

# Pakistan a Slave State

Roedad Khan

*Volume - 3*



*Reproduced by  
Sani Panhwar*

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## ABOUT THE AUTHOR

Roedad Khan was born on September 28, 1923 into a Yusufzai Pakhtun family in district Mardan, in the North West Frontier Province in the village of Hoti on the bank of the Kalpani. His grand father, Karim Dad Khan, as the village Malik, was authorized to collect land revenue from the landowners and deposit it in the treasury. His father, Rahim Dad Khan, was the first member of the family to be sent to an English medium school. He was also the first member of the family to join the Provincial civil service.

In 1939, Roedad Khan graduated from local high school and went to attend Forman Christian College and gained B.A. in English Literature in 1942. Respecting his father's wishes, Khan attended the Aligarh Muslim University and gained M.A. in English History in 1946. Upon his return to Mardan, Khan taught English history at Islamia College, Peshawar and opted Pakistan's citizenship in 1947. In 1949, Khan joined Central Superior Services of Pakistan and has held several important appointments including those of Chief Secretary Sindh; Secretary Ministry of Interior; Secretary General, Ministry of Interior; Federal Minister in charge of Accountability; and Advisor to the Prime Minister on Accountability. During his long career, Khan served with five Presidents of Pakistan and three Prime ministers of Pakistan. However, his career was at peak when he served with Chief Martial Law Administrator of Pakistan General Muhammad Zia-ul-Haq, responsible for country's internal security while an intelligence efforts were built up to sabotage Soviet military intervention in Afghanistan Soviet Republic. Khan, a part of General's Zia policy to enhance the secret establishment, Khan served as its elite member.

According to Khan: *"During my service I got to know two Prime Ministers Benazir and Nawaz Sharif and six Presidents - Ayub Khan, Yahya Khan, Z. A. Bhutto, Zia ul Haq, Ghulam Ishaq Khan and Farooq Leghari in varying measure. They all displayed vast differences in personality, character and style. Each one of them has directly or indirectly contributed to our generation's anguish and sense of betrayal, our loss of confidence in our rulers, in our country, in our future, in our selves and the souring of the dream of Pakistan. Every now and then, I put pen to paper and unburden myself of the things that weigh upon my spirit: The sense of being in a blind alley, the perception of our collective guilt, and the knowledge of all that has been irrevocably lost."*

Khan has written three book and hundreds of articles, his first book *"Pakistan - A Dream Gone Sour"* (263 pages) was published in 1997 by Oxford University press,

his second book *“The American Papers, Secret and Confidential India, Pakistan, Bangladesh, 1965-1973.”* This 997 page volume contains massive compilation of secret and confidential documents recently declassified. And his third book is *“The British Papers, Secret and Confidential; India, Pakistan, Bangladesh Documents 1958-1969.”*

We are reproducing some of his articles in four volumes, these articles show the in-depth knowledge and understating of the issues Pakistan has today and Khan have suggested the solutions for most of the problems nation is facing.

I hope you will enjoy reading the articles.

Sani Panhwar  
California 2013

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## **Wanted: A Voice for the Islamic World**

There is no greater curse for a people than the loss of national independence just as there is no greater curse for the human soul than the loss of personal freedom. I think that at all times I should have loved freedom, but in times in which we live and as I ponder over the fate that has befallen the people of Afghanistan and Iraq, I am disposed to worship it. The tragic end of Ali, a young Iraqi in "liberated" Baghdad haunts me. "First he stumbled around the corner, dripping blood and collapsed near the front door of his home. An American soldier leaped out and ran up to Ali, firing a shot in the air to scatter the crowd, and then aiming the rifle at the boy. The boy's mother knelt by his side and implored the soldier not to kill him. She kissed the soldier's boots"... "If they had let us take him to the hospital, my son would be alive. It doesn't matter if you are a Muslim or a Christian or a Jew. How could anyone treat a human being this way"? Iraq never threatened US security and had no Al-Qaeda links. But Bush wanted an Armageddon with the Islamic world. So he decided to conquer an Arab country. How long is it going to take for America to recognize that the war it so foolishly started is a fiasco, tragic, deeply dehumanizing and ultimately unwinnable? How much more time, how much more money, and how many more lives is it going to take?

The Islamic world has been shaken up like a sleeping person awakened from a tranquilizing dream. "Muslims are filled with feelings of impotence and frustration", said Abdelouahed Belkeziz, Secretary General of OIC, " as some of the countries are occupied, others are under sanctions, a third group accused of sponsoring terrorism". Today Bush regards himself as History's lone Knight riding out on another mission, the modern version of the mysterious cowboy arriving in a corrupt frontier town. It is no secret that Religious Right and Evangelicals who believe that Bible is truth, that its members have an imperative to proselytize and convert, that Jesus Christ is the only way to salvation, have a powerful influence on one of the most religious White houses in US history. No wonder, Bush, with a messianic zeal, has unleashed the hounds of war in a part of the world where "met not just Asia and Africa, or West and East, but Creation and Creator. God himself had chosen the Middle East in which to confront his people. Here were his Words revealed. His Commandments received. His miracle performed; here trod His prophets, His lawgivers, and here, like swallows returning to the barn of their hatching, flocked his followers in prayers and pilgrimage".

Today no religion in the modern world is as feared and misunderstood as Islam. It haunts the popular western imagination as an extreme faith that promotes authoritarian governments, female oppression and terrorism. It is not true that Muslims are uniformly filled with hatred of Christians and Jews. Anti-Semitism is a Christian vice. Hatred of the Jews became marked in the Muslim world only after the creation of Israel in 1948 and the subsequent loss of Arab Palestine. Anti-American sentiment in the Islamic world is rooted in the blind American support for Israel's war of aggression against the Palestinians.

What is one to make of the General responsible for tracking down Osama Bin Laden, Lieutenant-General William "Jerry" Boykin, who told an audience in Oregon that Islamists hate the US, "because we are a Christian nation, because our foundation and our roots are Judeo-Christian and the enemy is a guy called Satan". Recently promoted to Deputy under Secretary of Defense for Intelligence, Boykin went on to say of the war against Mohammad Farrah Aidid in Somalia - in which he participated - that "I knew my God was bigger than his - that I knew that my God was a real God and his was an idol". Secretary Defense Donald Rumsfeld said of these extraordinary remarks that, "it doesn't look like any rules were broken". We are now told that an "inquiry" into Boykin's comments is underway - an "inquiry" about as thorough, no doubt, as those held into the killing of civilians in Baghdad. By making it clear that he sees nothing wrong by giving an important post in the war on terror to someone who believes and says openly, that Allah is false idol, Donald Rumsfeld has gone a long way toward confirming the Muslim world's worst fears.

Islam is a religion of peace. The Holy Quran condemns all warfare as abhorrent. It permits only war of self-defense and condemns killing and aggression. It is adamantly opposed to the use of force in religious matters. Its vision is inclusive. It recognizes the validity of all rightly guided religions and praises all the Prophets of the past. The last time, the Holy Prophet preached to the community, he urged Muslims to use their religion to reach out to others in understanding, since all human beings were brothers. Prophet Mohammad (PBUH) never asked Jews and Christians to accept Islam because they have received perfectly valid revelations of their own. The Holy Quran insists strongly that "there shall be no coercion in matters of faith and commands Muslims to respect the beliefs of Jews and Christians, whom the Quran calls *ahl-al-Kitab*... "Do not argue with the followers of earlier revelation otherwise than in a most kind manner - unless it be such of them as are bent on evil-doing- and say: "We believe in that which has been bestowed from on high upon us, as well as that which has been bestowed upon you; for our God and your God is one and the same, and it is unto him that we all surrender ourselves".

Islam is the religion of those who value freedom and independence and know how to protect them. It is the school of those who struggle against imperialism and injustice. It is not the religion of quislings and collaborators who betray their country and describe freedom fighters as extremists and terrorists. It is a liberation movement that calls for social equality and condemns corrupt Muslims elites. Islam – not the scholastic institutionalized, fossilized Islam co-opted by corrupt rulers, but the true dynamic, pristine revolutionary Islam of its early years with its emphasis on egalitarianism, social justice, and accountability is emerging as the greatest threat to the established order in the Islamic world and American imperialism.

Today, “Islam is the solution”, seems to resonate with an increasing number of people. Whether the west likes it or not, fundamentalism, or “*Usuliyyat*” as it is called in Islam, is now part of the modern world. It represents a wide spread disappointment, alienation, anxiety, and rage that no government can safely ignore. The success of the Islamic Salvation Front in Algeria in the election held in 1990, sent a clear message to Egypt, Morocco, Tunisia, in fact the whole of the Islamic world, that people wanted some form of Islamic government. In the middle of the 20th century, secularism had been dominant and Islam was irredeemably passé. Now hereditary monarchs, self-appointed presidents and military dictators ruling the Islamic world are uncomfortably aware that if there were truly democratic elections, Islamic governments might well come to power. Even in secularist Turkey, election in 2002 marked a major turning point. The Justice and Development Party (AKP), a party with religious roots, won a landslide victory that allowed it to form a one-party government with a strong majority in parliament. The victory of a religious party in Turkey and in the two highly sensitive provinces of NWFP and Balochistan in Pakistan, was an earthquake of magnitude 8 on the political Richter scale. We may not yet fully measure its impact because of the dust, but for the first time, religious parties came to power in the Islamic world in spite of the state. People are turning to Muslim brotherhood in Jordan. Palestinians are looking to Mujamah, while the PLO, which in the 1960s carried all before it, is now looking cumbersome, corrupt, and out of date. In the republics of Central Asia, Muslims are rediscovering their religion after decades of Soviet oppression.

Bush and the new conservatives around him hoped they could drain the terrorist swamp. Instead, they have created terrorist breeding swamps all over the Islamic world full of angry Muslims. When a whole people is seething with rage, it becomes a dangerous enemy because rage doesn't obey orders. When it exists in the hearts of millions of people, it cannot be cut-off by pushing a button. We know from a dozen historical examples where a sense of powerlessness leads. It leads to rage which leads to violence. There is no stream into which this anger can flow. It keeps breaking up in search of a destination. This anger is throbbing

now. When this rage overflows, it creates suicide bombers, fueled by the power of anger, against whom there is no defense. The tragedy of suicide bombers is not excess of aggression but an excess of loyalty, devotion and total commitment to a just cause. Homicide for unselfish motives, according to Arthur Koestler, is a dominant phenomenon of man's history. Today the Bush administration is at war with this dominant phenomenon of man's history. The United States will lose this battle if Americans don't make an effort to understand how others think.

Today apathy in the Islamic world is the real enemy. Silence is its accomplice. Today Muslims are lost for a voice. Who in the Islamic world understands the forces of history and has the capacity to move them in a favourable direction? Who has the capacity to look out from a mountaintop, foresee the trend lines of the future, and bend history to serve the interests of the *Ummah*? Who has the capacity and will to channelize and guide this rage and take us on a journey into the future? Who will light a candle in the gloom of our morale? The times cry out for leadership. You don't create such a man; you don't discover such a man. You recognize such a man.

## The Islamic Summit

When things go wrong in a society, in a way and to a degree that can no longer be denied, people ask questions and demand answers. Who did this to us? What went wrong? What did we do wrong? For a long time people in the Islamic world have been asking these questions with growing anguish, mounting urgency and seething anger.

There is indeed good reason for such questioning and concern. For many centuries, the world of Islam was in the forefront of human civilization and achievement. However, in the course of the 20th century, it became abundantly clear in the Middle East and indeed all over the lands of Islam that things were going badly wrong. Compared with its millennial rival, Christendom, the world of Islam had become poor, weak and ignorant. Today the Western world is light years ahead. While the Islamic world was busy debating - a debate that lasted for 300 years - the pros and cons of permitting the entry of printing press, the western world moved on and advanced to the centre of the world stage. Today the Islamic world is in thrall, its independence a myth, rudderless, disoriented, its spirit broken, mired in public poverty, private luxury and rampant corruption. Today it will take the average Arab citizen 140 years to double his or her meager income while some other regions are set to achieve that level in a matter of less than 10 years! Today about 65 million adult Arabs are illiterate, two-thirds of them women. Out of seven world regions, the Arab countries have the lowest freedom score. The Arab region also has the lowest value of all regions of the world for voice and accountability.

The irony is that overwhelming majority of Muslims now live in independent states. Independence was seen as the great talisman that would automatically bring all other benefits. That has not happened. The long quest for freedom has left a string of shabby tyrannies, ranging from traditional autocracies, to new-style dictatorships, modern only in their apparatus of repression. What prevented these rulers from modernizing their countries and developing democratic institutions, marked not only by free and fair elections, but also rule of law, Habeas Corpus, a strong and independent judiciary, a strong, professional civil service and fundamental rights? Recently, these architects of our misfortunes, met at Putrajaya to harness the Islamic world's collective brainpower to turn the tide against Islam and seek solutions to the problems of the Ummah! The summit was attended by two Kings, two Sheikhs, a Sultan, a Prince, twenty Presidents and seven Prime Ministers. It featured a surprise

address by President Putin. Predictably, it made no reference to acts of terrorism perpetrated by Russian Security Forces in Chechnya against innocent Muslim men, women and children and completely ignored the ongoing slaughter of Chechens. In the final communiqué adopted at the end of the summit, they shied away from openly supporting the three-year Palestinian uprising. Neither the communiqué nor a separate declaration on East Jerusalem and Palestine mentioned the Intifada. It refrained from adopting a draft paragraph that had "paid tribute to the just resistance of the Palestinian people and its heroic Intifada to recover its national rights". They pledged to fight terrorism while toning down resolution on Iraq and the Middle East. On Iraq they dropped plans for a resolution calling for a specific timetable for the withdrawal of US forces in the face of opposition from members of Iraq's interim governing council. Instead, they welcomed the US-sponsored UN Security Council resolution which authorizes a multi-national force in Iraq and simply called for moves towards the resolution of Iraq's sovereignty to be accelerated. The OIC also condemned recent violence in Iraq as "criminal terrorist bombing" but made no reference to the American invasion of Iraq or its illegal occupation, and refrained from condemning it.

What is Islamic about this motley crowd who gathered at Putra Jaya? What is their locus standi and what are their credentials? What is Islamic about this incongruous mixture? Islam is against hereditary monarchy and rejects the concept of privilege by descent, by birth, by status, by wealth, or even by race and insists that rank and honour are determined by piety and merit and nothing else. How many of these Heads of state and government are elected? How many represent the will of their people? How many are usurpers who have imposed themselves on their docile subjects? How many are US appointees? How many are on the American payroll? How many would survive without American support? The United States of America dominated the proceedings, despite its absence, and breathed down the neck of every member. OIC always reminds me of the League of Nations. When it was formed, Lenin described it as "a Thieves kitchen". "I like the League", Clemenceau famously remarked, "But I do not believe in it". Nobody believes in OIC either and very few like it.

