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Politics in Pakistan: The Judge and the General

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Introduction

There is never a dearth of excitement in Pakistani politics. This extends to even the period of the brief caretaker regime, which lasts for around three months, and whose sole objective is to hold national elections. This is a model borrowed from Bangladesh. To be fair, Pakistan has managed to use it more effectively than the country it drew upon, which has since discarded it. But the political turmoil in Bangladesh is evidence that it has not been able to replace it with any workable mechanism on which all sides have consensus. It is important to agree on the method of holding elections in societies where political differences can and do often take violent forms. In Pakistan, this hurdle of an agreed method has at least been cleared.

Pakistani caretaker governments are often low-key. This is not to say that the business of governance is not carried out. The Army continues to be locked in a severe conflict with the Taliban in the frontiers of Khyber Pakhtunkhwa. The sectarian activists are continuing with their bombings of largely innocents. In a polity, so seemingly ungovernable, it is surprising how many people are attracted by the prospects of power (or perhaps its lucrative lure). The Pakistan People's Party (PPP), the outgoing ruling party of President Asif Ali Zardari, will be fighting Nawaz Sharif's Pakistan Muslim League, the presumptive front runner, with its back to the wall. Other hopefuls include the former cricketing star, Imran Khan (leading his

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Tehreek-e-Insaf), though it is hugely doubtful if the heartthrob he creates among fans is sufficient to catapult him into office. But he will win some seats, and could be kingmaker if he would join either Nawaz Sharif or Zardari, but he has said he would not. In a way it could be positive in that he could provide Pakistan with a strong and effective parliamentary opposition. As of now, the secular parties appear to be a bit on the back-foot, with the right-wing ones, such as the PML (Nawaz) profiting from the burgeoning religiosity that appears to be, though ever so gradually, enveloping that society.

Piety Test for Polls

Elections are due on 11 May and preparations to hold them are afoot. This time the candidates are having to cross the hurdle of piety test more than on any other occasion before. Election officials are taking the constitutional clauses that call for members of legislatures to be ‘good and pious’ very seriously. Those who pray five times a day are preferred over those who don’t. The former Foreign Minister, Hina Rabbani Khar, is reportedly having to produce her marriage certificate. Ayaz Amir, the journalist, found his electoral application rejected for having referred in his writings to the ‘holy waters of Scotland’ (alcohol consumption is an absolute no-no, at least publicly, in Pakistani political circles, though in the drawing rooms of the upper reaches it is said to be available in abundance) which the fiercely chaste election officials correctly assumed to be neither ‘holy’ nor ‘water’ (and in Pakistan, more likely to be ‘local’ or *desi* than from Scotland).

But the biggest surprise awaited the returned military ruler, Pervez Musharraf. His reception back home, after a self-imposed exile of over four years, was far more tepid than the homecoming of the Biblical prodigal son. Few fattened calves were slaughtered in celebration! He called his new party All Pakistan Muslim League, not at all being innovative about the name (in Pakistan, generals who have been presidents have tended to name their parties ‘Muslim League’ hoping to derive a modicum of legitimacy from the linkage, if in name only, to the political platform of the Father of the Nation *Quaid-e-Azam* Mohammad Ali Jinnah). While the government had more or less ignored the general’s return; not so his nemesis, Chief Justice of the Supreme Court, Iftikhar Muhammad Chaudhry.

The Silly Season

In Pakistan, if the generals have been active in politics, the judges have not lagged far behind (Indeed, the Prime Minister of the caretaker government is a judge). In the past the judiciary had, time and again, left its imprint on Pakistani politics. Even the Army had used it to justify seizure of power (A case in point is the famous ‘Dosso versus State’ ruling in 1959 that accorded the seal of approval to Field Marshal Ayub Khan’s Martial Law, and whose findings were based on Kelson’s theory of legal positivism). The judges suddenly framed charges of treason against Musharraf, and also blocked his departure from the country. This

could be potentially dangerous. A charge of treason carries with it the death sentence, and in this country there has been precedence of former heads of government confronting dire consequences of judicial retribution. This has provided unforeseen excitement in these somewhat politically staid pre-election weeks (bit like the English ‘silly season’ when parliament is not in session).

The military will not be overly concerned with Musharraf’s fate. First, if the policy decision is not to interfere in politics, why begin with Musharraf, whose popularity obviously is nothing much to write home about. Second, it is said that the advice the military had proffered him was not to return at all. He remains a constant reminder to the public of military intervention. And third, his pro-American predilections are not shared by today’s Pakistani Army. So the military would probably have liked this old soldier to fade away.

Conclusion

Still, the trial of a former Chief of Army Staff in a civilian court could be perceived as a bit of loss of face for the military. Then, there is Musharraf’s Saudi Arabian backing. For instance, it is rumoured that the Saudis have hinted to Nawaz Sharif that a steel mill and a shopping mall in Jeddah that the latter is said to own could suffer legal complications should Musharraf be ‘harmed’. It is also quite possible that Musharraf may win for himself a seat in Parliament from Chitral. So the ideal solution to the imbroglio would be to send a strong message that the judiciary in Pakistan now takes an unbending position against extra-constitutional military interventions, and then, in the end, to let Musharraf go. But, even then, a rational outcome of any political crisis in Pakistan is not always an absolute certainty. So, one can never tell!

Musharraf has, in the past, claimed courage in terms of a major personal attribute ‘In the Line of Fire’ (title of his autobiography). We are perhaps about to see soon if his return was a courageous act, or merely a foolhardy one.

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