

Transforming Pakistan into a real democracy

Sunday 25 November 2007, by [BIDWAI Praful](#) (Date first published: 15 November 2007).

AS General Pervez Musharraf continues his crackdown on his opponents, the meaning of “the state of emergency” becomes brutally clear. It’s crude, unadulterated, despicable martial law imposed by a desperate dictator bereft of a strategy to resolve any of the problems which his own eight year-long rule has aggravated. Through his recklessness, driven by a quest for absolutist power, he has not only undermined Pakistan’s nascent and fragile democratic institutions; he has plunged his nation into frightening instability and turmoil. Gen Musharraf’s principal targets are unmistakable: the higher judiciary, lawyers, the media, and civil society organisations (CSOs). That explains the detention of thousands of their members, including the non-official Human Rights Commission of Pakistan, on whose office the police swooped down one day after the emergency was proclaimed.

Even more brazen was the General’s assault on the Supreme Court, his dismissal of Chief Justice Iftikhar Choudhry, and his order directing all judges of that court and the High Courts to take an oath of allegiance to the new regime. To their credit, a majority of the judges refused. It equally speaks to the craven submissiveness of the four Supreme Court judges who fell in line that their very first act was to cancel all pending litigation, including most importantly, petitions against Gen Musharraf’s election as President, on which the court was meant to pronounce judgment before the expiry of this term as chief of army staff on November 15.

Gen Musharraf has selectively arrested political leaders, mainly from the Pakistan Muslim League (Nawaz) and the Islamic-Right Jamat-e-Islami. But their detention seems aimed, like his railing against “extremism” and “terrorism” during his national address, more at pleasing his backers in the West than at containing real opposition. Signs are emerging that the General’s decision to impose martial law did not have the full backing of the Establishment, not even the military. Some of own his advisers opposed it. It’s doubtful if even a small minority believes that the imposition of martial law was necessary in “the national interest”. Gen Musharraf cited 11 different reasons in justification, eight of which pertain to the judiciary’s “constant interference in executive functions”, including “control of terrorist activity, economic policy, price controls, downsizing of corporations and urban planning”. These won’t wash.

It’s not that the judiciary didn’t assert itself and try to expand its powers through suo motu interventions. It certainly did, largely justifiably—for instance, by questioning the sell-off of Pakistan Steel Mills at below-market prices, by reinstating Chief Justice, Mr Choudhry, demanding an inquiry into the cases of “missing persons”, and reprimanding negligent civil servants. Admittedly, it also indulged in some grandstanding.

However, all this happened well before the crisis caused by the October 6 Presidential election. Gen Musharraf went along with it—conveniently forgetting constitutional propriety and defence of the executive’s domain, until judgment in his own case became imminent. Then, he used ruthless means to perpetuate his rule while cynically citing grand causes like threats to the nation. Some of the Supreme Court’s interventions were questionable, as in ordering the government to reopen the Lal Masjid and release 61 extremist suspects long held without charges. Yet, ironically, the judges responsible for this, Mohammad Nawaz Abbasi and Faqir Mohammad Khokhar, were Gen Musharraf’s loyalists who took the new oath of allegiance!

The plain truth is that Gen Musharraf chose to voice his complaint against the judiciary only when he sensed, apparently through an illegally tapped telephone call, that the Supreme Court was likely to rule against his eligibility for the Presidential election. Even more unconvincing are the other reasons cited for martial law: viz, protecting Pakistan against the growing forces of “extremism” and “terrorism”. These forces have indeed been growing, especially in the North-West Frontier Province, and tribal Agency areas like North and South Waziristan, Bajaur, and most recently, Swat, besides Baluchistan. However, their growth can be largely attributed to Gen Musharraf’s inept and half-hearted handling of anti-extremist operations, coupled with his strategy of cutting unviable deals with pro-Taliban forces. He has been content to receive \$11 billion in assistance from the United States since September 2001 as part of its Global War on Terrorism (GWT). But it’s doubtful if he has used it purposively.

In any case, it’s not lack of military powers, or judicial constraints on their exercise, that has hobbled the fight against the pro-Taliban fundamentalists. The real and growing constraint lies in the demoralisation of Pakistan’s security forces deployed in the “badlands”, their high casualty rates—more than 1,000 have died—, and rising desertions, currently estimated at more than 150. Such desertions have occurred for the first time since the Bangladesh War. Besides, paramilitary units like the Frontier Corps, recruited from the tribal population, simply lack the will to fight their own brothers. At the end of August, pro-Taliban militants kidnapped as many as 247 Pakistani soldiers, a majority of whom were released recently in exchange for 25 extremists. Ms Benazir Bhutto is perfectly right in saying that military dictatorship and fundamentalism will feed on each other. It’s another matter that she herself has been complicit and collusive in creating conditions which favour this. Had she not entered into a US-brokered deal with Gen Musharraf, which led to the so-called National Reconciliation Ordinance—which lets her off serious corruption charges in return for her tacit support to the General’s election as President— events could have shaped differently.

Instead, Ms Bhutto prevented her Pakistan People’s Party from joining the pro-democracy agitation, and made a series of unsavoury compromises with Gen Musharraf. Yet, it’s not clear that she has learnt her lesson. Her 48-hour trip to Dubai at a critical juncture, probably after being tipped off about the imminence of martial law, and her unexpectedly quick return, possibly after secret talks with Gen Musharraf and the Americans, suggest otherwise. The future of the other major player, Mr Nawaz Sharif, remains uncertain. A recent Supreme Court verdict allowing him to return to Pakistan stands cancelled. Whether his PML(N) can join and energise the anti-martial law struggle is unclear.

There’s some uncertainty over how strongly Washington will use its leverage over Gen Musharraf to get martial law lifted. Left to itself, it wouldn’t have gone beyond “regretting” the coup and (unconvincingly) threatening to review aid to Pakistan. The New York Times says many US officials want to “keep billions of dollars flowing to Pakistan’s military” because they see Gen Musharraf as their best bet in fighting al-Qaeda and the Taliban. Yet, when President, Mr Bush and Secretary of State, Ms Condoleezza Rice, shamed by strong street-level protests in Pakistan, hardened their stand to demand that Gen Musharraf “take off his uniform” and “quickly return to a constitutional path”, the Pakistan establishment announced that elections would be held soon. This shows that political pressure can yield excellent results in tandem with mass protests. In their absence, Pakistan won’t move towards democratisation. A historic chance now awaits Ms Bhutto: she can make small, personal gains by colluding with the General and prolonging military rule, or she can end the darkness and help transform Pakistan into a real democracy.

P.S.

* From the Navhid Times, 15 November 2007.