Today the Islamic world is a prime target for America, the latest imperial power, virtuoso in the art of smashing Islamic countries and establishing its control over the remains. It has all the requirements to make it the perfect American target. It has enormous natural resources; it has a rotten socio-political system in an advanced stage of decay and decomposition; its rulers are corrupt, despotic, authoritarian, unresponsive to the prime needs of the people, accountable to none; it lacks the will to defend itself because what its rulers represent is not worth defending; it is highly vulnerable to attack; a coup de grâce, or a coup de main, a powerful kick and the entire rotten structure will come crashing down.

At relatively little risk and cost, America can gain strategic advantages in the Islamic world and place itself increasingly in position to control the world's resources and life lines. The aim is to gain control of the energy treasure house of the Gulf. "More than ever", Nixon once said, "the question of who controls what in the Persian Gulf and the Middle East is the key to who controls what in the world". When Americans go to take a bite out of the Islamic world, they are not fussy eaters. It matters little to them whether the prey is secular or theocratic, hereditary monarchy or military dictatorship, socialist or capitalist. What matters is that it conduct its foreign and military policies in a way that serves American national interest.

Meanwhile, people in power in the Islamic world seem more concerned with protecting themselves and their thrones than protecting their countries. The search for scapegoats is on. The blame game - the Mongols, the French and British imperialists, the Jews and now Americans - continues. For the governments, at once oppressive, corrupt and ineffectual that rule the Islamic world, this game serves a useful, indeed an essential purpose - to explain the poverty that they have failed to alleviate and to justify the tyranny that they have intensified. In this way they seek to deflect the mounting anger of their unhappy peoples against others, outer targets. Why blame the Mongols or western imperialists? We deserve the fate that has now descended upon us. We lie in the grip of even worse perils and humiliations than those we have faced so far. An evil spirit hangs over the Islamic world. Is it our destiny that there must always be darkness at high noon in the Islamic world, there must always be a shadow against the sun? Far too many peoples in too many Islamic countries speak the same language: "Silence". Far too long, the Islamic history has been a history of silence. It is time to speak.

What is to be done? When Syria stood under the threat of Mongol invasion in the 13th century, Ibn Tamiyya, a towering figure in the history of Islamic thought, exhorted his followers to fight the Mongol foe. Having identified America as a threat to Islam equivalent to Mongols, Bin Laden, using logic of Ibn Tamiyya, called on the *Ummah* to fight the Americans. A cheaper and perhaps better option is to confront and fight the "Munafiqin", the "Hypocrites" and the "Apostates" among us as the Holy Prophet had done in Medina in the early 7th century before he fought the reigning Meccan oligarchy. If history is a guide, any dramatic change that does come in the Islamic society will be caused by people who resist foreign invaders - not by people who collaborate with them. Islam is the religion of those who value freedom and independence and know how to protect them. It is the school of those who struggle against imperialism. It is not the religion of collaborators who betray their country.

Today Islamic world faces its greatest threat. This is the darkest era in the history of Islam since the 13th century. The independence and sovereignty of the Islamic world is a myth. Afghanistan and Iraq are under foreign occupation and have ceased to exist as sovereign, independent countries. Afghans and Iraqis paid a horrible price for not meeting US demands and defying the world's sole superpower. Iran, Syria and Pakistan are next on the hit list. We do not know what will happen to the Islamic countries in the future, but our experience of the past does at least throw a flickering gleam of light on the darkness ahead. Nations ordinarily break down and collapse either through impotence or through tyranny. In the first case, power slips from their grasp, whereas in the second it is taken away from them. I have to repeat the dictum of Harvard's President, Larry Summers: "In the history of the world, no one has ever washed a rented car". Most people in the Islamic world feel that way about their countries. They have to be given ownership. The Islamic world, as it is now constituted and governed, has little chance of survival.

## **The Revolt of Parliament**

Talking to newsmen upon his arrival after a week-long tour of the United States and Canada at Lahore International Airport, President Musharraf said, "I was astonished to see the news item attributed to me, calling the present Assemblies 'immature'". He regretted the misreporting and admitted that he had criticized the 'system' but not the assemblies. To understand the 'system', if we have any, and why it is still 'immature' more than 50 years after independence, we must begin at the beginning. Pakistan opted for parliamentary democracy because of our long association with parliamentary institutions and continuity of the principle of responsibility. After 9 years of hard work and bargaining, Pakistan succeeded in framing a constitution and decided in favour of the parliamentary form of government. Two years later, when not even one election had been held under it, President Mirza, in collusion with Ayub Khan, the Commander in Chief, abrogated the constitution, imposed martial law and derailed the system.

From June 8, 1962 to March 25, 1969, Pakistan was governed under the 1962 constitution promulgated by Ayub Khan, the new President and Chief Martial Law Administrator, on the strength of the mandate acquired by him through a dubious Referendum held on February 14, 1960. Towards the end of this period, the country witnessed scenes of unprecedented chaos and upheaval following a popular movement to overthrow the regime and scrap the system imposed by Ayub Khan. Before leaving the presidency, Ayub Khan had to demolish his constitutional structure brick by brick. Martial law was imposed for the second time since independence. Ayub Khan was the first to stab Pakistan's democracy in the back. It was Ayub Khan who committed the original sin. It was Ayub Khan who inducted the army into the politics of Pakistan, and set a bad precedent. Others merely followed his example.

After the break-up of Pakistan, on April 12, 1973, at a special session of the National Assembly, 137 members appended their signatures to the constitution of the Islamic Republic of Pakistan. After authenticating the constitution, marked by a 31-gun salute, President Bhutto remarked: "The Constitution of the Islamic Republic of Pakistan is the constitution of the people of Pakistan and they are best suited to speak for it. The document is their property and they are best suited to protect it". In a similar address on the radio - TV network, Mr. Bhutto said: "Today we bid good-bye finally and for all times, to the palace revolutions and military coups which plagued Pakistan for nearly two decades. Fate willed

otherwise. On July 5, 1977, General Zia ul Haq, Chief of Army Staff, staged a military take-over, arrested Zulfikar Ali Bhutto, the elected Prime Minister of Pakistan, dissolved the assemblies, suspended the constitution and derailed the system. Earlier, on the eve of the 1973 constitution, Mr. Bhutto said: "Today we have passed through the dark tunnel, and I see the Golden Bridge". Tragically, what he saw was not the Golden Bridge but an optical illusion and a mirage. Six years later, on April 4, 1979 to be precise, Zulfikar Ali Bhutto, Prime Minister of Pakistan and architect of the 1973 constitution, was taken to the gallows on a stretcher and hanged.

Subsequently, Pakistan made judicial history when a bench of nine Judges of the Supreme Court validated the imposition of martial law and dissolution of parliament by COAS, General Muhammad Zia ul Haq and empowered him to amend the constitution, knowing that it did not have the power or jurisdiction to circumvent settled constitutional procedures and allow a functionary to tamper with the constitution. In the years to come, Zia was to amend the constitution wholesale, and cite this judgment of the Supreme Court as an answer to all accusations of abuse of power. Zia, like Musharraf, used the sword supplied to him by the judiciary to disfigure the constitution and strike at judicial power.

Zia lifted martial law on January 1, 1986 and revived the 1973 constitution but only after the newly elected assembly had agreed to give him some of the powers he wanted to retain. When I went to see him at the Presidency in Rawalpindi, he was clad in the same cavalry uniform in which I had first seen him but he no longer exhibited strength, vitality and self-confidence. He still possessed all the perquisites and trappings that go with the office of the Head of State but something was missing. There was not a scrap of paper on his table and he appeared most definitely underemployed. On May 29, 1988, Zia derailed the system, dismissed Mohammad Khan Junejo, the Prime Minister of Pakistan, ostensibly for incompetence and lack of interest in Islamization, but in reality democracy had produced unintended results not to the liking of Zia. There cannot be two suns in the sky. Junejo had to go.

In October 1999, after 11 years of civilian rule under Benazir Bhutto and Nawaz Sharif, the army struck once again and arrested Nawaz Sharif, the elected Prime Minister of Pakistan. Assemblies were dissolved. The Constitution was suspended. General Pervez Musharraf was the new Dictator. The Legal Framework Order, the bedrock of his political dispensation, which he wants to impose on the parliament, has brought about fundamental changes in the 1973 constitution and made the President a powerful executive. The center of gravity, the locus of power, had dramatically shifted to the presidency. The substance of power now vests in the president who is also the Chief of Army Staff. He is not elected in accordance with the constitution, is not accountable to the parliament,

refuses to vacate his office as Army Chief and doff his uniform. Long ago, Karl Marx, famously borrowing from Hegel, said: "Everything happens twice in history, the first time as tragedy, the second as farce". In our case, history has a habit of repeating itself again and again ad nauseum and is nothing more than a series of endless repetitions, each more debased than its predecessor. Our history can be summed up in one sentence. It is "the sound of heavy boots coming up the stairs and the rustle of satin slippers coming down". Once again, army's domination of the country is complete. In the absence of an agreed constitution, the country is, to borrow George Washington's words, united only by a 'rope of sand'. A plethora of amendments has defaced, disfigured, mutilated, defiled and decimated the 1973 constitution and changed it beyond recognition. To cap it all, Musharraf refuses to place the amendments before the parliament for ratification in accordance with the provisions of the constitution. "No man ever willingly gives up public life", President Roosevelt once said, "No man who has tasted it". "And no devil", Trotsky once said, "has ever voluntarily cutoff his claws".

The military has cast a long shadow over politics in Pakistan even during the period of civilian rule. Repeated army intervention in the politics of Pakistan has been a recipe for disaster. We lost half the country in 1971 as a direct consequence of the imposition of martial law in 1958. It has thwarted the growth and development of parliamentary democracy and destroyed whatever little faith people had in their political institutions. What is worse, it has eroded people's faith in themselves as citizens of a sovereign, independent, democratic country. The lesson of history is that men are not corrupted by the exercise of power or debased by the habit of obedience, but by the exercise of power which they believe to be illegitimate, and by obedience to a rule which they consider to be usurped and oppressive. For the last 50 years or so, the armed forces never really went back to the barracks. Will they ever? Not in recent years. Every now and then you see sovereignty graciously extended to the people snatched back from them when its need is realized. It is left in their hands only when it is innocuous or is felt to be so. Like Mussolini, our military rulers regard parliamentary democracy as a 'farce' and the idea of sovereignty of the people a "cardboard crown". Regrettably, in Pakistan we still live in those Victorian days when as Disraeli said, "the world was for the few, and for the very few".

A few days after the 1999 coup, General Musharraf's spokesman insisted: "While 'others may have tried to hang on to power, we will not. We will make history'. General Musharraf agreed: 'All I can say', he assured a television interviewer in January 2000, is that I am not going to perpetuate myself... I can't give any certificate on it but my word of honor. I will not perpetuate myself'. Later in 2000, Musharraf went a stage further and said, he would respect a Supreme Court judgment that stated he would remain in office for just three years. In June 2001, however, Musharraf performed a U-turn, and reneged on his promise. Now he

insists on staying in power both as President and Army Chief for an almost indefinite period of time. No wonder, his promises are not trusted. His words are not believed.

Today Musharraf is locked in a mortal conflict with the parliament. Dissolute courtiers, corrupt politicians, sycophants, out of work mercenaries, ready to profit from national dissensions, are egging him on to gird his sword like Cromwell and challenge the parliament. The issue before the nation is autocracy against republicanism. It is true that Nawaz Sharif, the ousted Prime Minister, was the convinced opponent of all we call our parliamentary liberties. He was no paragon of virtue either but the triumph of Musharraf over Nawaz Sharif was certainly not a victory for democracy or the parliamentary system. On the contrary, as subsequent events have amply demonstrated, it was the triumph of Bonapartism over all that Pakistan has ever willed or ever wished. Long years and hard struggle will be required to reverse it. Today democracy is in limbo. Parliament is paralyzed. The opposition languishes in torpid impotence. The constitution is a figment, accountability is a farce. In return for retaining his moth-eaten dictatorship, Musharraf has made compromises with corrupt politicians, fugitives from justice, unprincipled weak-kneed triflers, charlatans and mountebanks begrimed with corruption. Viewed in this backdrop, how can any democratic system strike roots, or mature or even survive in our country.

Today politicians face a difficult choice; they can either collaborate with the military rulers, thereby losing all their credibility, or they can insist that the generals call it a day, restore parliamentary democracy and go back to the barracks. The future of parliamentary democracy in Pakistan will depend on the choice they make. One thing is clear. We live in a democratic age. Democracy or freedom of choice is not a luxury. It is intrinsic to human development. Military dictatorships are anachronisms in a world of global markets, information and media. There are no longer any respectable alternatives to democracy; it is part of the fashionable attire of modernity. How can parliament give way to an arbitrary system and accept shotgun democracy? A grave political crisis is overhanging Pakistan. Can it be believed that democracy, which has overthrown the feudal system and vanquished kings and fascist dictators, will retreat before dictatorship in Pakistan in the 21st century? Time is on the side of democracy. And time will win. This twisted, crooked political system, this hybrid imposed on the people of Pakistan will not work and has no chance of survival.

The struggle begun long ago to reclaim Jinnah's legacy and return the country to the people of Pakistan has, unfortunately, led only to the autocracy of the sword. One doesn't have to be a great constitutional expert to realize that we are back to pre-independence days with a powerful un-elected president, a non-sovereign parliament and a puppet Prime Minister. Democratizing a nation is like setting

bones; if you get it wrong, the result will be crooked. This is what has happened to our country. No wonder, today we have a dysfunctional, twisted, stunted, hybrid political system that the world describes as pseudo democracy with a dictator sitting on top. 'Democracy', Churchill once said, "is not a harlot that can be picked up by any person with a Tommy gun". No country can survive when its dreams spill over; when polarization exacerbates differences, when people in power seem more concerned about perpetuating themselves and protecting their power than protecting the country. Our country is headed in the wrong direction. It is losing its way. We have deviated from the democratic path and lost our bearings and all sense of direction. Pakistan has been on the wrong road for so long. It needs to get back on the right road but where is the beacon to guide us back from the errant path.

How will this crisis pan out? Either this is a cyclical crisis in the system and it will soon resolve itself, or else it is a crisis of the system and we will soon witness the passage of one epoch to another. More than 400 years ago, the British parliament faced a similar crisis. It revolted, fought a grim battle against an autocratic ruler who did not believe the happiness of the people lay in transferring power to them, subject and Sovereign, in his view, being clean different. Parliament won. Charles lost his neck. Thus ended the world - famous struggle of the British parliament against the King. Were politics in our country burdened with such notions as patriotism, integrity, accountability, rule of law, independence of judiciary, and last but not least, inviolability and supremacy of the constitution, most of our rulers, past and present, would be in jail or struggling for life.

