



state, the state must make conscious efforts to improve the power scenario by working on power through the off grid sector. The MNRE (Ministry of New and Renewable Energy) can make conscious efforts in this regard.

With regard to the AFSPA, there is no doubt that AFSPA has to be removed .While it cannot be done in one stroke it must be done in stages balancing with action towards restoring law and order and putting it in the hands of the local administrative machinery. Any haphazard step at this moment will only complicate matters.

It is the Nagalim question which is perhaps the biggest roadblock to the Manipuri peace course. The peace process with NSCN-IM has to become more inclusive in manner so that future narratives are not left open. The Naga Hoho council must be brought into the peace discussions along with the Manipuri stakeholders .Apart from this there is no doubt that the peace process to Naga problem will be a long drawn one .The Manipur question will always be at stake .Hence so that Manipur does not become a hostage to Naga peace process question a highway must be billed through Assam which will have passage to Manipur. In this way Manipur can be rescued from being a hostage to Naga politics.

### **Conclusion**

Manipur with its small population has always punched above its weight. If its rich cultural heritage is not amazing enough in recent times Manipur has emerged as a sports powerhouse. Boxing is one sport where Manipur seems to produce winners with an amazing regularity. The 1999 Asian Games is still fresh in the Indian memory. India had just lost an important bout with Pakistan in front of a largely hostile crowd in Kathmandu. Dingko Singh the boxer from Manipur arrived. He knocked out the Pakistani boxer and then ran through the stadium shouting and thumping his chest .The Indian flag was draped to his chest while the largely hostile crowd was quite. There is a lot at stake in the small Indian state of Manipur. In the end the need of the hour is a better drawn out process towards solving the question of Manipur.

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## Implication of Astrologers' Work Ethics for Professional Social Work

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### Abstract

This paper tries to examine how professional astrologers use work ethics to help their clients recover from suffering and eventually become self-reliant and successful. Interestingly, they are not trained in social work, however, they are able to provide professional social service to their clients who are in need of support and care. So much so that even the professional social workers can also learn work ethics from the astrologers in order to enrich their service offerings. Indeed, astrologers' work ethics has wider implications for professional social work practice in India.

**Keywords:** Astrologers' Work Ethics, Professional Social Work, India

*[Disclaimer: Names and narratives in the case study may have incidental similarity with someone's real life. The author, editors and publishers have no intention to breach privacy of any individual and cases are based generalized experiences and observations even though they appear as real-life stories. Author, editors and publishers do not intend to authenticate or dispute the practice of astrology. Readers are free to use their discretion and wisdom before consulting any astrologer. The journal will not be responsible for any adverse or positive outcomes resulting out of consultation with the astrologers.]*

### Introduction

Globalization, the most modern policy and approach towards world's integration and co-ordination in all terms breaks geographical, social, cultural and economic boundaries among countries. Hence, an individual's identity turns to be global. The impacts seem to be multifarious and combine both-good and bad. Globalization helps in emergence of multifarious fields of specialization according to the needs and demands of the growing global society. It facilitates improvement in education system. But the distribution of resources is not equal. It cultivates a world of consumerism on the one hand and unemployment on the other. So the people's suffering is mostly related to earning and livelihood which is prime factor of determination of individual's status and their relationship in extended family and society. There is a crisis of sustainable living and livelihood due to pressures of globalization. In India, most of the people suffer from either poverty or unemployment or both. It inculcates gap between the people who have money and who have not. Poverty and unemployment may also lead to larger incidence of mental illnesses across the country although we do not have ample empirical evidences to support this claim. Impoverished people without sustained livelihood security tend to go for help to the astrologers as they depend more on religious belief and faith on God instead of looking up to the government institutions or non-governmental organizations.

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Besides, there are large number of rich who attribute their suffering to unknown reasons and visit the astrologers for relief through rituals and religious rites.

