
Pakistan: Struggle for Democratic Consolidation

Rana Banerji

Democratic governments have seldom lasted a full term in Pakistan. Often, this has been due to a proclivity among politicians to run to army generals seeking questionable constitutional options to destabilise ruling regimes. This has enabled the army to cast itself in the role of arbiter or supreme defender of Pakistan's ideology, integrity and national interests, a dictum it has used repeatedly since to legitimise or justify its interference in domestic politics. Though a repeat of history seemed imminent, recent political developments appear to have bucked this trend. However, the dilemma of frequent or repeated civil-military confrontation over a longer duration may not have been satisfactorily resolved.

Memogate

The Pakistan People's Party (PPP) government came under a twin pincer threat from the army and the superior judiciary after the disclosure, in late October 2011, by a US immigrant of Pakistani origin, Mansoor Ejaz, of what came to be termed as "Memogate" and the focussing of the Supreme Court's ire against the government for its inaction in implementing the verdict upholding the National Reconciliation Ordinance of 2008, and its refusal to write a letter to the Swiss authorities to resume proceedings in the corruption case against President Asif Zardari.

Mansoor Ejaz claimed that he was approached by the Pakistani Ambassador in the USA, Hussain Haqqani, just a week after the successful Abbottabad raid by US commandos eliminating Osama bin Laden (May 09, 2011) to draft an informal, confidential memorandum requesting US intervention to prevent a military

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takeover in Pakistan. The memo promised “an independent enquiry” into allegations of Pakistani support to Osama, to which the USA could name investigators. Gen Kayani was to be dissuaded by the US from overthrowing the civilian political executive. A “new national security team” would be brought in to complete the “handing over” of “those left in the leadership of Al Qaeda or other affiliated terrorist groups” still on Pakistani soil, including Ayman al Zawahiri, Mullah Omar and Sirajuddin Haqqani. Section S of the Inter-Services Intelligence (ISI), “charged with maintaining relations to the Taliban, Haqqani network, etc” would be dismantled and Pakistan “would cooperate fully” with India to bring “all perpetrators of Pakistani origin to account for

the 2008 Mumbai attacks”. Further, the new national security team would be prepared, “with full backing of the Pakistani government—initially civilian but eventually all three power centres—to develop an accountable framework of discipline” for Pakistan’s nuclear programme.

This memorandum was transmitted to the Chairman, US Joint Chiefs of Staff Committee, Adm Mullen through Gen James Jones, till lately President Obama’s national security adviser. This was too good a chance for the army leadership to miss. They never liked Haqqani, especially averments in his book, *Pakistan: Between Military and Mullah*, or his role in formulating the initial draft of the Kerry-Lugar US aid package Bill in 2009 which had spelt out several conditionalities for the aid to flow, in rather eerily similar vein to what was contained in this memorandum. In fact, the army had opposed Haqqani’s appointment as ambassador to the US but these objections had been disregarded by the PPP leadership in the flush of electoral success in 2008. Though strenuous denials on authorship of the memo were issued by Hussain Haqqani, Mansoor Ejaz disclosed texts of conversations and messages from his Blackberry phone during a secret meeting with the director general (DG), ISI, Lt Gen Pasha in London. In fact, soon after, Ejaz’s article blaming Hussain Haqqani and by implication, President Asif Zardari, appeared in the *Financial Times*.

On Pasha’s return, Army Chief Gen Kayani confronted both President Zardari and Prime Minister Gilani with the evidence, forcing them to recall Haqqani and dispense with his services as ambassador to the USA forthwith.

A synchronised hue and cry was raised in the media by chroniclers of the “Ghairat Brigade” (defenders of the nation’s integrity) expressing consternation at this “grave” jeopardising of national interests. Though a high level Parliamentary Committee enquiry was announced by the PPP government, the leader of the main opposition party Pakistan Muslim League [PML (N)], Nawaz Sharif, filed a petition seeking the Supreme Court’s intervention in the murky episode. Chief Justice Iftikhar Chaudhry lost no time in setting up a three-member bench of serving High Court chief justices to rule on the issue within a month.

Although the army may have sought placation by appointment of a new ambassador of their choice, Zardari pulled out of his hat a clever political manoeuvre of naming Sherry Rehman, a female firebrand who had recently espoused a reform proposal of the obnoxious Hudood clauses introduced in the Constitution by Gen Zia in 1978, as the new plenipotentiary to the USA. Sherry Rehman was known to be a Benazir loyalist and had been information minister in the PPP Cabinet till recently. The army leadership would grudgingly recognise that the choice of the liberal and articulate Sherry Rehman would be popular and easily acceptable in the US.