It is axiomatic that army has no role in any democratic country. If Pakistan is to survive, army must be placed outside the turbulent arena of political conflict. The secession of East Pakistan made it abundantly clear that the federation cannot survive except as a democratic state based on the principle of sovereignty of the people and supremacy of civilian rule. There is nothing intermediate between the sway of democracy and the yoke of a single man. Pakistan cannot survive under military rule direct or indirect, with or without a civilian façade because military rule lacks legitimacy and is doomed to failure.

I have seen the rise and fall of civil and military dictators from a ringside seat. When I last met Ayub Khan, his good star had finally deserted him, the Goddess of Destiny had made up her mind. Destiny had dropped him at last. I saw him enter the twilight which saw his departure in tears from the presidency he once bestrode like a colossus. Why follow in his footsteps? Why follow in the footsteps of Zia? Why repeat the same mistakes again? Why go against the current of history? Why involve the army once again in dirty politics? It is our only shield against foreign aggression. Why weaken it? Why not break with past tradition

and follow the straight honest path back to parliamentary democracy? Why follow this tortuous, devious, circuitous road to the abyss and imperil the integrity of the country once again? Why fight a battle you cannot win? We have been through the valley of shadows before. Do we have to go through it again? Why not learn from history. But as Hegel said long ago: "Man learns nothing from history except that he learns nothing from history".

## **In the Footsteps of Sadat**

Ariel Sharon's high-profile visit to India and the emerging security relationship between Israel and India has caused considerable unease in Pakistan and deep concern among the Indian Muslims. In the Islamic world, the visit is being seen as evidence of a Jewish-Hindu axis against Islam. Sharon is the first sitting Israeli Prime Minister to visit India since both nations were carved from the former British Empire more than 50 years ago. India which was a leader of the Non-aligned movement, composed heavily of Arab states, was the first non-Arab state to recognize Palestinian independence and the last major one to establish full diplomatic relations with Israel. Sharon's visit is the first public acknowledgment yet of how far India's foreign policy has shifted from its once unequivocal support for Palestinian self-determination.

Since the inception of Pakistan, we have consistently supported the Palestinian cause and voiced our resentment against the wrong done to them. Nobody has articulated the sentiments of the Muslims or advocated the Palestinian cause more eloquently or more forcefully than Mr. Jinnah. Addressing the Sind Muslim league Conference, Mr. Jinnah made the prophetic announcement, "I am sure that there will be no peace in the Near East unless they (the British) give an honest and square deal to the Arabs in Palestine". On May 25, 1945, Mr. Jinnah declared, "If Britain goes back even on the plighted word of hers, which is the barest justice done to the Arabs, it will be against the deepest sentiments and views of the Muslims of the world and it will constitute a breach of the solemn assurances given to the Musalmans of India whose sympathy and support were secured for the prosecution of the war on the basis of this promise... It is too dangerous a game to play and a bait to get the support and vote catching of the Jews for electioneering purposes, for it will certainly alienate and exasperate the Muslim world and lead to most disastrous consequences". On October 12, 1945, Mr. Jinnah said at Quetta, "Every man and woman of the Muslim world will die before Jewry seizes Jerusalem. I hope the Jews will not succeed in their nefarious designs and I wish Britain and America should keep their hand off and then I will see how the Jews conquer Jerusalem. The Jews, over half a million, have already been accommodated in Jerusalem against the wishes of the people. May I know which other country has accommodated them? If domination and exploitation are carried now, there will be no peace and end of wars". Addressing a mass meeting in Bombay on November 8, 1945, Mr. Jinnah said, "We Musalmans of India, are one with the Arab world on this issue. It is not a

question of a National Home for Jews in Palestine. It is a question of Jews reconquering Palestine, which they had lost 2000 years ago, with the help of British bayonets and American money. I have no enmity against Jews. I know they were treated very badly in some parts of civilized Europe. But why should Palestine be dumped with such a large number of Jews? If Jews want to reconquer Palestine, let them face Arabs without British or American help”?

Referring to the efforts made by President Truman to put pressure on British government to allow 100,000 Jews into Palestine, Mr. Jinnah said, *“here comes the President of a great country thinking entirely of Jewry and the interests of Jews. President Truman had the effrontery to put pressure on the British government to allow a million Jews into Palestine, while he has agreed, after a long period of vacillation, to allow only a 100 Indians to migrate to the United States of America”*. When a section of the audience shouted, ‘shame’, ‘shame’, Mr. Jinnah turned around and exclaimed: *“It is not shame. It is monstrous and criminal. Why doesn’t President Truman take one million Jews into USA? The reason is that the Jews do not want a National Home in Palestine. What they want is to reconquer Palestine, which they lost 2000 years ago, with the help of British bayonets and American money”*. Mr. Jinnah then declared that if the British government tried to violate the solemn pledge given to the Arabs in Palestine and allow the Jews into Palestine, as suggested by President Truman, there would be no peace in the Middle East and the whole Islamic world would revolt. The consequences would be disastrous. The Muslims of India would not remain as mere spectators. They would help the Arabs in Palestine by all possible means”.

The Palestinian cause continued to be championed by Pakistan after the emergence of the new state. In an interview with Duncan Hooper, Reuter’s correspondent, Mr. Jinnah warned that, if Palestine was partitioned, *“their was bound to be the gravest disaster and unprecedented conflict, not only between the Arabs and the Authority that would undertake to enforce the Partition plan, but the entire Muslim world will revolt...Pakistan will have no other course left but to give its fullest support to the Arabs”*. Talking to Robert Stimson of the BBC, Mr. Jinnah stated that, *“the Muslims of the subcontinent had been compelled to condemn, in the strongest possible terms, the unjust and cruel decision of the United Nations concerning the partition of Palestine”*.

Much has happened in the Middle East since Mr. Jinnah made these pronouncements and uttered such prophetic warnings. Millions of Palestinians, uprooted and thrown out of their country, live as refugees under miserable conditions. Jerusalem, the original city towards which Muslims had faced when praying, during the first seven years of the Holy Prophet teachings, is under Israeli occupation. The American - sponsored roadmap has collapsed and is in tatters. Israelis are killing innocent Palestinian men, women and children and

targeting their leaders. Arafat, the only elected President in the Arab world, is an Israeli prisoner in his compound in Ramallah.

Like millions of Muslim all over the world, we share the anguish and bitterness of the Palestinians who have lost a homeland. We share the Arab masses' implacable opposition to any dealings with Israel. We share the anger of the dispossessed Palestinians, the humiliation of the defeated Arabs, and rejection of their oppressor. We regard talking to Israel as a form of treachery, a breach of a cause made sacred by the suffering of the Palestinians since 1948. Only one noun in the English language comes close to expressing so inchoate a blend of fury and revulsion. That word is taboo. It was broken by Sadat when, against fierce resistance, he broke with his Arab neighbors and travelled to Jerusalem. Many Egyptians wept in anguish as Sadat's plane flew over the frontier in the Sinai desert crossing a line in the mind as much as in the sand. The sacred trust between the Arabs had finally parted. Never again would Egypt stand shoulder to shoulder with other Arabs against the invader. The removal of Egypt from the Arab political equation was an unmitigated disaster for the Arabs but a spectacular breakthrough for the Israelis creating a wedge in the Arab world and making a united response impossible.

Muslims all over the world were stunned. A few hours before Sadat left Cairo for Israel, an ancient tradition was performed at Islam's holiest shrine in Mecca. On the day of Eid El Adha, the Feast of Sacrifice, the ruler of Saudi Arabia unlocks the door of the Kaba and says a prayer. King Khalid, a devout man, later said that he prayed that Sadat's plane would crash before it reached Jerusalem, "so that an Arab scandal might be averted by the Will of God". Sadat's audacity won him accolades as a prince of peace, but these came from outside the Arab world. The reaction of masses ranged from startled acquiescence in Egypt to furious accusation of betrayal from the rest of the Muslim world. Sadat had trespassed upon an area of the Muslim mind where conflict in Palestine is inseparable from Islam because of Jerusalem's central importance. Judgment came five years later in the form of 36 bullets delivered by Istambuli, a young soldier in the Egyptian army. To the wider world Sadat was a statesman and peacemaker; President Carter compared his visit to Jerusalem to Neil Armstrong's "one small step for mankind" upon the moon. To the Muslims, a traitor.

The Egyptian leader was neither the first nor the last to pay with his life for breaking the taboo - the unwritten pact of steadfast resistance to Israel. The assassination of King Abdullah of Jordan in 1951 was a direct result of secret negotiations he had conducted with Israeli leaders both before and after 1948. Both Abdullah and Sadat were cut down at spots selected for their symbolism - Abdullah at the door of Al-Aksa mosque in old Jerusalem, Sadat in the bosom of his power - base, the Egyptian army, while watching a military parade. Between

1948 and 1971 three Arab Primes Ministers were slaughtered for their pro-Israeli leanings.

Pakistan has never had any dealings with Israel. Our policy of ostracization of Israel has never been disputed and has always had the fullest support of the people of Pakistan. This taboo was suddenly broken when Musharraf raised the issue and speculated publicly about normalizing relations with Israel. Musharraf, like Sadat, had crossed his personal Rubicon and was testing the waters. Suddenly, people began to hear spoken aloud what was only whispered and to read what could not be written. What was anathema to the people of Pakistan all these years, had become acceptable to Musharraf. Why raise this highly sensitive and volatile issue now? What is the hurry? What is the compulsion? What is this whole exercise in aid of? Is it one of the strings attached to the three billion aid package? Why play this dangerous game? Why follow in the footsteps of Sadat? What good has Sadat's initiative done to Egypt, to the Palestinians, to the Arabs or to the Muslims? India can afford to ignore the sentiments of millions of Indian Muslims and the Arab world. We cannot do that. We cannot be indifferent to the profound Islamic dimension of the issue. How can we even think of recognizing Israel when it refuses to withdraw to the pre-1967 lines? How can we recognize Israel when Jerusalem, the third holiest city of Islam, remains under Israeli occupation? How can we recognize Israel when it refuses to implement umpteen Security Council Resolutions on the restoration of Palestinian rights? How can we abandon our principled stand for petty gain and reverse our policy of ostracization? Why antagonize the Arab world unnecessarily? What has happened to justify this U-turn in our relations with Israel? Have the objective conditions changed in any way? Has our relationship with the Arab world undergone a change? Has Israel done anything to merit our recognition? Why discard the lever which might, at some future time, squeeze Israel out of Arab lands? It will be the biggest blow to the unity of the *Ummah* since the Egyptian acceptance of the Jewish state. It will be negation of all that Quaid had done for the Palestinians. It will be a flagrant, unashamed, blatant violation of the solemn pledge the Father of the Nation gave to the Palestinians. What is Musharraf's mandate for breaking with Jinnah's legacy and altering Pakistan's political course? What is his mandate for so enormous a decision? What is his moral authority? The people of Pakistan will not take it. The Arab world will never forgive us.

Pakistan's self interest is also touted in this debate. In the final analysis, of course, the problem must be posed in terms of pure, and I would dare to say, brutal national interest: Will recognition endear us to the Israelis or the Americans? Will it reverse the American tilt in favour of India? Will it enhance our security? Will it weaken the Jewish - Hindu axis? Will it neutralize the Indian threat? Will it raise our stature in the Islamic world? Will it make Pakistan an investment -

friendly country? Will it raise our sense of self-esteem or our sense of national pride? Will it reflect the Will of the people? Will it unite our fractured nation? I answer no.

## So, Apres Saddam, Le Deluge

Talking about rulers who seek to grab other countries and aspire to dominate the world by force of arms, Mussolini said just before his death: "they all become mad, they lose their equilibrium in the clouds, quivering ambitions and obsessions - and it is actually that mad passion which brought them to where they are". Today America, once the leader of the Free world and champion of the Rights of Man, is led by a President who, in the words of Mandela, "has no foresight, who cannot think properly, who is now wanting to plunge the world into a holocaust". The irony is that if you want to raise your political ratings in post-September 11 America, wage a war, preferably against a defenseless Muslim country, that arouses nationalist sentiments. The attack on the two Islamic states, Afghanistan and Iraq, neither of which was responsible for the attacks of September 11, 2001, turned the war in the eyes of millions of Muslims into a clash between the United States and the Islamic world. It was at this moment that the United States which had hitherto been seen as a benevolent power, lost its political innocence in the Muslim world. Since then, the Bush administration has pressured every country in the world to make a simple choice: Are you with the US or you against it? But by casting the choice so starkly, Washington has alienated many old allies. Somewhere between Kabul and Baghdad, America and rest of the world parted company and lost each other. America is now all by itself and in deep trouble. It can be very cold and very lonely at the summit.

"Liberated" Iraq like "liberated" Afghanistan is slipping deeper and deeper into the abyss. All the pillars of state have collapsed resulting in lawlessness and total anarchy. When law and order disappear, the devil of force leaps into its place as the only possible substitute. Unsurprisingly, Iraq has reverted to the state of nature red in tooth and claw. Iraqis are worse off now than they were under Saddam. Saddam ruled the country with an iron hand but he maintained law and order, provided security of person and property and kept the country together. Saddam is gone only to be replaced by Paul Bremer, the American overlord and Viceroy, who rules as a Despot and runs Iraq like an American Raj deploying the methods of the British in India in the 19th century. He deals with Iraqis as ruthlessly as the British dealt with Dervishes at Omdurman in 1898. "We are going to fight them and impose our will on them", Bremer declared in "liberated" Baghdad. "And we will capture or ... kill them until we have imposed law and order on this country. We dominate the scene and we will continue to impose our will on this country", Bremer declared. Neither General

Dyer at Amritsar nor General Westmoreland in Vietnam could have put it any clearer.

Americans have set in motion violent internecine religious and political battles in Iraq. Whether clerics should confine their activities to religious affairs or also seek a role in politics has been a matter of fierce debate among Shias for well over a century. The old tensions within Shiite Islam between two conflicting tendencies – quietism and activism – erupted in Iraq in March last in the power vacuum created by war and the collapse of the Bathist regime. The most senior religious leader, Ali Sistani, an advocate of quietism, refused to let himself and marjaiyya be dragged into the political turmoil and found himself the target of death threats. On the other hand, the young Muqtada Al-Sadr of Najaf and Muhammad Al-Fartusi in Baghdad, issued fiery statements, inspired by the religious leader Kazim Al-Husseini Al-Hairi of Qum, calling for resistance to the American invaders and the establishment of an Islamic government in Iraq. This fierce struggle within Shia religious circles took an ominous turn on April 10 with the murder of Abdul – Majeed Al-Khoei, son of Abdal –Qasim, who had been brought to Najaf by American forces in the hope that he would collaborate and exert his influence in the city. Ayatullah Muhammad Baqir Al-Hakim, head of the Supreme Council for the Islamic Revolution in Iraq, who in the past advocated an Islamic government, did a U-turn and adopted a pro-American pragmatic course when he returned to Najaf after 23 years in exile in Iran. He was emerging as one of the most powerful of the Shia clerics collaborating with the Americans when he was killed along with 129 others in a car bomb attack outside a mosque in the holy city of Najaf on August 29. Iraqi Shia, blame United States for inadequate security and failure to protect the Shia leader. They suspect Saddam and Muqtada Al-Sadr who is leading a militant movement from the holy city, preaching that Shias should resist the kind of collaboration with the Americans in which Hakim had engaged. Although Iraqi Shias yearned for the collapse of the Bath regime, they are also concerned about their image in the Arab world which is predominantly Sunni and are keen to avoid accusations that they constitute a fifth column within Iraq and are collaborators with Western powers. Iraqi Shias who are basically nationalists, as was demonstrated in the Iran – Iraq war, resent US occupation of their country and abhor the idea of an Iraqi government installed by the United States to further American interests.