Interestingly, the astrologers take up cases of their clients –rich or poor –with meticulous professionalism. Their approach is akin to social work practice although they may not have taken any education in the discipline. Social work, on the other hand, is a sharing and caring profession and it is also a problem solving method which deals with helping people in distress so that they overcome their suffering and live a life with dignity and peace. It is a problem solving profession like legal and medical profession (Sheldon & Macdonald, 2009). Social work is a practice-based profession and an academic discipline that promotes social change and development, social cohesion, and the empowerment and liberation of people. Principles of social justice, human rights, collective responsibility and respect for diversities are central to social work. Underpinned by theories of social work, social sciences, humanities and indigenous knowledge, social work engages people and structures to address life challenges and enhance wellbeing (Popple & Leighninger, 2011; International Federation of Social Workers, 2014). It makes people self-dependent –self-power/self-energy, co-operation and development (three principles) are the key tools for self-dependent(Sinha, 2011). So, it is a profession concerned with helping individuals, families, groups and communities to enhance their individual and collective well-being. It aims to help people develop their skills and their ability to use their own resources and those of the community to resolve problems. It is concerned with individual and personal problems but also with broader social issues such as poverty, unemployment and domestic violence (Payne, 2011).

However, social problems and erosion of civil life demand the interference of the social work profession. Social workers have the responsibility to facilitate the welfare and self-fulfilment of human beings through utilization of resources at different level to achieve social justice in the society (International Federation of Social Workers, 1994). According to the National Association of Social Worker (1996), social workers pursue social change on behalf of vulnerable and oppressed individuals and groups of people. Thus, lack of values in social work indicates the low level of commitment among its practitioners (Pyne, 2002; McBeath and Webb, 2002). And the values are the central to this profession (Parsons, 2002).

In India, social work profession is confined within a limited periphery where people think that is an intervention for carrying out social welfare programmes (education, health care, women's empowerment and alternative income generation) for underprivileged. It does not cover suffering of the masses due to mental illnesses and other socio-economic problems. On the other hand, astrology (an ancient discipline), the study of the movements of the stars and planets and their influence on people's lives (Culver and Ianna, 1988) occupies a prominent place in the lives of citizen of India as an integral part of popular culture. It is considered to be a New Age belief or practice (York, 1995), paranormal (Rice 2003: 100) or an 'alternative religion' (Hunt 2003: 171-3).

In fact, astrology has scientific, historical, religious, philosophical, and metaphysical foundations. Astrology has also played a significant role in many important aspects of the human experience throughout history (Cornelius, 1994). Astrology forms an aspect of life for most of the Indian populace. Astrological consultations are common during important events like birth, marriage, in matters of education, job, disease etc. There are examples galore to validate astrological predictions (Silverman and Whitman, 1974). But the 'why' and 'how' part being still not understood, skeptics argue that astrology has no scientific basis and that some of the predictions that come true are a matter of chance (Tyson, 1982). It is true that claims based on astrology cannot be tested under controlled laboratory conditions and there is no guarantee on reproducibility. Nevertheless astrological studies based on birth signs can provide a lot of information regarding the possibilities in a person's life (Tyson, 1984). As there has not been much detailed study in this area, the scientific basis of astrology has not yet been understood. But keeping in mind the numerous successes in this

field, it is imperative that a detailed and systematic study be undertaken in order to provide a scientific or systematic basis to this very old aspect of Indian civilization.

It has been observed that people seek an astrologer's help to improve their current situation (economical mainly) in life. An astrologer analyses strength and weakness of the particular suffering individual and the particular individual believes on this so that he/she is a regular visitor to an astrologer. The astrologer implies the tools and techniques of the social case work. The rapport and relationship with their clients discloses their (clients) every suffering more easily so that they can diagnose their problem according to their subject and the process of treatment is based on some guidance and direction to use one or more precious stone. The logic of uses of the stones what an astrologer states would expedite the solution of their suffering. Therefore, the paper examined the methods and techniques used by an astrologer and its impact for recovery of the individual from his/her suffering. Secondly, this paper looks at how astrological techniques would be implied in social work to make people self-reliant in all terms for a better and happy life.