National Reconciliation Ordinance

Matters came to a head also over foot dragging by the government in implementing the Supreme Court verdict of 2009, which upheld the National Reconciliation Ordinance (NRO), absolving financial misdemeanours of politicians between 1986-96. First, a review petition was filed against the judgement, which was dismissed without much ado. Later, when pressed to write a letter to the Swiss authorities to resume proceedings into corruption cases against the late Prime Minister (PM) Benazir Bhutto and Asif Zardari, the latter chose the occasion of her death anniversary to make a fiery speech before party cadres at Larkana, contending that this would be tantamount to a veritable digging of the grave, which was unacceptable under Muslim convention, both politically and morally.

A seven-member Supreme Court bench then issued a contempt notice against Prime Minister Yousuf Raza Gilani for not writing to the Swiss courts. In another smart political manoeuvre, Zardari now appointed hitherto distanced party loyalist, Aitzaz Ahsan, an eminent lawyer and close personal confidant of Chief Justice Chaudhry during the latter’s restoration movement of 2007-08, as Gilani’s defence advocate in the contempt proceedings. Aitzaz promptly sought a larger, full bench review of the contempt proceedings against the PM.

He also threw in the immunity clause of the president from all criminal charges, under Article 248 of the Constitution as a valid ground for not implementing the Supreme Court directive about writing to the Swiss courts. Though this larger bench was set up under the chief justice himself, the review bench did not change its position on the contempt case even though it skirted the presidential immunity issue. Contempt charges were formally framed against the PM and hearings in court are currently in process. Meanwhile, a loyal Gilani has been grand-standing in Parliament and outside, about how democratically elected political governments in the country have had to face up to “a state within a state” and how facing a contempt sentence of “six months in jail” would be preferable to “facing death” by violating the immunity clause of the Constitution. Gilani’s defence has requested the Supreme Court to refer the immunity admissibility matter to the National Assembly.

Supreme Court Holds PM Gilani Liable for Contempt

On April 26, the 7-member Supreme Court bench headed by Justice Nasir ul Mulk Mengal held Prime Minister Yousuf Raza Gilani liable for contempt and sentenced him to custody till the rising of the court. Gilani served this sentence. Under Article 63(1)(b)(g) of the Constitution, Gilani now stands disqualified as a Member of the National Assembly (MNA). He will stop being the prime minister but this is to take place under a prescribed process—the speaker has one month to refer the matter of his disqualification as PM to the Election Commission (EC). The EC has three months to act thereon. In between, the government has the option to appeal against the contempt order before a larger (full) bench of the Supreme Court, within 30 days.

As a result of this rather unseemly and persistent confrontation between two important pillars of state—the executive and the judiciary—a perception has grown in sections of Pakistan’s civil society that while the new found judicial independence of the superior judiciary under Chief Justice Iftikhar Chaudhury’s stewardship may be welcome enough for the consolidation of democracy in Pakistan, its obsessive dislike of Asif Ali Zardari is not healthy and smacks of avoidable bias and a distorted sense of priorities, if not an exaggerated view of its judicial review function. Awareness of these views may have lately forced a course correction. The courts have belatedly taken up other important cases such as those pertaining to the disappearance of a large number of political prisoners in Balochistan and elsewhere, which could be put at the door of the ubiquitous security agencies. Hearings have been taken up in another long pending,

“uncomfortable” case arising from a petition of veteran politician, Air Mshl Asghar Khan (Retd), alleging misuse of state funds to finance political opposition to the first PPP government of Benazir Bhutto in 1989-90. Proceedings in this case have shown former DG, ISI Lt Gen Asad Durrani (Retd) and former Army Chief, Gen Aslam Beg (Retd) in an unfavourable light, misusing state “secret” funds for partisan political ends.

Persisting Civilian-Military Divide

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next elections if it is seen to have stood up to the perennial predators who have disrupted democracy. PM Yousuf Raza Gilani’s sacking of the defence secretary, Lt Gen Naeem Khalid Lodhi (Retd), who was a Kayani appointee, and his statement to a Chinese online publication about the latter’s impropriety while forwarding the army chief’s and DG, ISI’s affidavits in the Mansoor Ejaz case to the Supreme Court, predictably drew a sharp rebuke, with the Inter-Services Public Relations (ISPR) warning the civilian government of “serious ramifications and grievous consequences for the country” if the “right to report the truth” was interfered with. After an upset Kayani remonstrated about this incident with President Zardari, an apology seems to have been quietly tendered by Gilani and a temporary truce worked out.