In a real sense, America now sits where Britain did in 1920. The military, political and moral dilemmas confronting Washington today differ in degree but not in kind from those that confronted Britain at the end of World War I. The capture of Baghdad on March 11, 1917 and success of the army of Tigris raised the question of what was to be done with Mesopotamia (Greek name for Iraq). To mark the capture of Baghdad, a Proclamation was issued inviting the Arab leaders – though it was unclear who they were – to participate in the government in

collaboration with British authorities. It spoke in high-flown phrases of liberation and freedom, of past glory and future greatness under the leadership of King Hussein - a Sunni Muslim, although most of the inhabitants are Shia, and differences between Sunnis and Shias are profound and more than a thousand years old. A Mesopotamian Administration Committee under the Chairmanship of Lord Curzon was setup to determine what form of government should be installed in Iraq. "Before any truly Arab façade can be applied to edifice", General Maude, Military Head of Allied Forces in Mesopotamia, warned, "it seems essential that foundation of law and order should be well and truly laid". It was evident that London either was not aware of, or had given no thought to the population mix of the Mesopotamian provinces. The antipathy between the minority of Muslims who were Sunnis and the majority who were Shias, the rivalries of tribes and clans, the historic and geographic divisions of the country, made it difficult to reconcile rival interests and achieve a unified government that was at the same time representative, effective and widely supported. It was an inauspicious beginning and suggested the extent to which the British government did not know what it was getting into when it decided to supersede the Ottoman Empire. "You are flying in the face of four millenniums of history if you try to draw a line around Iraq and call it a political entity", cautioned an American Missionary. Assyrians always look to the west and east and north and Babylonians to the south. They have never been an independent, integrated unit. A leading Arab political figure in Baghdad reminded the British government: "you said in your Declaration that you would setup a native government drawing its authority from the initiative and free choice of the people concerned, yet you have done nothing of the kind and you proceed to draw up a scheme without consulting anyone".

The military deployed only a tiny force of mobile troops to patrol an area of 170,000 square miles. British nerves were on edge as vague rumors, constant unrest, fear of sudden attacks and repeated killings took their toll. The desert was alive with Arab raiding parties. One day the tribes suddenly rose in full revolt. A Holy war was proclaimed against Britain in the Shia holy city of Kerbala. Arab guerrillas swept down on British outposts and massacred their defendants. In a leading article on August 7, 1920, the Times demanded to know, "how much longer are valuable lives to be sacrificed in the vain endeavour to impose upon the Arab population an elaborate and expensive administration which they never asked for and do not want. "What we are up against is anarchy plus fanaticism", said Wilson, the Administrator appointed by the British to rule Mesopotamia.

It is amazing how, a century later, history is repeating itself in Iraq. The ouster of Saddam has not made the world or Iraq a better place. America, the occupying power, has aroused bitter anti-American sentiments and has set in motion a

violent internecine war. It is becoming increasingly obvious that America cannot handle the situation in Iraq without substantial outside help. Paul Bremer said a few days ago, that several tens of billions of dollars would be needed to rebuild Iraq's infrastructure at a time when the Federal budget deficit is at a record high. There is also mounting public concern about the number of US soldiers who are being killed and injured everyday. The misbegotten war has entered its guerrilla phase.

The bombing of the UN Headquarters in Baghdad and the killing of Ayatullah Muhammad Baqir Al-Hakim show that America took a country that was not a terrorist threat and turned it into one. Instead of democracy blossoming in the desert, bloodshed and terror continue – the payoff of a policy spun from phantasies and lies. Beefing up the American occupation is not the answer to the problem. The American occupation is the problem. It is perceived by ordinary Iraqis as a confrontation and a humiliation. The United States cannot bully its way to victory in Iraq. How long is it going to take for America to recognize that the war it so foolishly started in Iraq is a fiasco – tragic, deeply dehumanizing and ultimately unwinnable? How much more time, how much more money and how many more wasted lives is it going to take? One thing is clear. Peace and stability will never resume as long as aggression continues and American soldiers remain on the Iraqi soil. America should turn the country over to a genuine international coalition headed by the United Nations and get out. It has dug itself into a deep, deep hole. The least it can do in its own national interest is to follow the first rule of holes and stop digging. I am reminded in this context of one of "Rumsfeld's rules", the Pentagon Chief's guide for wise public policy, "It is easy to get into something than to get out of it".

No one believes that the Bush administration is in Iraq to democratize the country. "Democracy", Churchill once said, "is no harlot to be picked up by a man with a Tommy gun". There has been no democracy in Iraq since the days of Hammurabi (18th century BC). How can Bush impose it on the people of Iraq from above? From the beginning of time, Iraq has offered humanity some of its richest civilizations. It is the land of Mesopotamia and of the Code of Hammurabi, the oldest human law. To the people of Iraq, it is baffling and somewhat ironic that Iraq – whose people had been renowned as the best readers in the Arab world and which produces the best intellects – should be subjected to foreign invasion in order to be civilized and modernized after having been reduced to a sub-human level by the cruel and unfair sanctions imposed on their country. Iraq has not only oil but also civilization, a rich history and a proud people who will never accept foreign occupation.

## The Decision to Intervene in Iraq

Americans don't like to be reminded of Commodore Mathew Perry because he conjures up an Imperial image that makes them uncomfortable. Perry appeared in Tokyo Bay on July 8, 1853 with four ships mounting more than sixty guns and nearly 1000 men, carrying a list of demands and an ultimatum from President Fillmore. The Japanese were overwhelmed by Perry's firepower and yielded. Historians agree that President Fillmore sent Perry to Japan largely because America needed oil - though back then it was the oil from whales found off the Japanese coast.

Today the United States is once again in an expansionist mood, moved by the lure of oil in the Middle East and the notion of Manifest Destiny to export democracy and Western civilization to the Islamic world. In pursuance of this objective, Bush is prepared to plunge the world into a holocaust, dragging a traumatized and terrified nation behind him. He trumped up evidence against the Saddam regime to justify the invasion in the eyes of the American people and went to war against Iraq - the first preemptive war in the history of the United States - on the "wings of a lie". He saw it as a chance not only to "remove the veil", as they say, "but also to appropriate the lady". He decided to go it alone, reckoning that the operation would not last long and American soldiers would be welcomed as liberators by jubilant crowds and garlanded. All that those oppressed Iraqis, he thought, wanted was to be rid of Saddam so that they could live happily ever after in a "democratic country" under the benign rule of an American stooge. Some people in Washington seem to live on a different planet. All their plans, all their hopes, and all their fantasies now seem lost in the dust.

Fear can make people do all kinds of insane things they would not do if they were thinking rationally. During the war crimes trial at Nuremberg, psychologist Gustave Gilbert visited Nazi Reich Marshall Herman Goering in his prison cell. "We got around to the subject of war and I said that, contrary to his attitude, I did not think that the common people are very thankful to leaders who bring them war and destruction". "Why, of course, the people don't want war", Goering shrugged. "Why would some poor slob on a farm want to risk his life in a war when the best that he can get out from it is to come back to his farm in one piece. That is understood. But, after all, it is the leaders of the country who determine the policy and questions of war and peace and it is always a simple matter to drag the people along, whether it is a democracy or a fascist dictatorship or a parliament or a communist dictatorship. That is easy. All you

have to do is tell them that they are threatened, about to be attacked and denounce the pacifists for lack of patriotism and exposing the country to danger. It works the same way in my country". It is now working very well in the United States.

A warning against use of force to oust Saddam came from none other than General Anthony Zinni, Commander of the US Central Command whose writ covered the Gulf region. "I know of no viable opposition to Saddam in Iraq", General Zinni said. "Under such conditions, any attempt to remove the Iraqi leader by force could dangerously fragment Iraq and destabilize the entire region... a weakened, fragmented, chaotic Iraq, which could happen, is more dangerous in the long run than a contained Saddam now". General Zinni's advice went unheeded.

Saddam is gone. Iraq is "liberated" but Iraqis have lost everything - security of person, property, honour and jobs. Isn't it ironical that Iraqis - whose country is literally floating on oil, have no fuel to drive their vehicles or run their power plants? Like Afghanistan, Iraq too has ceased to be a sovereign, independent country and is now under American military occupation. They told the world they would make Iraq an ideal country in the Middle East. They have made it a symbol of looting and destruction. Indeed, in what the American troops now call Mess-Pot, Paul Bremer, the American overlord and Viceroy, rules as a Despot and runs Iraq like an American Raj deploying the methods of the British in India in the 19th century. He deals with Iraqis as ruthlessly as the British dealt with Dervishes at Omdurman in 1898. "We are going to fight them and impose our will on them", Bremer, whose chilling words need no "sexing up", declared in "liberated" Baghdad. "And we will capture or ... kill them until we have imposed law and order on this country. We dominate the scene and we will continue to impose our will on this country", Bremer declared. Neither General Dyer at Amritsar nor General Westmoreland in Vietnam could have put it any clearer. Such arrogance harkens back to Vietnam and the observations of Martin Luther King Jr. in 1967 contained in a relatively long passage, but it deserves to be quoted in full: "Americans were strange liberators", according to King in his speech, "A Time to Break Silence", "it should be incandescently clear that no one who has any concern for the integrity and life of America today can ignore the present war. If America's soul becomes totally poisoned, part of the autopsy must read Vietnam. It can never be saved so long as it destroys the deepest hopes of man the world over. As I ponder the madness of Vietnam and search within myself for ways to understand and respond to compassion, my mind goes constantly to the people of that peninsula ... they must see Americans as strange liberators". "It is a tragedy what is happening, what Bush is doing in Iraq", Mandela told his audience. "What I am condemning it that one power, with a

President who has no foresight, who cannot think properly, who is now wanting to plunge the world into a holocaust”.

There is no question in my mind that creating an American colony in Iraq, as seems to be the case, will do more to stoke radicalism in the Islamic world than to contain it. In her book, “Paris 1919: Six months that changed the world”, Margaret Macmillan recalled the optimistic prediction of the British Governor-General of Mesopotamia, who declared that “The average Arab sees the future as one of fair dealing and material and moral progress under the aegis of Great Britain”. Misjudgment, miscalculation and mismanagement of similar scale afflict US ambitions for Iraq today. The biggest headache for the United States stems not from the invasion and conquest of Iraq, but from the aftermath – the old conundrum of military history – what to do with the loser? Now that the country has been conquered and Saddam’s regime driven from power, the US is left “owning” an ethnically divided country of 22 million people ravaged by more than two decades of war.

There is a Chinese proverb: “It is easy to seize power. Difficult to maintain it”. After months of chaos and loss of life, there is increasing worry in Washington that the US is carrying too much of the financial and military burden in Iraq. There is also mounting public concern about the number of US soldiers who are being killed and injured everyday. This misbegotten war has now entered its guerrilla phase. A top US General recently admitted that American troops were facing a classical guerrilla-type campaign – a phrase Bush administration officials so far had avoided and added that American troops should be prepared to stay in Iraq for years. There are currently about 12 attacks a day on US convoys. 140,000 American soldiers are surrounded by 23 million Iraqis who want to throw them out of their country. Fed up with being in Iraq, told several times that they would soon be going home only to have their hopes dashed to the ground, demoralized by their role as policemen in a risky place, US soldiers are angry. Morale is low, in fact non-existent. They are tired of patrolling hostile Iraqi towns in the punishing heat. They are tired of fighting an invisible enemy, knowing that a mortar attack or a rocket-propelled grenade could come in any moment. Many are openly angry at the army and at Pentagon leadership whom they accuse of being dishonest with them about the length of their stay or the nature of their mission. They were never prepared for such a lengthy tour of duty and were repeatedly told that they were on their way home. They feel betrayed and they are angry.

The vulnerability of American troops in Iraq and the determination by Bush to internationalize the troops presence on the ground has changed the political and diplomatic landscape. International support for the US campaign in Iraq is tepid. President Chirac has no intention to send troops to Iraq without an explicit

Security Council mandate to do so. India has dashed US hopes that it would send as much as a full division. Germany, India and Russia, not to speak of France, have made it clear they would help only if the UN is given a central and leading role in the transition and reconstruction of Iraq. Not otherwise. Merely adding foreign troops to the existing coalition forces is no way to guarantee security in Iraq.

The legal position is laid down in the Geneva Convention and the Hague Regulations and is quite clear. They provide that America as an occupying power has a duty to keep order, keep civil administration functioning and provide for immediate humanitarian need. It has no power to engage in major political, economic, or constitutional reform. It also has no power to bring into being a sovereign government since they hold no sovereignty. Only the UN can do that. It is for the Security Council, not the US, to establish an interim government and a route to elections under its own supervision. The Bush Administration, however, has scant regard for the legal position and has no intention to give the UN a pivotal role in the reconstruction of Iraq.

From time to time in the life of any country there come occasions which must be clarified. No one who has been following the events of the last few months at home and in Iraq can doubt that such an occasion is at hand. Today we are witnessing the classic dilemma of collaborators. Under American pressure, the decision to send troops to Iraq has already been taken. What is lacking is a fig leaf, the semblance of some form of legality, however tenuous, to justify the decision. This is an administration that is particularly sensitive to light. It prefers to do business behind closed doors with the curtains and shades drawn. We have reached a stage when the true interests of Pakistan require the people to speak up. Pakistan is on the verge of making a historical mistake. I am not going to say, 'on the one hand, on the other hand', and I am not going to protect myself by dodging the hard bottom line. We have a stake in a stable and prosperous, sovereign, independent Iraq but sending our troops to do the dirty job on behalf of the American occupying power is inconceivable. Our participation could only be envisaged as part of a UN peacekeeping force, based on a precise mandate from the Security Council and benefiting from the support of the entire international community. And before our troops could participate in peacekeeping, the political transition in Iraq must be placed under the control of the UN. How can our troops keep peace in Iraq when there is no peace to keep?