### **Methods**

For the purpose of this study, the author (himself a professional social worker) met four renowned astrologers who used to provide their services in various parts of India. But author attended their chambers as an apprentice located at Kolkata metro city in the state of West Bengal (India). He did not design any questionnaire/interview schedule for data collection. But he observed the methods of diagnosis and treatment followed by the astrologers. From each astrologer, 25 respondents were selected purposively and total number of respondents was 100 (N). All of them visited at least thrice within a period of one year. The basic demographic information (social, religious, education, occupation as well as economic background of the respondents) was collected during their meeting to astrologers. Secondly, the author recorded the case history/case study to assess the causes of their visit to astrologers and improvement/recovery of their problem after meeting them. Both the quantitative and qualitative data were analysed through tables and case studies.

### **Results**

**Demographic profile of the informants/respondents:** The informants of this study were either permanently living at Kolkata city or they were attached to the city for their very own purpose for a settled life. However, they were from different background in terms of their religion, gender, age and education. The demographic profile of the informants (table 1) showed that they were dominated by Hindu (78%) and rest of them was Muslim. Their gender representation was equal (male = female = 50%). Educationally, 52% of them were graduate including engineering, medical, legal, management and others and out of which 26% of them were female) Nest 31% of these informants possessed their post-graduation in different disciplines including engineering, medical, legal, management and others. Of them, 14% informants were female. The informants of below 20-25 years age group revealed that 7% of them including 3% of the females were graduated. The informants of 26-30 years of age were 26% and out of which, 18% of them were graduate (male & female were equal in percentage). Four percent of them were post graduate. Of these 23% informants of 31-35 years of age, 12% informants were graduates and male and female was equal. And 5% of them were post-graduate where females were 1% more than males. Out of 10% informants of 36-40 years of age, 5% informants were graduates and 4% informants were post graduate. Seven percent of them fallen under the age group of 41-45 years were graduate and 4% of them were post graduate Hindu only. Of these informants of above 45 years, 3% each of them were graduates and post graduate only.

Table 1: Description of informants according to their age, gender, religion and education level

Age group	Education level												Total (n, %)
	Hindu						Muslim						
	Below Higher Secondary (10+2)		Graduate(10+2+3) including medical, engineering, law and other disciplines		Post graduate (10+2+3+2) including medical, engineering, law and other disciplines		Below Higher Secondary (10+2)		Graduate(10+2+3) including medical, engineering, law and other disciplines		Post graduate (10+2+3+2) including medical, engineering, law and other disciplines		
	M (n, %)	F (n, %)	M (n, %)	F (n, %)	M (n, %)	F (n, %)	M (n, %)	F (n, %)	M (n, %)	F (n, %)	M (n, %)	F (n, %)	
Below 20-25	-	1(1)	2(2)	(2)	4 (4)	3 (3)	-	-	2(2)	1 (1)	1(1)	1(1)	<b>17(17)</b>
26-30 years	1 (1)	2(2)	8(8)	8(8)	1(1)	1(1)	1(1)	-	1 (1)	1(1)	2(2)	-	<b>26(26)</b>
31-35 years	2(2)	1(1)	5(5)	6 (6)	2(2)	3 (3)	1 (1)	1 (1)	1 (1)	-	-	1 (1)	<b>23(23)</b>
36-40 years	-	1 (1)	2 (2)	2 (2)	3 (3)	1 (1)	-	-	1 (1)	-	-	-	<b>10(10)</b>
41-45 years	1 (1)	2 (2)	2 (2)	4 (4)	2 (2)	2 (2)	1 (1)	2 (2)	-	1 (1)	-	-	<b>17 (17)</b>
Above 45 years	-	-	1(1)	1 (1)	1 (1)	1 (1)	-	-	1 (1)	-	1 (1)	1 (1)	<b>7 (7)</b>
<b>Total (n, %)</b>	<b>4 (4)</b>	<b>7 (7)</b>	<b>20 (20)</b>	<b>23 (23)</b>	<b>13 (13)</b>	<b>11 (11)</b>	<b>3 (3)</b>	<b>3 (3)</b>	<b>6 (6)</b>	<b>3 (3)</b>	<b>4 (4)</b>	<b>3 (3)</b>	<b>100 (100)</b>

Source: Field Work

The table 2 showed that educated people had more faith on astrologers because they had more expectation in their life so far as their social, economic and occupational status were concerned.

