



“I have a dream for Pakistan” A Critique of Zardari’s Plan

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“I have a dream for Pakistan. My dream is to free this great country from the shackles of poverty, hunger, terrorism and disunity and I know that as law makers you too share the dream”

- Asif Ali Zardari’s maiden speech in the Parliament

Hours before the devastating suicide attack on the Marriott Hotel in Islamabad on 20 September 2008, Asif Ali Zardari addressed both houses of the Parliament as the President of Pakistan. The speech of the President, in a Parliamentary democracy normally reflects the roadmap that the government intends to pursue. From curtailing the powers of the President to conducting foreign relations, Zardari’s dream encompassed every aspect of Pakistan’s life.

This essay is a critique of Zardari’s diagnosis and prescriptions of these vital internal issues, which include the powers of the President, restoring the judiciary, and a road map for Balochistan and FATA

I ROLE OF THE PARLIAMENT

Zardari in his speech underlined the supremacy of the Parliament: “As head of state, I wish to make it clear, that the President and the government must and always seek guidance from the parliament in carrying out our duties. We are committed to upholding the supremacy of constitution, the supremacy of the parliament and the rule of law...As a democratically elected President of Pakistan, I call upon the parliament to form an all party committee to revisit the 17th Amendment and article 58-2(b). Never before in

the history of this country has a President stood here and given away his powers.”

Will Zardari be really keen on letting the Parliament reduce the powers of the President? This is an important issue, which will greatly shape the political stability in Pakistan over the next few months. In particular, article 58 -2(b) empowers the President to dismiss the Parliament and Provincial Assemblies. Since the PPP government has formed the government at the national level with adequate strength, this provision is unlikely to be an issue in Parliament. The PPP is unlikely to see Zardari acting against, either Sindh or Balochistan, where it has formed the government along with other parties. In the NWFP, though the PPP is part of the government, the coalition is led by the ANP. Though the PPP and ANP fought the elections separately, they have reached an understanding after the elections, despite differences between the two coalition partners. But the ANP in principle will be against the President having this power to dismiss the provincial assembly; however, it is unlikely, given the current political equations with the PPP, that it will publicly demand or pressurize Zardari to give up his powers under Article 58-2(b).

The real problem on this issue will emerge in the Punjab, the largest and the most important provincial assembly in Pakistan. The PML-N has formed the government with support from the PPP. In the Punjab Assembly, which has 370 members in total, PML-N has 170 seats, followed by PPP (107), PML-Q (84), PML-F (3), MMA (2) and independents (4). Clearly, the PML-N is short of 15 seats to gain a simple majority. A serious problem exists between the PML-N and PPP over restoration of the judiciary. In fact, the PML-N walked out of the coalition at the federal level on this issue. Furthermore, the PML-N

always had strong views on Article 58-2 (b). Given its lack of majority in Punjab, the only province where it has formed the government, PML-N would not hesitate to adopt a confrontationist approach in Parliament on this 17th Amendment.

Will the confrontation in Parliament have negative echoes in Punjab? For Zardari, Article 58-2(b) is an attractive option if the PML-N decides to confront the PPP in Parliament. Given this backdrop, will Zardari really abandon his powers?

II JUDICIARY

The second major issue, which is likely to challenge the political stability of Pakistan relates to restoration of the judiciary. Zardari said in his speech, “We believe in the independence of [the] judiciary and all matters concerning the judiciary, that shall be resolved in accordance with the constitution and the law.”

The PPP has been apprehensive in this regard, especially about the former Chief Justice of the Supreme Court, Iftikhar Chaudhary. Zardari fears the restoration of Iftikhar Chaudhary, which might result in the latter annulling some of the

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controversial decisions that Musharraf had taken since late 2007, including the promulgation of the National Reconciliation Ordinance (NRO) and the 2008 elections. Also, it is believed, there is an understanding between the Army and Zardari on Musharraf’s resignation that Chaudhary will not be reinstated. Both Musharraf and the Army also fear that reinstating

Chaudhary will result in the Supreme Court going after the military excesses committed in Balochistan.