The words of the historian Tacitus about the Roman invasion of Scotland in the first century AD might as well have been written about America, our latter-day Rome's latest Imperial adventure: "They create a wasteland and they call it peace". Our participation in the so-called "peacekeeping" operation in Iraq would undoubtedly enable thousands of American troops to return home. But

our troops would then have to face guerrilla attacks and organized resistance put up by Iraqi freedom fighters. How can our troops keep peace in Iraq if American soldiers remain on its soil and aggression continues unabated and unabashed? Why become accomplices after the crime? How can our troops operate and keep peace under the overall command of the occupying power? How can policing be done by our troops who, like combat troops the world over, are trained to kill, not police? What happens if there is a nationalist uprising against American occupation? Will our troops shoot into the crowds and kill their Muslim brethren? What happens if our troops get involved in a sectarian conflict in Iraq, considering the fact that the majority of the people is Shia but the country has always been ruled by Sunnis? How can our troops go to Iraq as scavengers of the American campaign? Why humiliate our army by placing it in the same category as the Poles or the Uruguayans, not as part of a UN peacekeeping force, but as part of the US clean-up team? Why step into the turbulent waters of Mesopotamia at the behest of the Americans who have their own agenda? If you do, be prepared to get wet. How can Pakistan keep supporting the US government as it tramples the sovereignty of other nations? First Afghanistan and now Iraq. Have we become the doormat on which the US government can wipe its bloodstained boots whenever it likes? Why meddle in the affairs of a Muslim country in the throes of a revolution, struggling to rid itself of foreign invaders?

Let the Bush administration, as one senior French official put it, “Mijoter dans son Jus” - “Stew in its own juices” - by leaving it alone to handle the situation. Why does our government believe it has a God-given duty to fight someone else’s war or defend someone else’s empire? We are, after all, what the French call ‘quantite neglige’ in international affairs. We have enough problems of our own. Why ride the American train to an unknown destination? We don’t really know who the driver is, nor where he is taking us, or at which station he is planning to stop or whether he plans to return at all. If there is a confrontation between our troops and Iraqi civilians and there are casualties, the blood of Iraqis and Pakistani soldiers will then be on our hands. In their occupation of Iraq, the US and British armies have entered the gates of hell. They have sown the wind. Let them reap the whirlwind.

During the First World War more than 12000 Punjabi and Pathan soldiers were hired by the British to fight the Turks in Mesopotamia. Many refused to shoot and kill their Muslim brethren. Some of them defected to the Turkish side. The bulk of the Punjabi and Pathan soldiers surrendered to Turkish forces in Kut in May 1916 after a siege which lasted 147 days. Of the soldiers who left Kut in captivity more than 4000 died. Is history about to repeat itself? A century later, our role as a source of auxiliary cohorts for the American Empire in Iraq is being

reprised by Musharraf. Where is his mandate for so enormous and fateful a decision?

When the history of the American invasion of Iraq comes to be written, let it not be said that our troops intervened in Iraq not to help the Iraqis regain their sovereignty but as mercenaries hired by the Americans to do their dirty job and perpetuate their illegal occupation. In a world where "trust me. I am the President", no longer works, it seems obvious that a highly sensitive issue like sending our troops to Iraq for 'peacekeeping' must be debated in the Parliament and covered more extensively in the media and better presented to the people before we make such a fateful operational commitment in a highly volatile situation. I believe that history will pronounce that upon the whole - and it is upon the whole that these matters must be judged - the decision not to intervene militarily in Iraq was right and in the best interest of Pakistan.

## America: On the Road to Caesarism

Recently, the world witnessed President Bush's triumphant "Top Gun" visit to the Abraham Lincoln off the California coast, dressed in full fighter pilot regalia - as the co-pilot of a Navy war plane. The American constitution declares the President Commander in Chief of the Armed forces to make it clear that civilians, not the military, hold ultimate authority. That's why American Presidents traditionally make a point of avoiding military affectations. Eisenhower was a victorious General and John Kennedy a genuine war hero, but while in office neither wore anything on any occasion that resembled military garb. President Bush's dramatic break with this time - honoured tradition confirmed what Alexis de Tocqueville foresaw about 200 years ago.

Tocqueville wrote with an uncanny feeling for the grand currents of history. He alerted his own and later generations to the potential threats to the American democracy, the growing power of the military and the risks that, he feared, would come with the Promise of the New World. What is significant is that he sounded this note of warning at a time when America was militarily weak and economically poor. "The President of the United States, it is true, is the Commander-in-Chief of the army", Tocqueville wrote, "but the army is composed of only 6000 men, he commands the fleet, but the fleet reckons but few sail, he conducts the foreign relations of the Union, but the United States is a nation without neighbours. Separated from the rest of the World by the ocean, and too weak as yet to aim at the dominion of the sea, it has no enemies, and its interests rarely come into contact with those of any other nation of the globe. Hitherto, no citizen has cared to expose his honor and his life in order to become the President of the U.S., because the power of the office is temporary, limited and subordinate. The prize of fortune must be great to encourage adventurers in so desperate a game. No candidate has as yet been able to arouse the dangerous enthusiasm or the passionate sympathies of the people in his favour, for the simple reason that when he is at the head of the Government, he has but little power, little wealth, and little glory to share among his friends, and his influence in the state is too small for the success or the ruin of a faction to depend upon his elevation to power!

Tocqueville warned against the growth of despotism in America and identified the army as a potential threat to American democracy. "The surface of American society", he wrote "is covered with a layer of democratic paint, but from time to

time one can see the old paint breaking through". "I noticed during my stay in the United States that a democratic state of society found there could lay itself particularly open to the establishment of a despotism... my greatest complaint against democratic government as organized in the united states is not, as many Europeans make out, its weakness, but rather its irresistible strength. What I find most repulsive in America is not the extreme freedom reigning there but the shortage of guarantees against tyranny". Tocqueville's apprehensions were not unfounded. A fairly large number of citizens felt at a time when America was still very young that the Republican government was the source of all the evils of the time, and genuinely believed that only a monarchy or some form of military dictatorship could save the republic.

Tocqueville's arguments ran along the following lines: "The richest, best educated, and ablest citizens hardly ever adopt a military career, the army finally becomes a little nation apart, with a lower standard of intelligence and rougher habits than the nation at large. But this little uncivilized nation holds the weapons and it alone knows how to use them... After all, whatever one does, a large army in a democracy will always be a serious danger, and the best way to lesson this danger will be to reduce the army. But that is not a remedy which every nation can apply. The citizen's excessive love of quiet puts the constitution everyday at the mercy of the soldiers. Military revolutions should, therefore, be reckoned among the most threatening of the perils which face democracies. Statesman everywhere must never relax their efforts to find a remedy for this evil... A large standing army will exercise a constant pull toward war and revolution, in the course of which the soldier hopes to win by force of arms the political influence and personal consideration which have not come his way"... "All those who seek to destroy the freedom of the democratic nations", he warned "must know that war is the surest and shortest means to accomplish this".

Andre Malraux once observed that United States was the only nation in the world to have become a world power without intending or trying to do so. History thrusts certain powers at certain times onto center stage. In this era, the spotlight shines on the United States. How long it stays on America - and how brightly it shines - would be determined by how it conducts itself in the world. Today the United States is enjoying a preeminence unrivaled by even the greatest empire of the past. From weaponry to entrepreneurship, from science to technology, from higher education to popular culture, America exercises an unparalleled ascendancy around the globe. American troops are scattered around the world - from the plains of North Europe to the lines of confrontation in East Asia. Today the United States finds itself in a world for which little in its historical experience has prepared it. Secure between two great oceans, it had convinced itself that it was either able to stand apart from the quarrels of other

nations or that it could bring about universal peace by insisting on the implementation of its own values of democracy and self-determination. For the first time the United States finds itself in a place it has never been before: it has suddenly realized that it is vulnerable and can neither withdraw from the world, nor, with all its might, dominate it.

Today the President of the United States is endowed with powers of truly Caesarian magnitude. Today one single, solitary, individual American is directly in command of more than half the globe's economic and technical power. Along the militarized borders of Europe, Middle East and Asia, he is in full control, as Augustus and the Roman Emperors after him were in full control of the times. Today he is in control of a de facto empire encompassing the entire world. Everywhere, on the European continent, in the Western Hemisphere, and in the far east, he can make the weight of his incalculable power felt with immediate and crushing speed. To him, anyone who is not with him or who stands in the way of American supremacy is an adversary and must be destroyed. Like small boys with their hands on a great machine, Bush takes pleasure in threatening and intimidating the world and casting aside the wisdom of the ages. "Oderint dum meutant", translate roughly as "let them hate as long they fear", was a favorite saying of the Roman Emperor Caligula and is a perfect description of President Bush's attitude toward the world today.

Today though it rejects imperial pretensions, America is perceived in the world as peremptory, domineering and imperial. Treaties are not considered binding. The war on terror is used to topple weak regimes. The United Nations is an after thought and has been sidelined. History will hold America and its president responsible for undoing one of its noblest dreams. Americans seem to have forgotten America as an idea, as a source of optimism and a beacon of liberty. They have stopped talking about who they are and are only talking now about who they are going to invade, oust or sanction. What many friends of America find hard to understand is how America, upholder of the Rights of Man and the beacon of liberty, could be transformed so quickly into an Imperial power and a semi-police state. Today whether Americans realize it or not, the fact is that America is on the wrong side of history. Like the classic definition of fox hunting as "the unspeakable in pursuit of the uneatable", the world sees America as the aggressive in support of the oppressive.

The lesson of history is that preponderant power alone can do a nation much more harm than good. When unchecked, primacy often invites enemies, and provokes the formation of hostile, countervailing coalitions. The Roman Empire, Pax Britannica - it was not just the strength of Rome and Great Britain, that gave rise to these epochs, but also the innovative and far sighted grand strategies that each devised to manage and preserve its primacy. The road to empire ultimately

leads to domestic decay because, in time, the claims of omnipotence erode domestic restraints. Ultimately the vices of those who govern and the weaknesses of the governed soon bring the empire to ruin. No empire in history has avoided the road to Caesarism because the outer world no longer provides a counterweight. A deliberate quest for mastery of the world is therefore the surest way to destroy the values that made the United States great. The Bush administration's post - September 11 assault on civil liberties, its refusal to release the names and locations of detainees, its insistence on secret hearings, its attempt to create an Orwellian, "virtual, centralized grand database", which could put a spyglass on American's every move, scanning shopping, e-mail, bank deposits, vacations, medical prescriptions, academic grades, visits to the vet and last but not least the way Americans walk, conjures up Kafka novels. Is Tocqueville's grim forecast coming true? Tocqueville was prescient, given the emerging realities. "I have tried to see not differently", he wrote in conclusion, "but further than any party; while they are busy with tomorrow, I have tried to consider the whole future".

The 20th century saw three waves of collapsing empires. First came the great dynasties of the Habsburgs, Ottomans, and Romanovs destroying each other in the calamity of World War I followed by the British, French, Dutch and Japanese empires at the end of World War II and the disintegration of Soviet Empire more than a decade ago. The growing American Empire, built on the ashes of weak Islamic countries, would meet the same fate and would not last. Why? Because as Churchill told General Charles De Gaulle in November 1944, "after the meal comes the digestion period".

## Oh! What a Difference a Millenium Makes?

All the Great Powers, to paraphrase Bismarck's famous remark, are travelling on the 'stream of Time' which they can neither "create nor direct", but upon which they can steer with more or less "skill and experience". "How they emerge at the end of the voyage depends on their skill and experience or lack of it". The Muslim voyage on the 'stream of time' began over a thousand years ago. With lightning speed, Muslim armies advancing from Arabia conquered Syria, Palestine, Egypt, North Africa and Iran. In the 8th century, from their bases in North Africa, Arab Muslim forces joined by Berber converts, conquered Spain and invaded France; in the 9th century they conquered Sicily and invaded the Italian main land.

The tide turned in 1492, almost eight centuries after the first Muslim landing in Spain. The long Christian struggle for reconquest of Spain ended in victory. With the failure of the second siege of Vienna in 1682 AD, the situation changed decisively. Then, at last, the west was relieved from the pressure that the Osmanlis had been exerting on west's eastern land frontier for the past 300 years. It was only then that the western people could concentrate their energies on converting their command of the ocean into a domination of the world. It was only then that western natural science consummated its marriage with technology and thereby generated for the west a material power that quickly put the rest of the world at the west's mercy. A conventional date for this marriage is AD 1660, which is also the date of the foundation of the Royal Society in England. The marriage between science and technology was, indeed, an historic event. It was a new thing in the world's history. Ironically, the decline of Muslim power can also be traced back to this event which changed the course of world history.

A thousand years ago, the West was far behind the Islamic world. Danes, the most fastidious of all the Europeans, bathed once a week. The European average was far less frequent. For ascetic reasons, many monasteries limited bathing to five times a year - and some to Christmas only. Hygiene was not to appear in Europe for another half a millennium. Except in general terms, no one knew what time it was. Church bells provided the only standards and they were inadequate. On the eve of the last millennium, five centuries after the fall of the Roman Empire, Europe was a poor, backward and intensely rural slum. All the grand, sophisticated cultures and large urban centers - Baghdad, Isfahan, Cairo, Fez, Delhi, Lahore and Cordoba were in the Islamic world. " For most Europeans

life was almost unimaginably mean, dirty, unhealthy and short even for those at the pinnacle of society". Today the Western world is light years ahead. While the Islamic world was busy debating - a debate that lasted for 300 years - the pros and cons of permitting the entry of printing press, the western world moved on and advanced to the centre of the world stage. Today the Islamic world is in thrall, its independence a myth, rudderless, disoriented, its spirit broken, mired in public poverty, private luxury and rampant corruption. Today it will take the average Arab citizen 140 years to double his or her meager income while some other regions are set to achieve that level in a matter of less than 10 years! Today about 65 million adult Arabs are illiterate, two-thirds of them women. Out of seven world regions, the Arab countries have the lowest freedom score. The Arab region also has the lowest value of all regions of the world for voice and accountability. Oh! What a Difference a Millenium Makes?

Lenin had a vision of fundamental truth when he said that "the soundest strategy in war is to postpone operations until the moral disintegration of the enemy renders the delivery of the mortal blow both possible and easy". President Bush could not have selected a better time for launching the assault on the Islamic world. In chess, a player gains an advantage by eliminating as many of his opponent's men as possible. But chess Masters also know that the game can be won even when there are still many pieces left on the table. All that is necessary is that the opponent's king be immobilized, hemmed in by threats on all sides so that he cannot move. This is the strategy America is following in the Islamic world today and it seems to be working wonderfully well.

Today the Islamic world is a prime target for America, the latest imperial power, virtuoso in the art of smashing Islamic countries and establishing its control over the remains. It has all the requirements to make it the perfect American target. It has enormous natural resources; it has a rotten socio-political system in an advanced stage of decay and decomposition; its rulers are corrupt, despotic, authoritarian, unresponsive to the prime needs of the people, accountable to none; it lacks the will to defend itself because what its rulers represent is not worth defending; it is highly vulnerable to attack; *a coup de grâce*, or a *coup de main*, a powerful kick and the entire rotten structure will come crashing down. At relatively little risk and cost, America can gain strategic advantages in the Islamic world and place itself increasingly in position to control the world's resources and life lines. The aim is to gain control of the energy treasure house of the Gulf. "More than ever", Nixon once said, "the question of who controls what in the Persian Gulf and the Middle East is the key to who controls what in the world". When Americans go to take a bite out of the Islamic world, they are not fussy eaters. It matters little to them whether the prey is secular or theocratic, hereditary monarchy or military dictatorship, socialist or capitalist. What matters is that it conduct its foreign and military policies in a way that serves the

American national interest. The key is interest; what matters is that the regime be a compliant client. Lately, they have been picking their teeth in the Middle East, sampling first one dish and then another. In the process they have shown how rapidly their "friendship" can shift as new opportunities arise.