Table 2: Age and marital status

Age group	Marital status												Total
	Hindu						Muslim						
	Single		Married		Divorce/others		Single		Married		Divorce/others		
	M (n, %)	F (n, %)	M (n, %)	F (n, %)	M (n, %)	F (n, %)	M (n, %)	F (n, %)	M (n, %)	F (n, %)	M (n, %)	F (n, %)	
Below 20-25 years	4 (4)	1 (1)	2 (2)	3 (3)	-	2 (2)	1 (1)	-	2 (2)	2 (2)	-	-	17 (17)
26-30 years	2 (2)	4 (4)	6 (6)	6 (6)	2 (2)	1 (1)	-	-	4 (4)	1 (1)	-	-	26 (26)
31-35 years	4 (4)	2 (2)	5 (5)	6 (6)	-	2 (2)	-	-	2 (2)	1 (1)	-	1 (1)	23 (23)
36-40 years	1 (1)	1 (1)	4 (4)	2 (2)	-	1 (1)	-	-	1 (1)	-	-	-	10 (10)
41 -45 years	-	-	5 (5)	6 (6)	-	2 (2)	-	-	1 (1)	3 (3)	-	-	17 (17)
Above 45 years	1 (1)	-	1 (1)	2 (2)	-	-	-	-	2 (1)	1 (1)	-	-	7 (7)
<b>Total</b>	<b>12 (12)</b>	<b>8 (8)</b>	<b>23 (23)</b>	<b>25 (25)</b>	<b>2 (2)</b>	<b>8 (8)</b>	<b>1 (10)</b>	<b>-</b>	<b>12 (12)</b>	<b>8 (8)</b>	<b>-</b>	<b>1 (1)</b>	<b>100 (100)</b>

Source: Field Work

Majority of them (68%) were married and out of which, 48% of them were Hindu and it was 20% in case of Muslim informants. Among them, 20% (Hindu) informants were single and only one percent of these single informants were Muslim. Rate of divorce or others marital status was high among Hindu (10%) and majority of them (8%) were females. But it was 1% among Muslim respondents.

**Occupation of the informants:** Table 3 described the occupational status of the informants according to their education. We found that 44% of them were unemployed/student and among them, 31% informants were female because they were engaged as housewife when they were married.

Table 3: Occupational pattern of the informants according to their education level

Education level	Occupation						Total (n, %)
	Unemployed or students		Employed in public/private sectors		Business/others		
	M (n, %)	F (n, %)	M (n, %)	F (n, %)	M (n, %)	F (n, %)	
Below Higher Secondary (10+2)	4 (4)	8 (8)	2 (2)	1 (1)	1 (1)	1(1)	17 (17)
Graduate(10+2+3)	6 (6)	15 (15)	14 (14)	8 (8)	6 (6)	3 (1)	52 (52)

including medical, engineering, law and other disciplines							
Post graduate (10+2+3+2) including medical, engineering, law and other disciplines	3 (3)	8 (8)	10 (10)	5 (5)	4 (1)	1 (1)	31 (31)
<b>Total</b>	<b>13 (13)</b>	<b>31(31)</b>	<b>26 (26)</b>	<b>14 (14)</b>	<b>11(11)</b>	<b>5 (5)</b>	<b>100(100)</b>

Source: *Field Work*

Of course, 21% of these unemployed/students informants were graduates and 11% informants were post graduate. Of them, 40% informants were employed in public/private sectors and females were 14%. They were 22% (including 8% females) graduate and 15% (including 5% females) were post graduate. On the other hand, 16% of these informants (including 5% females) were in business or other jobs. Among them, 9% informants (including 3% females) were graduates and 5% (including 1% females) were post graduate.