New DG, ISI Appointed

After due deliberations, Kayani’s choice for the prestigious post of DG, ISI appears to have fallen on the V Corps commander, Lt Gen Zahurul Islam, a Punjab regiment officer who had served as deputy director general (internal) in the ISI earlier, when Kayani himself was the DG. He appears to have been preferred to another of his peers with a similar profile, Lt Gen Rashad Mehmood, presently

IV Corps commander, Lahore, who is also an infantry officer from Kayani's own Baloch regiment. The civilian leaders, neither Gilani nor Zardari, appear to have had much of a say in the matter. Though rumours surfaced of possible slotting of the retiring ISI Chief, Lt Gen Ahmed Shuja Pasha to another important assignment, that replacing Musharraf appointee Lt Gen Khalid Ahmed Kidwai (Retd) at the Strategic Plans Division (SPD), the appointment does not appear to have come through so far, possibly due to some murmurs of dissent among other retiring peers within the defence Services. It could still be part of a set of new appointments which may be made in the near future once the litigation filed by the sacked defence secretary, Gen Lodhi (Retd) is dealt with by the court. The defence secretary's post is still under the additional charge of the Cabinet Secretary, Ms Nargis Sethi, a trusted civilian bureaucrat, leaving scope for possible accommodation of a military appointee who could be selected by Kayani from one of other senior generals likely to retire soon, such as Lt Gen Wahid Arshad, presently serving in the crucial slot of chief of General Staff. Who fills that slot from among the seniormost slew of generals after Kayani—Lt Gens Rashad Mehmood, Haroon Aslam (now GoC, XXXI Corps, Bahawalpur), Raheel Sharif (XXX Corps, Gujranwala), Tariq Khan (I Corps, Mangla)—will provide a significant pointer to Kayani's own preference for ultimate succession to the army chief's post. As things stand at present, the army collegiate leadership of senior generals, principal staff officers and Gen Kayani himself will have the major say in these postings, not the civilian leadership of either Gilani or Zardari.

Senate Elections

Elections to the Senate which at one stage appeared to have got caught up in the vortex of civil military tensions, were pre-poned to early March 2012 and could be smoothly concluded. The PPP enhanced its strength to 41 senators in a House of 104. With its allies, it now has a comfortable majority and could have its loyalist partymen appointed as Senate chairman (Syed Nayyar Hussain Bukhari) and deputy chairman (Sabir Baloch). By-elections to the National Assembly were also held without any major mishaps, with the PPP winning four out of ten seats. The PML (N) also gave a good showing, belying expectations of strong emergence of "a third force" in Imran Khan's party, the Pakistan Tehrik-e-Insaaf (PTI). In retrospect, Imran's decision to boycott the mid-term polls on the grounds of the electoral rolls not being up to date proved to be a miscalculation.

The passing of the 20th Constitutional Amendment providing for appointment of a neutral caretaker government and elections under an independent Election

Commission also augur well, indicating perhaps that both the major mainstream political parties may have come to the conclusion that any further destabilisation of the government could only play into the hands of the military establishment.

Security Situation

The statistics of terrorism related violence, especially in terms of suicide attacks on security establishment targets in major urban areas, have shown a steady though not spectacular downward trend from 2009-10. This has been due partly to better sensitising of the security apparatus and tightening up of the intelligence machinery and coordination between the federal agencies and state special police forces. After the attacks on the Rawalpindi Cantonment and Parade Ground mosque which killed several senior Army officials and their relatives, there was an effective crackdown to nab and disrupt a Punjabi Taliban module responsible for the incidents. An all parties' resolution was passed in the National Assembly in September 2011, legitimising the policy of seeking localised peace accords with powerful tribal warlords in the Federally Administered Tribal Areas (FATA). The army has been engaged since 2003-04 in counter-insurgency (COIN) operations in seven agencies—Bajaur, Mohmand, Khyber, Orakzai, Kurram, North and South Waziristan (north to south)—to “clear, hold and build” in areas where the tribal *Maliki* system authorised to govern under the Frontier Crimes Regulation of 1901 collapsed due to the influx of radical Wahabi/Salafi Islamic ideology and a heady mix of arms and money after Al Qaeda remnants were provided safe havens in these areas. A serious situation developed also in Swat, Dir and Buner Provincially Administered Areas of Malakand Division in 2007-08 due the activities of Maulana Sufi Mohd and his son-in-law, Maulana Fazlullah or the ‘FM’ *mullah*, who proclaimed Shariat law and banned functioning of music and barber shops in markets. The writ of the Awami National Party (ANP) government collapsed in this entire swathe of territory spanning Malakand and FATA, necessitating the army to bring in more than 120,000 personnel to combat the problem. This included not only the normal forces deployed under the XI Corps order of battle (ORBAT) which included the Infantry Divisions in Kohat (9 Division) and Peshawar (7 Division) but also units from 12 Division, Murree,