Edith Hamilton, a historian of ancient Greece, once wrote, "to the Greeks of that day their most precious possession, freedom, was the distinguishing mark between East and West... 'you do not know what freedom is, Herodotus reports a Greek saying to a Persian, "if you did, you would fight for it with bare hands if you had no weapons". Freedom is still the distinguishing mark between the Islamic world and the West. For most of us, it is not something worth fighting for or dying for. The Islamic tradition values order more than law, authority more than liberty, obedience more than challenge, solidarity more than freedom, harmony more than dissent, status quo more than change, the group more than the individual.

When things go wrong in a society, in a way and to a degree that they can no longer be denied or concealed, people ask various questions. A common one in the Middle East today is: "Who did this to us?" The Ottomans, faced with the major crisis in their history asked a different question: "What did we do wrong?" The debate on these two questions began in Turkey after the failure of the second siege of Vienna immediately after the signing of the Treaty of Carlowitz; it resumed with a new urgency after the Treaty of Kucuk Kaynarca in 1774 when the Ottomans suffered a series of defeats at the hands of the Russians. In a sense, it is still going on today. In Pakistan nobody asks such questions? We lost half the country in 1971. Nobody knows why? Nobody knows who lost East Pakistan and nobody cares?

In the absence of a law of political succession, which inevitably led to uncertainty, civil wars, wars of succession etc., force was the sole arbiter in the Islamic world. No ruler in the Islamic world wants to give up power voluntarily or peacefully. No ruler in the Islamic world believes in transforming his might into right and obedience into duty in accordance with law. But as Rousseau said, 'however strong a man is, he is never strong enough to remain master always unless he transforms his might into right and obedience into duty'. President Ayub faced the same dilemma: how to acquire legitimacy? He created 80,000 basic democrats. President Zia ul Haq held a fraudulent referendum and when a small percentage of people voted for Islamization, he concluded that it was a vote of confidence in him and on the strength of this verdict he could rule for five years. President Musharraf derives his title to rule Pakistan from a dubious Referendum. Napoleon Bonaparte faced the same dilemma in 1800 AD. His minions had stirred people's fears as to what would happen to France should the First Consul be assassinated or killed in battle - or worse yet, voted from office at the end of

his term. Was France to return to anarchy after Bonaparte had brought order and peace? The minimum safeguard was surely to appoint him to office for life, and from time to time one even heard mention of the restoration of monarchy. After a good deal of deliberation, Napoleon was advised by his minions, as minions always do, to hold a fraudulent plebiscite. No ruler wants to give up power voluntarily. "No Devil" Trotsky said once, "has ever yet voluntarily cut off his own claws".

What should we infer from this narrative? One thing is clear. External enemies and personal failings of rulers do not provide a full explanation of the decline of Muslim power. Nor does the tussle between the Mutazillites and the predestinarians. In the Islamic world trouble started brewing among the contenders for power soon after the death of the Holy Prophet, resulting in the formation of warring camps, rebellions in the outlying provinces, decline of central authority and the superiority of centrifugal over centripetal forces. Second, absence of a law of political succession was, and continues to be, the principle cause of instability and decline of Muslim rule from Maghrib to Indonesia. Third, the question of legitimacy, which has plagued the Muslim world from the very beginning, remains unresolved. Fourth, no political institutions e.g. parliament, independent judiciary, Rule of Law, party system could develop in the Islamic world mainly due to political uncertainty, insecurity and lack of continuity. Fifth, in the absence of a law of political succession, force remained the ultimate arbiter. The contender's title to rule was in direct proportion to the length of his sword and the sharpness of its blade. This continues to be the case till today throughout the Islamic world.

We do not know what will happen to the Islamic countries in the future, but our experience of the past does at least throw a flickering gleam of light on the darkness ahead. Nations ordinarily break down and collapse either through impotence or through tyranny. In the first case, power slips from their grasp, whereas in the second it is taken away from them.

## The Real War

“One day President Roosevelt told me”, Churchill wrote, “that he was asking publicly for suggestions about what the war should be called. I said at once the ‘unnecessary war’. There never was a war more easy to stop than that which has just wrecked what is left of the world from the previous struggle”. Sometimes I wonder how Churchill would have described the unleashing of a totally unjust, unprovoked, illegal war by the world’s sole surviving super power against a defenseless Iraq. Iraq had committed no act of aggression against the United States, was not intercepting American planes, wasn’t financing Al-Qaeda; wasn’t harboring Osama or his Lieutenants, wasn’t exporting terrorism, was too weak and disorganized after years of sanctions to pose a threat to its neighbours, had no proven weapons of mass destruction, and last but not least, wasn’t disobeying UN orders that it disarm. But as Richelieu wrote in his political testament, “in matters of state, he who has the power often has the right, and he who is weak can only with difficulty keep from being wrong in the opinion of the majority of the world”. The world witnessed the unfolding of a Greek tragedy, the almost mechanical destruction of a defenseless, weaker state. It climaxed in the fact that after all the cluster and carpet bombing and all the destruction and senseless killing of innocent men, women and children, occupied Iraq is an ungoverned jumble, has still not found Peace or Security and lies in the grip of even worse perils than those it faced before. Iraq has gone under American military occupation and like Afghanistan has ceased to be a sovereign independent country.

The war in Iraq is now past tense, the dead are gone, the wounded are licking their wounds and paying the price for being at the wrong place at the wrong time. The serious fighting is ended, but General Tommy Franks is still finding it difficult to declare this war over and claim victory. Unlike wars of the past, there is nobody available to offer a dignified surrender, agree on an orderly transfer of power or negotiate a cease-fire. Groups of committed fighters may therefore keep on fighting, or lie low and then regroup for guerrilla attacks later. This is what happened in Afghanistan where Taliban are still harassing the Americans. If there is no one willing and competent to surrender and none to sit across the table and make peace with the Americans, then the United States will remain in a state of permanent war with every Iraqi man, woman and child and must defeat them all.

World War I ended when the German delegates at Compiègne signed the surrender terms at 10:05 in the morning of November 10, 1918. "A nation of 70 millions suffers but does not die", Matthias Erzberger, the Chief German delegate declared in a statement read out by him. Earlier, when the German armistice negotiators reached the forest of Compiègne, General Weygand led the Germans into Foch's railway carriage. "When I saw them in front of me", Foch wrote later, 'aligned along the other side of the table, I said to myself "there's the German Empire"'. After the fall of Paris in June 1940, William Shirer, reporting the Armistice talks for the Columbia broadcasting system in New York, made the dramatic announcement that Adolf Hitler was at that moment in the chair in which Marshal Foch had sat a war earlier. What came out of the Armistice talks at Compiègne was a France Hitler could live with. After the fall of Berlin, in the early hours of May 7, 1945, General Jodl on behalf of Donitz and the OKW signed an instrument of surrender at Eisenhower's head quarters at Rheims. General Susloparov signed on behalf of the Soviet high command. Stalin was furious. The surrender had to be signed in Berlin and it had to be taken by Red Army. So, another surrender ceremony was organized. The German delegation led by Marshal Keitel in full uniform, holding his Marshal's baton in his right hand, facing Marshal Zhukov across the table, signed the act of capitulation. That ended World War II in Europe. The Japanese surrendered on September 2, 1945, on the decks of the battleship Missouri in Tokyo Bay. A delegation of Japanese signed the instrument of surrender in front of MacArthur. How will America's Iraq war end if there is no one to surrender and no one to make peace with?

President George W. Bush told Americans the war was primarily about weapons of mass destruction and the need to get rid of the degenerate Saddam. There was also talk about democracy taking root in Iraq and spreading like spring flowers throughout the Arab world. The two things that were never discussed, that never became part of the national conversation - were oil and money. These crucial topics were left to the major behind - the - scenes operators, many of whom are now cashing in. It is no secret that the war was waged on behalf of cheap oil and Washington's strategic goal of preventing the emergence of a Muslim power inimical to Israel and American interests in the Middle East.

These days Bush is reading Michael Beschloss' excellent history, the "conquerors" about how Franklin Roosevelt planned Germany's postwar future. The book's epigraph is an assertion by Eisenhower in 1945: "The success of this occupation can only be judged 50 years from now. If the Germans at that time have a stable, prosperous democracy, then we shall have succeeded". Adolf Hitler had plunged the country into a catastrophic war in which millions lost their lives. There is no denying the fact that half a century after the fall of Berlin, Germans have a prosperous and stable democratic system. Iraq's case is different.

Iraq is the victim of naked, unprovoked aggression and cannot be equated with Nazi Germany.

How will history judge Bush? Until his arrival on the world stage, it was axiomatic that the "habits of democracy are the habits of peace"; that democratic states abide by norms of behavior in the conduct of their foreign policy. Both Paine and Jefferson felt that the new nation could and should make a sharp break with the past and conduct a foreign policy guided by law and reason, not power politics. Jefferson claimed that "war and coercion were legitimate principles in the dark ages, but that in the new era of democracy and law, relations between nations should be guided by "but one code of morality". Bush has reversed all that and is intent on reinstating the old imperial logic of power that 'might makes right'. "Those who oppose us must flee", Hulagu warned Nassir, Sultan of Damascus, "and we must hunt them...resist and face annihilation. Accept, and find safety. Answer quickly, or "your country will be turned into a desert". President Bush's ultimatum to weak, defenseless Islamic countries is couched in slightly different words but the message is the same and is loud and clear. He has the dubious distinction of being the first American President who struck at the heart of the UN by deliberately going to war in defiance of the Charter. By killing innocent Iraqi men, women and children, he contributed to the sum of human cruelty. How could he summon his soldiers to glory when so little glory lay ahead?

The Americans brought nothing, could offer nothing to Iraq except sham democracy carried on the wings of a cruise missile. They destroyed museums, libraries, artifacts, work of art - all rooted in the ancient classical Mesopotamia. Like barbarians they came slashing out of their darkness to smash the land of the Arabian nights that so attracted them. When World War II ended, for a while mankind believed that barbarism lay buried deep in the ruins of Nazi Germany; the American invasion of Iraq has demonstrated that barbarism is very much alive, is now better armed and much more threatening. According to the German weekly *Der Spiegel*, "the Americans are acting, in the absence of limits put to them by anybody or anything, as if they own a blank cheque in their 'McWorld'. Strengthened by the end of Communism, Washington seems to have abandoned its self-doubts from the Vietnam trauma. America is now the Schwarzenegger of international politics, showing off muscle, obtrusive, intimidating" . .

The streets of Baghdad were deserted. There were no cheering crowds, no flowers, no garlands to welcome the "liberators". The people of Iraq will not accept a quisling government or a government run by anyone they see as a stooge of the occupying Americans. They are not interested in retired Lieutenant-General Jay Garner, the former missile contractor leading the effort to rebuild Iraq or Ahmad Chalabi, the Iraqi businessman, convicted fraudster and favorite

of the Pentagon hawks, who was spirited into Nasiriyah by US forces to administer Iraq on their behalf. Within four days of the biggest statue of President Saddam in Baghdad being so publicly pulled down, demonstrators were gathering all over the country chanting anti-American slogans and protesting against the presence of American troops on their soil. The most pressing question they all ask is: How long do they intend to stay?

America is playing with fire and acting like Conrad's puffing gunboat in *Heart of Darkness*, shelling indiscriminately at the opaque darkness. The enemy has no country, no address and no flag, wears no uniform, stages no parades, marches to his own martial music. He could be on the next treadmill at the gym, or the next table at the sports bar. He requires no tanks or submarines. He does not fear death. He can operate with a rental car and a box cutter. He may be in Iran, Iraq, Pakistan, Afghanistan, Germany, or the next motel room anywhere in the United States. He is not in any hurry. For him the soup of revenge is best served cold?

I have lived a long while now and I don't remember any more unpleasant times than these. I hate everything about this war. There aren't any good wars, but this one was especially painful and quite disgusting. When American guns became silent, "it was no victory", as Spengler wrote, "for enemies were lacking". It reminds me of the Russian campaign of 1812 - the crisis of the Napoleonic tragedy. In that campaign nothing failed like success. "I beat the Russians every time", said the Emperor; "but that doesn't get me anywhere". Where is the enemy, Americans ask in their frustration, and where are the "liberated"? "America's war of "liberation" is over. Iraq's war of liberation from the Americans is about to begin. In other words, the real and frightening story starts now".

## **Bush Sets Out to Capture Islam**

To no country has Fate been more malignant than to Iraq. It seems to be no coincidence that Iraqi songs are so melancholic and sad. The tragedy of Iraq is that from the beginning of time, it has offered humanity some of its richest civilizations. It is the land of Mesopotamia and of the Code of Hammurabi. In 1258 AD, when the Mongol hordes under Hulagu, the grand son of Genghis Khan, attacked Baghdad, it was the centre of Muslim culture and civilization, the seat of the Caliphate - the central pillar of Muslim ascendancy. When the siege ended, 80,000 people came out of the great city. They were counted by the Mongols and then systematically killed. For six days and nights the massacre continued, an act of terrorism so thorough and so appalling that its memory has never left the Arab world. The skulls of the dead, as legend has it, were stacked in a pyramid as a grim reminder of Mongols savagery. As for Caliph Mustassem, he was shackled, insulted, starved. When he was brought before Hulagu, the Mongol Prince offered him some of his own gold to eat. "How can one eat it. No one can eat gold". Hulagu nodded. "If you knew that, why didn't you send it to me. If you had, you would still be in your palace, eating and drinking without a care". The Caliph was mocked too, for not having used his riches to defend himself and his people. Finally he was rolled in a carpet, then trampled to death by galloping horses. The fall of Baghdad plunged the Muslim world into a state of shock and terror. For the first a significant part of the Islamic world had been subjected to the domination of a non-Muslim power.

Centuries later, in the early hours of the morning of March 20, 2003, to be exact, President Bush unleashed a totally unjust, unprovoked and unwarranted war against Iraq in violation of the UN Charter and in the teeth of opposition from the international community. In the opening days of the war, the focus on television was almost entirely on the fireworks spectacle of the American air attack on Baghdad - which looked on the small screen like a son et lumiere show. Darkness in midday in Baghdad, strange smoke clouds veiling the sun, images that recur in the memories of those who witnessed on television the last days of free Baghdad. Day turned into night, heightened the perception of doom, the anguish; for those whose minds turned to philosophy, it was a fitting symbol of the fading away of the world's most glorious city, the city of the Arabian nights, its surrender to the world's newest empire. It announced without question, some Apocalypse. Low in the sky, a thick layer of black cloud hung over the tragic city as far as one could perceive.