**Causes for visit/consultation with an astrologer:** The informants were visiting to an astrologer for various reasons. From the table 4, we found that 18% of them (including 8%) were visiting to resolve their education related problem i.e. better performance in examination and selection of disciplines/subject in higher studies, etc. The second reason was problem with love partner/romantic partner, delayed in marriage and marital/conjugal relation or extra marital relations, etc. However, statistics showed that females (22%) were 8% more than males who were in above problems. Twenty eight percent of them used to consult with the astrologer for a resolution in their career/job because of not getting job, dissatisfaction in job, promotion in job, career advancement and so forth. In the above cases, males were 12% more than females. Eleven percent (including 9% females) was consulting for health related problems and 7% of them were for others (i.e. legal matter and so forth).

**Table 4: Causes for visit/consultation with an astrologer**

Causes for visit/consultation with an astrologer	Informants		Total (n, %)
	Male (n, %)	Female (n, %)	
Education related problem	10(10)	8 (8)	18 (18)
Problem with love partner, marriage and marital/conjugal relations	14 (14)	22 (22)	36 (36)
Job/career related problems	20 (20)	8 (8)	28 (28)
Health related problems	2 (2)	9 (9)	11 (11)
Others(legal matter, etc.	4 (4)	3 (3)	7 (7)
<b>Total (n, %)</b>	<b>50 (50)</b>	<b>50 (50)</b>	<b>100 (100)</b>

Source : *Field Work*



### Discussion

**Faith/views on astrologer's guidance and recovery from their (informants) problems:** Observation stated that the informants had full faith and confidence on astrology as well as astrologers. It was their family practice or they were influenced by their relatives/neighbours/peers/friends who benefited from this service and they were also regular visitors for resolving their problems. They believed it because an astrologer had potentialities to forecast individuals past, present and future in life. However, they felt that any other discipline did not capable to do the same. They did not feel it as a mental illness. They also felt that there was no alternative guide rather than an astrologer.

Their mental state revealed that their fate line was their cause(s) of troubles in their life. Only education and skills were not enough to succeed in life. There were some hidden obstacles which an astrologer could diagnose. Therefore, an astrologer could guide them to rectify their strengths and weakness, and their advice and direction could easily rectify these to reassure it. Further, the astrologer was trustworthy and faithful. They were very much accustomed with the astrological guidance and they learnt these from different media. And they were also well-acquainted with life histories of actors/actress, business men and others who signed after following up of astrologer's guidance.

Some of them shared their recovery in their second or third visit to a particular astrologer. For instance, Lata, a female of 28 years, possessed a post graduate degree and she was in a private sector job. She was worried about her marriage and she did not get a suitable match after various efforts taken by her family members, relatives and other. After visiting an astrologer, she was guided to wear a precious stone and instructed to follow some techniques. The astrologer also stated that her marriage would be fixed within 9-12 months. Later on, she got married with suitable match within the stipulated period of the astrologer.

**Role of astrologers' in dealing with the problems of informants (tools and techniques implied):** The astrologers had no knowledge and ethical value of social work. But they used the basic principles and techniques of social case work, a method of helping people individually through a one to one relationship which helped to know their own strategies for recovery. The astrologists only provided some guidance/direction to be followed to reach their desired goal. Their prescription added to hold precious stone(s) to expedite their change. The rate of recovery was not always very impressive. But astrological guidance changed their mind set to go ahead to resolve their suffering. It also helped to save their life from suicide.