There are two major pressure points on Zardari, asking him to reinstate Chaudhary – PML-N and the Lawyers’ Movement. Earlier Zardari had reached an understanding with Nawaz Sharif in August 2008, the Murree Agreement, in which the PPP agreed to restore the judiciary in total, including walking out of the coalition. The lawyers’ movement, which captured the imagination of people in Pakistan in 2007, was the primary agent for consolidating the anti-Musharraf sentiments in Pakistan into a movement. The civil society rallied behind the lawyers’ movement, which, in turn, strengthened the former.

Zardari’s refusal to reinstate Iftikhar Chaudhary is likely to be a major political irritant between the two political parties and also between the government and the lawyers’ movement. Much will depend on how the PML-N and the lawyers’ movement pursue this issue. There are two possibilities. First, a total confrontation, with the PML-N and the lawyers movement taking to the streets and destabilizing the government. If the government comes down heavily on their street protest it may result in anarchic conditions returning to Pakistan..

The second possibility is a slow death of the movement to restore Iftikhar Chaudhary. The PPP government has cleverly started reinstating judges of the High Court in Sindh and Punjab in phases. Besides, in the Supreme Court, out of the 13 judges sacked, five have been reinducted thus far. With some of the deposed judges likely to retire soon, it is possible that, except for a few judges, including Iftikhar Chaudhary, the others will be inducted over the next few months. Some people have started questioning the relevance of the lawyers’ movement in the present context. The PML-N also may not be able to exploit this issue much longer, as more important issues confront the security of Pakistan. Hence, the restoration of judges’ issue will die a natural death.

This second possibility seems more likely, which is what Zardari is hoping for. Certainly, this will prove a short term victory for Zardari. But over the long run also, the slogan – making the judiciary independent will remain a mere slogan. And one is not sure, whether the political parties, including the PML-N, are really serious about making the judiciary totally independent. Though Nawaz Sharif has been consistent in his support to the lawyers’ movement and the issue of the restoring

judiciary, this change of heart is very recent. Can we forget his hostility towards the Supreme Court when he was in power? He is supporting this issue now for strategic reasons. If Zardari decides to use Article 52-2(b) in the near term future against the PML-N government, an independent judiciary is likely to question his action.

III

BALUCHISTAN & PROVINCIAL AUTONOMY

Baluchistan has been boiling since 2003. The military approach might have brutally suppressed the political and militant component of its dissent, but it has completely alienated the Baluchis from the national mainstream. The leading Baluch political parties including Akbar Bugti's Jamhoori Watan Party (JWP), Sardar Mengal's Baluchistan National Party (BNP-M) and the Pakhtoonkhwa Milli Awami Party (PkMAP), along with the National Party (NP) of Baluchistan, boycotted the February 2008 elections. The present government in the Baluch provincial assembly cannot be seen as representing the wishes of the people. It is important that the federal government pursues a more understanding political approach towards the Baluchis.

Zardari's speech mentioned that, "for every hope, we need a plan and for every plan, we need an agenda, without doubt, a heavy national agenda challenges your government. This is the agenda of moving quickly to heal the wounds of past, to restore the trust in the federation; tendering an apology to the people of Baluchistan was a long overdue step. The release from the captivity of the former chief minister of Baluchistan is also a positive move. The resolution recently of the long standing dispute and payments of billions of rupees to Baluchistan is a step in the right direction but much more needs to be done...the federation, it needs to be strengthened for this the bitterness of the past must give way to reconciliation and harmony. I believe that the 1973 constitution is the only consensus document that can freshen such a social contract. I also request the government to start the consensus building process on the provincial autonomy and allotment of resources through a new formula that meets the needs of a united federation."

A noble thought indeed. But this is not the first time that a political leader has diagnosed correctly the

problems relating to Baluchistan. It is actually, the pragmatic pursuit of these prescriptions, which has been lacking, especially under the Musharraf regime. His approach of bombing Baluchistan back to the stone age, which included the arrest of former Chief Ministers and worse, killing of Akbar Bugti, a former Governor of the State, has completely alienated the Baluchis.