The United States seems intent on reinstating the old imperial logic of power - that "might makes right". The so-called Melian dialogue is Thucydide's harshest example of power politics. The Athenians land a force on Melos, a neutral Island in the central Aegean and arrogantly tell the Melians: "Since you know as well as we do that right, as the world goes, is only a question between equals in power, while the strong do what they can and the weak suffer what they must". "Why is this chicken here"? Clemenceau said over lunch one day to Lloyd George's Mistress, Frances Stevenson, "Because it was not strong enough to resist those who wanted to kill it. And a very good thing too"! Iraq has been devoured. Syria is next on the hit list and is now in America's gun sights.

The biggest headaches for the United States are likely to stem not from the invasion and conquest of Iraq, but from its aftermath - the old conundrum of military history: what to do with the loser? Now that the country has been conquered and Saddam's regime driven from power, the United States is left "owning" an ethnically divided country of 22 million people ravaged by more than two decades of war and severe deprivation. Having destroyed the old order in Iraq and having deployed troops, tanks, and military air craft everywhere, American policy-makers propose to impose a sham democracy and a quisling government on the people of Iraq as they did in Afghanistan and reduce Iraq to the status of a vassal state. A fundamental problem which persists till today is that Shia majority in Iraq would not accept domination by the minority Sunni Muslim community. Yet "no form of government has yet been envisaged, which does not involve Sunni domination". The British commander who seized Baghdad from the Ottoman Turks in March 1917, General Frederick Stanley Maude, told the local citizenry, "our armies do not come into your cities and lands as conquerors or enemies, but as liberators". The British dominated Baghdad and what became Iraq for decades. Now it is America's turn to 'liberate' Iraq. "To save the village, it must be destroyed", the dreadful mantra that sums up how America "liberates" weak countries.

I think with horror of the years that the people of Iraq are going to live through. How long will the triumphs of the invaders last? Anything, anything rather than to be present to watch the ugly treason of those who will rally to the new masters. What sinister years lie ahead? It is like a nightmare in which you foresee all the horrible things which are going to happen and can't stretch out your hand to prevent them. I see myself as one of what Walter Lippman, the legendary dean of American columnists, called the bewildered herd, with a hole in my heart and a gnawing sense that Islamic world will not be the same.

And yet, "every thing seems", as Goethe said, "to be following its usual course because in terrible moments in which everything is at stake, people go on living

as if nothing was happening". One trait specially developed by Muslims throughout the Islamic world is their capacity to become inured to the worst possible condition of existence without perceiving that anything is wrong. When some tragedy occurs, you soldier on as if nothing had happened, because that is the way life is. A dog that has been hit by a car often doesn't lie down right away on the street and die. Dazed it circles and circles again, trying - through its pain and wounds - to mimic normal behavior. That is exactly what the Islamic world is doing today.

Many people find themselves in a state of despair these days, and with good reason. Disturbed and powerless, but also filled with anger, we are witnessing the demise of an independent, sovereign Muslim country and the moral decline of the world's only super power, burdened by the knowledge that only consequence of this organized madness is certain: motivation for more terrorism is being provided. The invasion of Iraq is no more than a prelude to an attack on Syria, Iran and other Islamic countries including Pakistan. It is the opening shot of a wider campaign to "reform" Islam and bring about regime change by force of arms in the Islamic world. This is just the beginning. You ain't seen nothing yet.

General Tommy Franks has accomplished three truly remarkable achievements. One, he has turned the monster of Baghdad into the hero of the entire Muslim world. Two, by invading Iraq he has lit the match that will sooner or later, perhaps sooner than later, set the entire Middle East on fire. All Middle East will then find itself in the eye of the storm. Three, he has demonstrated that in the Middle East there is no sense of legitimacy or permanence, no agreement on rules of the game and more important, that successors to the Ottoman Sultans have not yet been permanently installed. Therefore, if the 1922 settlement comes a cropper or challenges to the very existence of Iraq, Jordan, Israel, and Lebanon, for example, continue in full force as appears to be the case, then the 21st century Middle East will eventually be seen to be in a situation similar to Europe's in the 5th century AD, when the collapse of the Roman Empire's authority in the West threw its subjects into a crisis of civilization that obliged them to work out a new political system of their own. It took Europe a millennium and a half to resolve its post-Roman crisis of social and political identity: nearly a thousand years to settle on the nation-state form of political organization, and nearly 500 years more to determine which nations were entitled to be states, - whether church or state, Pope or emperor would rule; whether Catholic or Protestant would prevail in Christendom; whether dynastic empire or nation state would command fealty - were issues painfully worked out through ages of searching and strife. It was only at the end of the 19th century, with the creation of Germany and Italy, that an accepted map of Western Europe finally emerged, some 1500 years after the old Roman map started to become obsolete. Today the burning issue in the

Middle East is the same: will the 1922 settlement survive the present conflict? Will the incumbent rulers and the countries they rule endure? Will diverse peoples - Arabs, Turks, Kurds, Sunnis, and Shias - regroup to create new political identities for themselves after the collapse of the old order to which they had grown accustomed. One thing is clear. When the dust settles down, and it may take a long time to settle down, the political map of the Middle East will be unrecognizable. The settlement of 1922 is at the heart of the current crisis of the Middle East for the questions that Kitchener, Lloyd George, and Churchill opened up are even now being contested by force of arms along the banks of the slow - moving Tigris, Euphrates, and by the waters of the Biblical Jordan.

I have no doubt in my mind that if foreign aggression is not vacated, and Iraq is reduced to the level of a client state; if Iraq is not handed over to the people of Iraq, the post-Saddam political settlement is not made on the highest principle of Justice consistent with the sovereignty and independence of the people of Iraq, if the Palestinian problem is not resolved in a manner that is perceived by most Palestinians as just and equitable, there will follow not mere conflict but cataclysm and the new American order in the Middle East will be swept away by the people in less than a generation. There can be no lasting international order based on the logic of power.

Hopefully, the fall of Baghdad will serve as a wake-up call to the Islamic world. It has been shaken up suddenly, like a sleeping person awakened with a start from a tranquilizing dream. Most people had been philosophical about the war, stoical, and even dilettantish. Now a cold wind had swept all that away. Pessimism is the order of the day. Everybody wants to know who had betrayed the Islamic world and how to respond to the American threat? In the minds of ordinary folk, of course, it was the rulers who had done the betraying. When Syria stood under the threat of Mongol invasion in the 13th century, Ibn Tamiyya, a towering figure in the history of Islamic thought, exhorted his followers to fight the Mongol foe. Having identified America as a threat to Islam equivalent to Mongols, Bin Laden, using logic of Ibn Tamiyya, called on the Umma to fight the Americans. A cheaper and perhaps better option is to confront and fight the Munafiqin, the Hypocrites and the Apostates among us as the Holy Prophet had done in the early 7th century before he fought the reigning Meccan oligarchy. The need of the hour is to fight the local 'infidels' in the Islamic world - the quislings, the oppressors, the despots, the usurpers, the collaborators, the exploiters and the corrupt. Jihad par excellence against the world outside can wait.

## Setting Waziristan Ablaze

My association with Waziristan goes back to late 1930s. Waziristan was on fire. The Faqir of Ipi was up in arms and was challenging the presence of British troops in the Waziristan hills. To combat this threat, the British were forced to flood Waziristan with military reinforcements. More of it later.

Once again, there is a dry wind blowing throughout Waziristan and parched grasses wait the spark. Once the match is lit, the blaze will spread like wild fire throughout the tribal area. Talking about Waziristan, where Osama is supposed to be hiding these days, a Wazir told a missionary doctor at Bannu: "When God created the world there were a lot of stones and rocks and other lumber left over which were all dumped down on this frontier".

Today the killing or capturing alive of Osama bin Laden has become a top priority for Bush. For him a great deal is at stake - strategically, symbolically and politically. American presidential politics are also at play. The fate of George Bush may well be decided in the mountains of Waziristan. Osama, the central focus of the current American and Pakistani military operations in and around Waziristan, is not the first holy warrior to confront a western imperialist power in the mountains of Waziristan. The Faqir of Ipi led a similar revolt against the British in Waziristan in 1936. He was an outstanding personality. There was a messianic dimension to his character. Both Ipi and Osama are part of a long tradition of resistance to colonialism by Muslim religious leaders. In Waziristan, Mullah Powindah had been a constant thorn in the side of the British Indian regime from its inception in 1894 until his death in 1913. Elsewhere in the Frontier Region there had been a number of holy men of note. In the 1897 revolt, leaders like Ada Mullah among the Mohmands and Mastan Mullah in Swat and Malakand had helped to mobilize the tribesman against the British. Saiyid Ahmad of Rai Bareilly acquired great renown for his opposition to the Sikhs. And now Osama. He seems to have acquired a halo not unlike that which once surrounded Ipi, Mullah Powindah and Saiyid Ahmad Bareilvi. The most remarkable thing to note is what a powerful impact a bold, courageous, incorruptible, charismatic and respected religious leader can have on the tribesmen in Waziristan.

In the early years after Waziristan's annexation, the British maintained only a skeleton administration in the agencies. All this changed in 1919 when they

decided to build regular garrisons in Waziristan. Consequently, troop movements became routine which caused resentment among the tribes. Then came the fateful decision to send troops into the Khaisora valley in November 1936 which transformed Ipi's agitation into a full scale uprising almost over night and set Waziristan on fire which lasted until after 1947. The British failed to capture Ipi and the campaign had to be called off. The judgment displayed by the British and the poor intelligence upon which they based their decisions were chiefly to blame for the disasters that followed. This was the last major rebellion in Waziristan which stemmed from an abrupt change of policy. The Wazirs' unrivalled fighting record, their ability to intervene in Afghan affairs and to involve Afghans in their own affairs, were factors ignored by the British that made Waziristan different from other Frontier areas. This disastrous attempt to "pacify" Waziristan was the last of several major incursions into tribal territory during the hundred years of Britain's presence in North-West India. On each occasion the tribes and the mountains won a strategic victory, despite local tactical reverses, and the bulk of the Indian troops were forced to withdraw back into the plains of the Indus valley. The British soon learned that you can annex land but not people. However, despite a lot of distracting background sabre rattling, the British pursued peaceful pacification of the tribal territory: everywhere except in Waziristan.

When the British left, Pakistan had reason to be glad that it had inherited a secure North West Frontier. In September 1947, Mr. Jinnah took a bold decision to reverse the "pacification" policy, withdrew regular troops from Waziristan and entered into new agreements with the tribes. Cunningham, the new Governor of NWFP, appointed by Mr. Jinnah was a Frontier expert. His disillusion with the "pacification" policy was complete. "I think that we must now face a complete change of policy. Razmak has been occupied by regular troops for nearly 25 years. Wana for a few years less. The occupation of Waziristan has been a failure. It has not achieved peace or any appreciable economic development. It ties up an unreasonably large number of troops, and for the last 10 years there have been frequent major and minor offenses against the troops". The change in policy produced dramatic results and paid rich dividends.

All this has now changed. Mr. Jinnah's Waziristan policy which had stood the test of time has been reversed. Our troops are back in Waziristan in aid of American troops looking for Osama! The political agent South Waziristan recently said that he had requested a sharp increase in the number of Pakistani troops in the area. "We are waiting for more troops to come". Are we at war with our own tribes? Have they risen in revolt against their own government? Are the Wazir and Mahsud tribes up in arms against Pakistan? If not, why this troop concentration? A week ago, the commander of the US led troops in Afghanistan,

Lieutenant General David Borno, let the cat out of the bag when he said that US and Pakistani forces were working together like a "hammer and anvil" to trap Osama and Qaeda forces along the border". "I am fully confident", President Musharraf said recently, "that we will combat them". As a result, 13 innocent tribesmen were gunned down when our own troops opened fire on a passenger vehicle in Wana. According to press reports, elders of Ahmadzai Wazirs have been detained by the authorities for failing to reach an agreement among themselves to choose a commander for action against Al Qaeda! The result is a totally unnecessary and avoidable state of armed confrontation between Pak army and the tribesmen. Those who know the Frontier are deeply concerned. President Musharraf is playing with fire. By reversing Mr. Jinnah's Waziristan policy, at the behest of Americans, he has alienated powerful tribes in Waziristan and unsettled our western border which had remained peaceful for 57 years since the birth of Pakistan. Pakistan would be well advised to profit from the mistakes of its forerunners in Waziristan and to avoid any shift of policy which cares only for immediate advantage and takes no account of ulterior effect. "Let it be reflected how great a diversion of the ship follows from a slight direction of the rudder.

It all started when General Musharraf succumbed to a telephonic 'ultimatum' from Washington and promised 'unstinted' cooperation to the Americans in the so-called war on terrorism. The Afghans never stabbed us in the back when we were in trouble and at war with India. No Afghan government was as friendly to Pakistan as the Taliban government. By allowing Americans to use our territory as a platform for bombing Afghanistan, we antagonized the Afghans, especially the majority Pukhtun tribe who live in the Pukhtun belt along our border. For the first time in the history of Pakistan, a military government has laid the foundation of permanent enmity with the Pukhtuns across the border. We have now compounded the problem by taking on our own tribesmen in Waziristan. Why don't our military rulers learn from history? Asked if he had considered the implications of Napoleon's Russian campaign, the General replied: "We military men make history. We don't read it". Today we are certainly making history on our western border by provoking our tribes and making impossible demands on them to please the Americans. There is an old Russian saying: "Once you let your foot get caught in a quagmire, your whole body will be sucked in". This is exactly what is happening to us in Waziristan.

I search my memory in vain, and find nothing sadder or more pitiable than that which is happening before our eyes these days. Everything we care about is vanishing. I feel as if, I were in a car that had lost its steering. Today Pakistan is under going all the conflicting emotions of a virtuous maiden selling her self for really handy ready money. A weak political system allowed the Pakistan military to manipulate events, and, ultimately, highjack the State. I believe that

this government is indeed leading the country to a perilous place and has not levelled with the people. What is worse, it has broken faith with the people, aided and abetted by political turncoats and opportunists.

We have had four coups in our history. The result is the mess we are in now. One is reminded of Stalin's observation which he made when the German army was only a few miles from Moscow and the very survival of Soviet Union hung in the balance. "The great Lenin left us a great country", Stalin told Mikoyan, "and we, his successors, have ... up". This is precisely what we have done to the great country left behind by Jinnah.

## The Fallen Hero

“I take full responsibility for my actions and seek your pardon”, Dr. Qadeer Khan, the founder of Pakistan’s nuclear weapons programme said on national television on February 4. He said, “My unauthorized proliferation activities were based in good faith, but errors in judgment”. He said that he had acted entirely on his own and he had not had permission of his superiors to share the technology. “There was never, ever, any kind of authority for these activities from the government”. In silent footage shown on national television earlier in the day, a forlorn Qadeer Khan was seen leaning forward, speaking to a grim looking Musharraf sitting stiffly and dressed in a commando uniform.

