

# Trading principles for power?

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BY SHAHWAR JUNAID



For several weeks it was rumoured that the political parties that form the joint opposition to military rule in Pakistan disagree on the approach to negotiating with the regime on constitutional issues. This was confirmed on July 28, 2003 when only some components of the conservative MMA (Muttahida Majlis-i-Amal) joined the regime's civil government for talks on a formula for running parliament within the parameters of activity that have been set by the military. The alliance for the restoration of democracy (ARD) refused to attend and two mainstream parties, the PML-N (Pakistan Muslim League-Nawaz) and the PPP (Pakistan People's Party) stayed away from the discussions. The leadership of the former party has been sent into exile by special arrangement and the leadership of the latter has splintered into several groups-some enjoy authority others self-imposed exile.

Private discussions, between the military regime's civilian spokesmen and the political opposition in Pakistan, about the parameters within which parliament can function, have no legal standing and should be unnecessary in the presence of representative national institutions such as the National Assembly and the Senate. In the past the conservative religious parties have been discredited and dishonored after they made arrangements to work with military regimes, sought to share power and found that real administrative authority was not part of the deal.

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line drawn by the regime and Mr Musharraf went to Peshawar to deliver the message. There was no talk of calling the provincial assembly or tabling a no-confidence resolution-just outright dismissal of the government and the provincial assembly and new elections. The MMA also forms part of a coalition government in Balochistan. The provincial government in Balochistan is powerless. Its Interior (Home) Minister had the grace to resign, admitting this, when he was not taken into confidence during investigations into the killing of several dozen Shia Asna Asharis who were at prayer in Quetta.

In both the NWFP and Balochistan it is generally known that voters were so disgusted by the performance of mainstream political parties and their leadership that they deliberately decided to stand behind unknown candidates of good repute who were supported by the smaller conservative parties in both provinces. In fact this happened in other parts of the country as well. By showing the same propensity to compromise on principles as the mainstream parties the conservative politicians can expect their new constituents to reconsider their choice of public representative. Foreseeing just such an eventuality, the future role of the Awami National Party in the politics of the NWFP was discussed in this column soon

press and media enjoy freedom, and that political activities are unsupervised in Pakistan, are lying through their teeth. Very few people can survive the kinds of physical, psychological and social pressures that are imposed on dissenters- through different channels they are regularly advised to give up dissent in order to be left in peace.

Citizens in stable democracies are characterized by a particular set of widely shared attitudes and values, which they call "civic culture" and this is the culture that those who aspire to national leadership will have to work in order to preserve. It has been observed that citizens in stable democracies possess a relatively common set of understandings about the appropriate boundaries of government, the sanctity of political rights, rights of citizens that define the limits on the state, and the duties of citizens to preserve them. "If there is no consensus within society, there can be little potentiality for the peaceful resolution of political differences that are associated with the political process." It follows that when the political institutions are swept away and the prescribed forums for discussing political choices/ differences do not exist, consensus is not possible. In Pakistan political consensus is enshrined in the 1973 Constitution. In order to be acceptable any changes in that Constitution must be made by consensus and by legally elected representatives of the population of Pakistan through due process. At the same time government's response to external threats, pressures and events needs to be guided by politically acceptable domestic limitations. In order to carry weight at home and in the international community it must have the backing of institutions that represent the nation as a whole, not just one bolt in the machinery of the state.

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Extra-parliamentary negotiations between individuals, various power groups, institutions and other entities are not binding. Under the law they are meaningless and suggest that a state of anarchy exists in the country. Private discussions between elected public representatives suggest that wheeling and dealing to secure personal political objectives is on the agenda, in return for compromises on matters of principle. By compromising on one issue the MMA has automatically indicated that compromise on all issues is possible. Such discussions do not inspire confidence, have no legal standing and are no substitute for debates on national affairs by public representatives in national institutions.

On the basis of debate in national institutions consensus can be reached on constitutional matters and reasonable changes can be incorporated in the law of the land in an orderly manner. Obviously the military regime is sure that it will not be able to obtain absolute authority for Mr Musharraf through this route and has opted for extra-parliamentary discussions. The opposition should know it is not going to get anything-on the contrary it is trading on principles for an illusion of power. This is what the MMA has in the NWFP, where it heads a provincial government. A few months ago the provincial government was told it would be sent packing if it did not toe the

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Pakistan has been the subject of many political, economic and social experiments that have required the manipulation of the law, legal processes and the constitution. The second generation of Pakistan born public servants, public representatives as well as civil and forces personnel are getting on in years. It is time for them to review the history of this country and take stock of their record of service to the state. The country has seen parliamentary democracy, martial law, basic democracies, return to martial law, then a form of autocratic socialism cum martial law sanctioned through an exercise in adult franchise, return to martial law, the so-called Islamisation of martial law and the introduction of a consultative "shura" system, authoritarian democracy based on exercises in adult franchise. What is remarkable in Pakistan is not the repeated imposition of martial law, in one form or other, but the repeated defeat of martial law and military dictatorship at the hands of a relatively disorganized, definitely disadvantaged polity that is disenfranchised at regular intervals. This is the enduring civic culture of Pakistan. It has been won through great sacrifices that should not be necessary in civilized society. Those who say that the

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The most recent return to a state of absolute dictatorship in Pakistan has been the worst: it is operating through the use of a national army that has been reduced to the position of a personal "lashkar" serving a man who has no intention of retiring, the rape of the national constitution by a bunch of pseudo intellectuals nominated to give binding legal cover to the regime through layers of powerless institutions such as local bodies and provincial governments created through nomination and supervised elections. After the most recent military takeover in its history the constitution of Pakistan was said to have been held in "abeyance" and a Provisional Constitution Order (PCO) took its place. The incumbent Chief Justice of the Supreme Court decided to authorize all "necessary" changes in the constitution of Pakistan. In simple language the Constitution was set aside before being torn apart. The term "all necessary changes to the constitution", in the PCO, covered all those dicey amendments that should keep the coup makers of October 12, 1999, their associates and nominees in power for another five years. More recently, this has been extended to an indefinite period that is being negotiated privately with Opposition groups.

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