There are serious problems in the relations between the federation and Baluchistan, especially in terms of royalty and providing political space. It is unfortunate that Baluchistan has been treated as a colony of the federation and there is no major support for the Baluchis in the other provinces, when the military was using brutal means to suppress this discontent.

Punjab, the Baluchis complain, has remained apathetic to Baluchistan. What is needed is political reconciliation at multiple levels, between the federation and Baluchistan; and also between the Baluchis and other communities, especially the Punjabis and Sindhis.

IV FATA

Of all issues that Zardari discussed, none assumes greater importance than his prescriptions for the FATA. He has listed a three pronged strategy to deal with the ongoing violence in the various tribal agencies: "First to make peace with those who are willing to keep the peace and renounce violence, second, to invest in development and social uplift of the local people and third to use force only as the last resort against those who refuse to surrender their arms, take the law into their hands, challenge the writ of government and attack the security forces."

How will Gen Kayani see this impeachment process? Will he see it as Parliament attempting to impeach the President, a former COAS, as a sign of civilian supremacy, affecting the balance of the Troika? Or will he remain neutral and force the Parliament and President reach an understanding?

Clearly, the Zardari plan envisages a political, economic and military approach and looks logical on paper. However, this is neither a new plan nor likely to succeed. In fact, the government of Pakistan has been pursuing this plan in parts, which has completely failed.

Since 2004, the government has made peace deals in North Waziristan, South Waziristan, Bajaur and Swat. From Baitullahs, Neks to Fazlullahs, the government of Pakistan has made numerous deals with those generally identified as Pakistani Taliban. What were the contents of these peace deals? How long did they survive? In most cases, these deals centered on the militants laying down their arms, not fighting against the Pakistani security forces and also not using Pakistani territory as a base for their activities (against the international forces in Afghanistan).

A balance sheet of these deals will highlight that none of them succeeded. Neither has this prevented the militants from carrying out attacks against the military and para-military forces of Pakistan, nor did it prevent them from carrying out cross-border strikes, nor did these deals over the last four years prevent them from expanding their activities into the heartland of Pakistan. From the suicide attack on Musharraf in December 2004 to the recent attack on the Marriott Hotel (on the same day, when Zardari made his maiden speech as the President of Pakistan), terrorism in mainland Pakistan has been linked to the FATA.

Certainly, 'making a peace deal first' approach has not been successful. It should rather be the approach to be pursued after curbing the militants militarily, which need not necessarily be a brutal all out war against the militant forces, as occurred in Balochistan. It could be a graduated military effort causing property damage, forcing the militants to request a political deal with the government.

A 'military approach first' would force the militants to negotiate with the government, from a position of weakness. What is happening in the FATA is the opposite, with the government too eager to negotiate with the militants, which is seen by them as reflecting the weakness of the State. consequently, these deals were never taken seriously by the militants; they were respected only in their breach.

The development approach should come along with the military approach and continue irrespective of the success of the political and military approaches. More importantly, such an approach should be strict, effective and with clear accountability.

The State should adopt a no-nonsense approach towards investing and pursuing the 'development and social uplift of the local people'. This extra effort should compliment the existing assets, making sure that earlier investments are protected. There is absolutely no point in investing in new schools and colleges for girls, with the State remaining a mute spectator to the destruction of these schools by the militants.

More importantly, investment without accountability is a sure recipe for breeding corruption in the conflict zone. This will only expand the vested interests of certain group, who prefer to see the conflict continuing. The development approach without proper accountability, will only increase corruption and ensure that the conflict continues.

IV CONCLUSIONS

Zardari's recipe for addressing the problems facing Pakistan look good on paper. What his speech does not cover adequately is the relation between the civilian government and the military. There is anxiety inside Pakistan on how the new government will deal with the ISI.

Economic and energy crises are two other important issues, which were also covered in his speech. Clearly, the diagnosis is correct and the prescriptions appear logical. Much will depend on how they are implemented. Otherwise, his dream may well turn into a nightmare.



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