**Case 1:** Sutapa (34) was a housewife married to an electronic media professional. It was a love marriage solemnized six years ago. She was also post graduate in arts subject. She did not search any job because she decided to manage her household properly. They had no issue. She was only child of her parents and she got her parents' properties (movable and immovable). She shifted from Kolkata (West Bengal) to Pune (Maharashtra). Her husband earned a handsome salary. But he did not incur any expense for their family. Her husband had some bad habits of taking alcohol and others. They were in trouble in their relations. That's why she attended an astrologer for consultation to resolve their problem and a better living. The astrologer diagnosed according to his learned system that her husband would die within 6 months to one year after sudden heart attack. So, he advised that she had no way to escape from it. But he guided her to involve herself in job which might be small business of boutique (ladies garments) and it would start immediately for her own future. Accordingly, she started a business at Pune and but her husband was alive. This was a case where astrologer counseled her to be self-reliant and it helped her to use her time properly for self-progress and prosperity. It was step for women's empowerment.

The astrologer mainly was focused on individual client's problem, mental state and other tools to deal with the problem of the particular client. They basically interviewed the client and their listening and observation skills helped to judge and assess the client's problem. Thereafter, he/she used to provide advocacy, counselling, advice, clarification with guidance to recover oneself from his/her present state.

**Case 2:** Kanani (50 years) was graduate single man living with his elder brothers. He had friend circle of rich and elite people of Kolkata. He was mentally ill and was suffering from stomachache. He basically involved in money laundering profession and the money was usually sponsored by his friend circle to whom he convinced to get money to start a business. But he did not. He had a colossal faith on astrology and astrologer. He attended the astrology centre to know the treatment of his chronic illness of stomach and when he might be a rich having at least one or two crore rupees. He also discussed how and when he would recover his money given to some of his clients. The astrologer simply told him that his illness was due to hidden reason and it might be cured within a year. Regarding his recovery of money, he advised him to adopt some techniques of soft behavior and regular attachment to his client. He also stated that he would be a rich man with rupees one or two crores within 2 -3 years provided that he should be active in his work. Gradually, he recovered some of his money from his clients and he was active in his work. So, his stomachache was not so far serious. This case tells us the simple techniques of improvement of mental illness.

**Case 3:** Dr. Dasgupta (44 years) was an M.B.B.S & D.G.O (general physicians) and he once practiced in government health service. But he left it due to low income from this job. He started private practice in Kolkata and he is associated with some private nursing home and hospital. But his earning was not increasing according to his expectation. Number of patient in his chamber was poor. So, he visited an astrologer who diagnosed that it was bad phase in his life. It would continue up to his age of 48 years because he was a late riser. But he should be more sincere and caring towards his patients. He should study more and gather knowledge about his profession. It would improve his reputation so that his number of patients per day would increase gradually. Dr. Dasgupta was pleased and he used to maintain the astrologer's advice.

### **Conclusion and Implications**

Present global era depends on science. The progress of people is determined by the progress of science and its implication. But people are not ready to change their cultural habits. Astrology is such a domain. There might be argument about truth and myths in astrology. In India, a large number of people of different social, economic and cultural background have full faith on it. They have faith on fate line and hidden causes which might be causes of obstacles in their life. Thus we find in this study that educated people of different professional background were consulting with astrologer for betterment of their life. Their problems were multifarious from education to legal matter. They have faith on astrologer who even diagnose and guide the possible date of marriage and marriage partner. Thus, we found the various aspects of an individual's life dealt by astrologer. They were meeting success also. That was the prime cause of dependence on the discipline. They did not find any alternative profession/discipline which could produce same result for their betterment.

Interestingly, the astrologers today work with greater professionalism and integrity and engage passionately with their clients. They ensure privacy of their clients and always try to ensure their wellness through use of stones and other ritualistic interventions. They maintain a very good rapport with their clients. Astrologers' tactics might be used in social work at large scale. This might strengthen the importance of social work profession so far as work ethics is concerned in dealing with the client. It would help change the people's notion about a professional social worker and

their role and responsibilities in the society. Further, this would promote the professional development and recognition of social work. There is one big reason for the social workers to learn from astrologers –indomitable faith of the clients in them and their huge following in terms of numbers and diversity. If the social workers can also follow the nuances of astrologers' tactics, they can build a sustainable social support mechanism for the people.

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