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14 Division, Okara, 41 Division from XII Corps, Quetta. The Frontier Corps (IGFC, Peshawar) was also fully engaged in these COIN operations. The civilian administration failed to reestablish its writ of governance even after the army's clearance operations and the complete absence of political communication lines between the militant warlords and the provincial civil administration.

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like Fazal Saeed Haqqani and Sattar Wazir, though Turi Shias are still not safe, especially in the Tirah Valley. Even at present, selective use of helicopter gunship operations and long range artillery strikes against known positions of recalcitrant militant formations are being resorted to, to contain their activities.

Shura Muraqbah

Recently, militant warlords in FATA have formed a united council to co-ordinate operations against international (US and the International Security Assistance Force—ISAF) forces inside Afghanistan and to continue providing safe havens in FATA, Khyber Pakhtunkhwa and northern Balochistan to Afghan militants belonging to the Quetta Shura of Mullah Omar and the Miramshah Shura of the Haqqanis. The Pakistan Army already had localised understandings with commanders like Hafiz Gul Bahadur and Maulvi Nazir in North and South Waziristan. They now seem to have been goaded to come together, get off the army's back and direct their energies against the US/NATO (North Atlantic Treaty Organisation) forces deployed in Kandahar, Helmand, Uruzgan, Nangarhar, Pakhtia and Kunar. However, some commanders like Hakimullah have growing internecine differences with their erstwhile colleagues like Waliur Rehman, while others like Mullah Fazlullah remain outside the ambit of the army's benevolent eye and are operating into Swat and Dir from the other side of the Pak-Afghan border. Lately, the unity of the Muraqbah Shura appears to have suffered strain due to

the expulsion/demotion announced of one of the Tehrik-e-Taliban (TTP) commanders, Maulvi Faqir Mohd from Bajaur.

Drone attacks continue to occur in the region though with reduced intensity. US authorities claim these are based on specific intelligence inputs and target militants directly engaged in attacks against US/ISAF units deployed in Afghanistan. However, collateral civilian damage does occur in the area, enhancing intense anti-American feelings among the Pakistani Pashtun civilians as well as causing continuing embarrassment to the Pakistan Army leadership, who have to carefully respond in their public postures with a balanced mix of outraged reaction and private condoning. NATO supply routes, suspended after the November 2011 Salala incident are also set to be grudgingly resumed after discussions in the National Assembly, redefining the parameters of the US-Pak relationship.

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Balochistan

An extremely serious situation of persistent civil strife prevails in the province. Reports brought out by the Human Rights Commission of Pakistan and another Pakistani think-tank, the Pakistan Institute of Peace Studies (PIPS) have brought out that during the last three years, killings of civilians averaged between 200-250 annually while security forces casualties ranged between 90-120. It is estimated that missing persons numbered between 12,000-14,000 though only 34 petitions out of 55 filed by relatives/human rights activists were pending in the Balochistan High Court. The Shia Hazaras of Quetta have been repeatedly targeted in sectarian pogroms by Lashkar-e-Jhangvi militants from across Punjab. Baloch nationalists too have targeted settlers from Punjab who had been living and working in the state for many generations as educationists, doctors, civil bureaucrats—an estimated 20,000 settlers have been displaced since 2008 while other surveys put this figure higher, at about 48,000. The civilian government is an unstable political coalition, with 51 ministers in an elected Provincial Assembly

of 65 members. Apart from token periodic gestures of amelioration packages announced by both the federal government and provincial satraps, no concrete measures seem to have benefitted the locals or helped assuage alienated feelings aggravated through a history of neglected nationalist aspirations, discrimination in educational opportunities and employment, and influx of outsiders in newly developed urban settlements like Gwadar. After the disastrous military operations in 2006 leading to the killing of Bugti leader, Sardar Akbar Bugti, the army has deferred earlier announced plans of opening up new cantonments in Kohlu and Dera Bugti.

