



# LFO issue resolved!

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The year 2003 has ended on a happy note insofar as democratic supremacy of the parliament, strengthening of democratic institutions and the government-opposition working relationship are concerned. The just ended year witnessed hectic developments taking place on democratic and constitutional fronts in the country during the last week of December. These developments signifying the importance of democratic institutions, political negotiations and commitment of the government to uphold parliamentary traditions setting new examples of reconciliation and understanding could rightly be termed as quite historical and of far reaching consequence in more than one respects.

It all started with the signing of an agreement between the government and the Muttahidda Majlis-i-Amal, the religious parties opposition alliance, on December 24 in Islamabad.

The signing of agreement marked little more than a year long negotiations between the government and MMA for resolving the stalemate arising from the opposition parties criticism of the Legal Framework Order (LFO) 2002 which effected number of amendments in the Constitution and paved the way for holding of the general polls in the country in October 2002. The opposition parties mainly comprising the MMA and the Alliance for Restoration of Democracy (ARD) component parties PPP Parliamentarians and PML(N) objected to LFO being made part of the Constitution bypassing the Parliament and persistently demanded that either the LFO be withdrawn altogether or brought before the Parliament for discussion and approval.

In response to the offer from the government side, the MMA leadership acted in a rather responsible and democratic manner and agreed to start the process of negotiations for ending the difference and disputes pertaining to constitutional matters amicably by sitting across the table.

Meanwhile, the ARD leadership opted for staying out of the negotiation process and started protesting against the LFO both inside and outside the Parliament giving rise to many

so reached between the government and the MMA negotiation teams with PML President and Central Parliamentary leader Ch. Shujaat Hussain and Prime Minister Jamali providing necessary direction, guidelines and assistance to make the process of negotiations result-oriented in the larger interests of the Parliament, democracy and political stability.

The 17th Constitution Amendment Bill containing all amendments in the Constitution, as agreed to by the government and MMA, was within a matter of two days was introduced in the National Assembly and then in the Senate on and after December 26, 2003. The Bill to amend the Constitution incorporating all major provisions of the LFO and validating the Provisional Constitution Order and all other orders and ordinances enforced and promulgated by General Pervez Musharraf in his capacity as the Chief Executive and the President after assuming power in October 1999 was accordingly discussed, debated and passed by more than two-thirds majority in both Houses of the Parliament before the year was out on December 31, 2003. All this was described quite appropriately and rightly as now, no-lose for anyone but victory for democracy and supremacy of the Parliament and the Constitution.

After the 17th Constitution Amendment Bill was passed by the Parliament and assented to by the President making it part of the 1973 Constitution, General Pervez Musharraf sought vote of confidence from the Parliament and the four Provincial Assemblies to continue holding the office of the President of Pakistan.

The Senate, National Assembly and Provincial Assemblies of the Punjab, Sindh, NWFP and Balochistan gave the requisite trust vote by adopting the resolutions to General Pervez Musharraf to continue as the President, though with varying margin, as having been elected constitutionally for a five years term.

The MMA parliamentarians, as expected after the agreement over the LFO, voted in favour of the Constitution Amendment Bill to enable the government to secure two-thirds majority but they neither voted in favour nor against the confidence in the President Resolutions in all legis-

questions as far as democratic institutions, democracy and the positive role of the people's elected representatives in the legislation and working for solving the problems of the masses at large were concerned.

The government and MMA negotiating teams continued to hold talks from time to time for resolving political and constitutional stalemate by sorting out disputed matters. The ARD, on the other hand, persisted with its rather negative attitude and kept resorting to agitation creating ugly and undemocratic scenes in the National Assembly and the Senate quite often.

This indifferent and negative attitude towards their obligations to democracy, democratic institutions and to the electorate was persisted despite repeated statements and assurances at the highest level of President General Pervez Musharraf and Prime Minister Mir Zafarullah Khan Jamali that the Opposition parties should indulge in healthy criticism, honour their obligations towards the electorate and join in the negotiating process for resolving all differences quite amicably as the government wanted to carry all along to work jointly and unitedly for building a united, progressive and prosperous Pakistan.

The government-MMA negotiations quite expectedly resulted in resolving the LFO issue with both sides demonstrating better and wiser sense and responsibility, flexibility in their stances and spirit of accommodation after listening each others point of view.

The government-MMA agreement in a give-and-take manner paved the way for the constitutional amendments package so that the year-long stalemate over the LFO could be resolved. The agreement so reached also highlighted the importance of negotiations and dialogue for resolving all disputes and differences amicably and mutually by sitting across the table. This also set good traditions for healthy and positive working relationship between the government and the opposition.

The President and the Prime Minister showed lot of patience, flexibility and tolerance to accommodate the MMA to the maximum extent in the larger national interest without making any demand from the other—a matter of personal ego and prestige. All this amply demonstrated their commitment of flourishing of democracy, strengthening of democratic institutions and functioning of the Parliament in democratic, orderly and positive manner and completing its constitutional tenure.

The package so agreed was transformed into the 17th Constitution Amendment Bill. The President gave the assurance that he would shed the uniform by December 2004. The three years extension in the superior courts Judges retirement age, granted through the LFO and strongly criticised and objected by the Opposition parties as well as lawyers representative bodies, was withdrawn as a result of understanding and agreement

latures. The MMA would retain its Opposition stance though supporting all government policies and programmes deemed to be done in good intentions for the welfare of the people and ensuring basic amenities provision to the people in the urban and rural areas of the country without being part of the government in any manner.

After securing the vote of the confidence from the Parliament and the Provincial Assemblies, President General Pervez Musharraf addressed the nation over radio and TV networks on January 2, 2004 evening assuring that the Parliament would complete its five years term becoming the first one to do so despite his constitutional powers under Article 58(2)b of dissolving the assemblies.

The President also emphatically stated that he has fulfilled all his promises made to the nation in his 7 point agenda on assuming the power in October 1999 in the political field with the passage of the 17th Constitution Amendment and the vote of confidence given to him by the parliamentarians to continue holding the office as the President of Pakistan.

He recounted the measures taken to complete the political restructuring besides economic revival and exhorted all to work together for building a strong, united and progressive Pakistan.

The MMA by supporting the government in the passage of the 17th Constitution Amendment Bill for resolving the LFO issue has shown its positive approach and also made it clear that they believed in healthy and objective criticism, which indeed is and should be welcomed by the government, and do not indulge in opposition for the sake of opposition and criticism. All these developments of quite historical, constitutional and democratic importance and significance have placed greater responsibility on the ARD leadership to also adopt positive approach shun its opposition for sake of opposition attitude and play its due role as an opposition by taking active part in the Parliament legislative process by making positive contributions and honour their obligations towards the electorate. The government-MMA negotiations over the LFO have set the tempo of working relationship and the President and the Prime Minister have once again reiterated they welcome objective criticism and expected a positive contribution in the national policies and programmes in the masses interest from those occupying the Opposition benches in the Parliament and Provincial Assemblies.

The ball is now in the ARD court and the leaderships and legislators of its component parties have to demonstrate that they are quite responsible people who believe in strengthening democracy and can fulfil their obligations towards electorate by taking active and effective part in the legislative business. Opposition for good objectives is good and for just opposition sake it is obviously bad.