Recently, attempts have also been made to correct the recruitment imbalance in the army by prescribing reduced physical standards to facilitate induction of the Baloch—the claims are that after 2010, 3,350 Baloch have been recruited into army units and another 5,000 are ready to be taken in, so that gradually Baloch representation in the army goes up from 2.34 percent at present to about 4 percent. However, the common Baloch continue to view the presence of almost 6 brigades of the army (30,000 men) and 48 wings of the Frontier Corps (numbering 33,000 personnel) as an “occupying force”. There is strict censorship of the media. The killings of moderate Baloch politicians and intellectuals (e.g. Habib Jalib Baloch, Maula Baksh Dasti) have continued to occur with sickening periodicity, with the establishment and Baloch nationalists indulging in mutual recrimination as to who is behind these killings. The earlier churned out excuse of only a few Baloch Sirdar clans being behind the separatist violence no longer cuts ice and increasingly, the widespread Baloch middle class and youth alienation is finding expression and support through activities of groups led by persons like Allah Nazar.

Ethnic Strife: Karachi

The periodically erupting and almost endemic violence in Pakistan's largest urban agglomeration and economic hub, Karachi, represents a classic case of ethno-political strife emerging from historical, social and economic circumstances. During the last few months, over 400 persons of different ethnic background—Pathans, Mohajirs and Sindhis—have been killed. In 2010, nearly 1,400 listed target killings occurred in internecine warfare between rival ethnic communities. Having a population of 15.7 million, with 48.5 percent Mohajirs, 13.6 percent Punjabis, 11.9 percent Pashtuns, 7.6 percent Sindhis and 4.3 percent Baloch, the city represents all Pakistanis. Politically, Karachi remains a bastion of the Mohajirs (MQM—unsuccessfully renamed as Muttahida Quami Movement from the original

Mohajir Quami Mahaz). The MQM sends 17 out of Karachi's 20 MNAs to the National Assembly, all 6 of its senators to the Upper House and has 36 out of Karachi's 42 seats in the Sindh Provincial Assembly. There has been a three-way struggle for power and turf between PPP workers (mainly Sindhis and some Baloch, living in Lyari, Landhi), Mohajirs in Korangi, Azizabad and Sohrab Goth and new Pashtun settlers—affiliated to ANP units, led by Shahi Syed, the rickshaw puller turned bus/transport operator turned real estate millionaire in Qasba colony and other outlying suburbs of Karachi. The new Pashtun settlers include radical Islamic elements from the Pashtun Taliban, many of whom take refuge in the anonymity of Karachi *madrassas* for rest and recuperation. Builders' mafias have developed in several unregulated *kutchi abadis*—where “no go areas” are enforced on ethnic lines. Unlicensed guns and other semi-automatic calibre weapons are easily available to the emergent lower middle class belonging to each ethnic community, and the police in Karachi's sprawling area of 105 police stations, divided under four ranges—East, West, South and North—are hopelessly outgunned, lacking in manpower and administratively effete. Digitisation of police records, including arms held or offenders' lists, has not kept pace with the criminalisation brought in by depredating land mafias. Effective peace-keeping has been handed over to the paramilitary Pakistan Rangers (old Mehran force)—which has managed to douse fires from time to time, with ambitious and upwardly mobile army generals like Lt Gen Mohd Ijaz Chaudhry (an artillery officer) serving battle inoculation in tough Rangers' charge before assuming corps command at V Corps Headquarters. The endemic violence has been detrimental to economic well-being with the flight of capital and big industrialists from Karachi—the Memons, Khoja Dawoods, Bohras, part of Pakistan's initially “22 wealthy families”—moving their units to the UAE or even Malaysia and Bangladesh. This has also been detrimental to employment opportunities, affecting mainly the Mohajir youth from urban areas.

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Conclusion

Pakistan's progress toward slow and steady stabilisation of democracy will continue to be marked by obstacles—while the middle class is growing and

there is growing urbanisation, economic conditions remain difficult. Islamic radicalisation remains a major threat but there are other factors at play which may condition Pakistan's progress toward modernity. The army may remain content to play a controlling role from behind the scenes but it is increasingly seen as representing authoritarianism, from which the aspiring middle classes want deliverance. For the foreseeable future, politics in Pakistan may muddle along in the present mode, with a mix of contending influences—of Islamic radicalism, military quest for domination and a surviving stream of liberal democracy.

New Release