Dr. Qadeer Khan appeared cowed. He read out the prepared statement as though he were seeing it for the first time. One is irresistibly reminded of the great Moscow trials of the 1930s with their press campaigns, their set - piece confessions and their deadly aftermath. One of the characteristics of these trials was Stalin’s obsession with forcing his victims to sign elaborate confessions. As soon as he received their testimonies from the security agencies, he distributed them to the Politburo who found this deluge of self-incriminations and denunciations hard to refute. “He writes it himself... signs every page”. In return for the promise of a Presidential pardon, Qadeer Khan too agreed to perform in a media show trial at which he would read his confessional statement in full view of the people at home and abroad. It was like a play with the rules prepared in advance. Qadeer Khan appeared on the scene only after a series of rehearsals which gave the Director, in advance, complete assurance that he will not overstep the limits of his role. His well-wishers implored him not to tarnish the lustre of his name by participating in such a shady deal. To sharpen his humiliation, Qadeer Khan, bereft of everything - his honour, his dignity, his self-respect, his name and his fame, was made to appear on national television to confess to his crime. With his literal repetition of his accuser’s pronouncements, Qadeer Khan in effect was saying to the world: “don’t believe me”. The Romans achieved the same objective differently. They used to tie comic masks over the faces of their prisoners before they let the beast loose on them in the arena; they died not as martyrs but as clowns. Their torturers robbed them of the last shred of their humanity: The dignity of death.

It is axiomatic that before granting him pardon, Qadeer Khan had to be proved guilty. He was not produced in a court of law. There were no court hearings. The

first question that arises is - did his accusers prove the guilt of the scientist? The case against Qadeer Khan is based almost entirely on his confession. In criminal cases, a confession made by the accused voluntarily is evidence against him of the facts stated and, if true, can form the basis of his conviction. But a confession induced by any promise or threat relating to the charge and made by or with the sanction of a person in authority, even if true, is deemed not to be voluntary and is inadmissible because such confession is untrustworthy. In determining this question, the following circumstances have to be considered -

- (i) Qadeer Khan was not a free person when he made the confession. He was in the protective custody of the security agencies and his movements were restricted.
- (ii) The confession made by Qadeer Khan was not made to a magistrate nor was it made in the course of legal proceedings. It is an extra-judicial confession which is highly suspect and calls for greater caution and care. Our courts are most reluctant to act upon such confessions.
- (iii) Qadeer Khan made the confession on a Presidential promise of pardon. Such a confession, made as it is on the faith of a complete immunity from everything but the moral and social consequences of acknowledged guilt, is untrustworthy. Consequently, it has never been questioned by our courts that a confession made in consequence of a promise of pardon held out by a person in authority, is inadmissible and cannot form the basis of a finding of guilty. The inescapable conclusion is that the entire proceedings beginning with Qadeer Khan's "debriefing", followed by his televised confession and ending with the grant of a Presidential pardon are null and void.

Be that as it may, these are times when every Pakistani must hang his head in shame. The entire nation is flabbergasted. Some seek release from reality and just drug themselves into a stupor. Citizens who had always followed politics at home with keen interest escape into apathy. Suicides have multiplied. Youth take refuge in cynicism. Everybody plays Safety First. Pakistan First is an empty, hypocritical slogan. Nobody believes in it. Lying, hypocrisy, humiliating obeisances, violence towards one's deepest convictions, are the order of the day. What is happening to our country? Today all patriotic Pakistanis are saddened and bewildered. Meanwhile, our rulers terrified of what tomorrow may bring, take refuge in clever lies and play on words. Our whole country is awaiting and demanding the truth, the whole truth and nothing but the truth. Why single out Qadeer Khan? Why make him a scapegoat? Why did he have to be humiliated? Why this selective accountability? Why not unmask all those who are up to their elbows in filth? A judgment behind closed doors, following on a secret

investigation, would not put an end to anything. What folly it is, to think that one can prevent history from being written? These are irritating misprints in history but truth shall prevail. "*Le verite en marche*". The truth is on the march and nothing shall stop it. The first act has ended. The curtain has fallen on this appalling drama. The first step has been taken. Another will follow, then another, and then the final step will be taken. It is a mathematical certainty.

As I watched Qadeer Khan read his confessional statement on television, I recalled Galileo going down on his knees before the Inquisition and doing this from an "historic necessity". And Brecht's famous duologue: "Happy is the people that produces such a hero", and "unhappy is the people that needs such a hero", epitomizes clearly enough the problem of Qadeer Khan. The Greek Goddess Nemesis, had a fiendish way of punishing her victims by granting their wishes. Too much success can be dangerous. Too much power breeds its own special isolation. What a melancholy reflection it must be that after achieving his life - long ambition, after rendering unprecedented service to Pakistan, in fact the entire Islamic world and reaching the pinnacle of glory, today Qadeer Khan is in the dock accused of betraying vital national interests. At the crack of dawn, seven days a week, I walk past his house which is now virtually a sub-jail. "Short while ago, we saw him at the top of fortune's wheel, his word a law to all and now surely he is at the bottom of the wheel. From the last step of the throne to the first of the scaffold, there is a short distance. To such changes of fortune what words are adequate. Silence alone is adequate". That Qadeer Khan is a national hero cannot be doubted but his flaws too were on the same heroic scale as the rest of the man. What went wrong? I would quote Burke in trying to answer this question. "All men that are ruined are ruined on the side of their natural propensities". Nemesis follows hubris. The tragic fall of Qadeer Khan must, irresistibly, be described in terms of classical tragedy. In classical tragedy, the causes of the hero's tragic end are to be found deep in the structure of the protagonist's own life and of the world in which he lives. So also here.

## **Fundamentalism is not the Greatest Threat**

This is a good time of the New Year to step back from daily events and commune with big thinkers in the Islamic world, so I have been having a rather one-sided discussion about this whole question of fundamentalism with Rida, Banna, Qutb and Mawdudi. The specter of Islamic fundamentalism or extremism sends a shiver through western society and unelected, despotic regimes in the Islamic world. The western media often gives the impression that fundamentalism, the embattled and occasionally violent form of religiosity, is a purely Islamic phenomenon. This is not correct. Fundamentalism is a global fact and has surfaced in every major faith in response to the problems of modernity. There is fundamentalist Judaism, fundamentalist Christianity, fundamentalist Hinduism, fundamentalist Buddhism, fundamentalist Sikhism, and even fundamentalist Confucianism. Its manifestations are sometimes shocking. Fundamentalists have gunned down worshippers in a mosque, have killed doctors and nurses who worked in abortion clinics, have shot their presidents and have even toppled a powerful government. But it is only a small minority of fundamentalists who commit such acts of terror.

Fundamentalism appeared in the Islamic world only when Muslims realized that secularism was attempting to destroy Islam. This is obvious in the secular state of Turkey. Ataturk's secularization of Turkey was aggressive. He was determined to "westernize" Islam and reduce it to a private creed, without legal, political or economic influence. Ataturk said and believed that religion must be made subordinate to the state. Sufi orders were abolished; all the madrasahs and Quran schools were closed; western dress was imposed by law; women were forbidden to wear the veil, and men the fez. When Muslim fundamentalists claimed that secularization meant the destruction of Islam, they would often point to the example of Ataturk. Against this background, Muslim scholars like Rida began to realize that the whole thrust of secular modernity was diametrically opposed to and threatened essential Islamic values and began to formulate a fundamentalist solution that returns to first principles. Modern Muslims could create a new and vibrant Islam only by returning to the ideals of the Salaf, the first generation of Muslims. But Rida's Salafiyah movement was not a slavish return to the past. He was trying to absorb the learning and values of the modern west by placing them within an Islamic context. He wanted to establish a seminary where students could be introduced to the principles of international law, sociology, world history, the organization of religious

institutions and western science, at the same time as they studied Islamic jurisprudence. In this way, a new class of Ulema would emerge, who, unlike the scholars at the Azhar, would truly be men of their time, able to exercise an innovative Ijtihad. Rida was no fundamentalist; he was still trying to effect a marriage between Islam and modern western culture. But he did not think that secularism was the answer. He was appalled by Ataturk's atrocities. Was this what happened when the state became the supreme value and there was nothing to restrain a ruler from pragmatic but cruel policies to further the interest of the nation? In Egypt, the violent secularism of Nasser led Sayyid Qutb, the real founder of Islamic fundamentalism in the Sunni world, to tell Muslims to separate themselves from mainstream society, model themselves on Prophet Mohammad, return to the original vision of Islam and overthrow and kill apostates and jahili despotic rulers like Nasser and Anwar Sadat. Qutb did not survive. At Nasser's personal insistence, he was executed in 1966. Today fundamentalists see America, sole surviving super power in the world, gathering its forces to subjugate Muslim states and crush Islam. Muslims must, therefore, band together to fight this menace, if they wanted their independence, religion and culture to survive. Fundamentalists denounced jahili rulers such as Anwar Sadat because of their policy of collaboration with the United States and oppressive policies towards their own people. On October 6, 1981, Sadat was assassinated. Lt. Khalid Istumbuli, a member of Jamaat-Al-Jihad, and leader of the assassins cried out: "I am Khalid Istumbuli. I have killed Pharaoh and I do not fear death".

The failed assassination attempt targeting President Musharraf in Rawalpindi is a reminder once again of a very real threat the country faces. In the absence of a genuinely democratic political order and a binding law of political succession and transfer of power, who would take over as President? Much more important, who would takeover as army chief? Who would appoint the army chief? The entire political structure would come tumbling down and collapse like a house of cards. This was and continues to be the principle cause of instability of the state of Pakistan ever since its creation 57 years ago. General Musharraf said on December 12 that Pakistan faced the biggest threat to its security from sectarian and religious extremism and terrorism within the country and vowed to eliminate such tendencies. "Internal chaos, sectarianism, and religious terrorism constitute a bigger threat owing to which the Ummah is suffering and the economy of the Muslim states is being negatively affected". Contrary to what President Musharraf says and believes, today the greatest threat to Pakistan, in fact the entire Islamic world, stems not from religious militancy and secretarianism but from (a) the absence of a genuinely democratic political order and (b) the surging American imperialism. Religious extremism and secretarianism are symptoms of a chronic malady which has afflicted the Islamic world since the demise of the Holy Prophet. It is not a new phenomenon. It is an internal dispute with liberalizers or secularists within our religion. American

imperialism, on the other hand, poses an altogether different and much more dangerous threat. This is the darkest era in the history of Islam since the 13th century when the Mongols ransacked the Islamic world. Those who oppose American aggression are branded anti-American, terrorists and extremists. Afghanistan and Iraq, two sovereign, independent Muslim countries are under American military occupation. "Anyone can see what happened in Iraq. It was nothing more than a war of colonial conquest fought for oil, dressed up as a crusade for western life and liberty. And its authors were a clique of war - hungry Judeo - Christian geo-political fantasists who hijacked the media and exploited America's post-September 11 psychopathy". These words are not mine; they are spoken in John le Carre's new novel "Absolute Friends" and all too accurately expose the true nature of the American war of aggression in Iraq. The truth is that it was a crime, not only against Iraqis but also against Americans. Come to think of it, is there any difference between the US invasion of Iraq and the Iraqi invasion of Kuwait? Both were wars of aggression. Today the United States and Britain are conducting a virtual crusade against the Islamic world to steal its oil and capture its resources. Iran, Syria, Saudi Arabia and Pakistan are next on the hit list. It is now abundantly clear that Pakistan, the only nuclear power in the Islamic world, will soon be denuclearized and emasculated. A systematic campaign to discredit and humiliate eminent scientists who worked day and night to arm Pakistan with a nuclear deterrence is in full swing.

How is the Islamic world to face this growing threat? At the 58th session of the UN General Assembly, Musharraf enunciated the strategy of "enlightened moderation" as a means to promote human emancipation. How can anyone, who loves freedom, expect Afghans or Iraqis groaning under American military occupation or Palestinians, driven from their homes 55 years ago, to respond with "enlightened moderation" to the presence of enemy troops on their soil and the loss of their freedom?

Throughout history it was the oppressors who determined the method of political action and response; if they use brute force to occupy sovereign, independent countries in the Islamic world and suppress people's aspirations, they sent the message to the enslaved and the oppressed that they must resort to force if they want liberation. Terror is the weapon of the poor, the weak and the oppressed. The very word terrorism is a nonsense designed for propaganda effect, a damning label applied by the Bush administration to groups or states in the Islamic world opposing US imperialism. The so-called war on terrorism is a hoax used to mask and justify the long-planned expansion of US military power in the Islamic world to steal its oil and capture its resources. People who fight American or Israeli imperialism, refuse to accept foreign conquest and occupation of their country, refuse to collaborate with the enemy, defy the occupation forces, respond to the call to honour, risk everything they possess,

and go on fighting with whatever they have until the enemy is thrown out and the national stain is wiped clean, are not terrorists. They are not thugs. They are not bandits. They are not extremists either. They are called freedom fighters.

## A Day of Infamy

When the history of our benighted times comes to be written, Tuesday, December 30, 2003, will be remembered as a day of infamy. On that day, elected representatives of the people of Pakistan had to make a fateful choice: they could either collaborate with General Musharraf, thereby losing all their credibility or insist that the Generals call it a day, restore parliamentary democracy and go back to the barracks. Regrettably, MMA sacrificed principle for expediency, broke rank with the opposition, opted for collaboration with General Musharraf and joined hands with the government party to subvert the constitution. The parliament passed an extraordinary constitutional amendment bill, jointly sponsored by the government party and MMA, which added a new clause (8) to article 41 of the constitution, providing for a “one-time vote of confidence for a further affirmation of General Musharraf’s presidency”!

Two days later, on January 1, 2004, in an unprecedented move made in a carefully orchestrated process, General Musharraf obtained a “vote of confidence” from the parliament and four provincial assemblies and was “elected” as President by the Chief Election Commissioner. How could MMA, once the voice of authentic opposition, enter upon the path of collaboration? How could members of the National Assembly, sworn to preserve, protect and defend the constitution, participate in this charade? How could they perpetrate this fraud which has made a mockery of the entire constitutional process? How can a dubious “vote of confidence” be a substitute for election, of the president of Pakistan, as provided for in the constitution? How can it confer legitimacy? More disgusted than dejected, I cannot fathom this ugly turn in our political history.

So, where do we stand today? The constitution – the fundamental law of the land has been defaced, disfigured, mutilated and changed beyond all recognition for the sole purpose of electing General Musharraf as President until 2007. A parliamentary form of government, provided for in the 1973 constitution, has been replaced by a presidential form of government. The president would have the power to appoint all personnel in the state hierarchy. As the Supreme Commander of the armed forces, he would select the three service chiefs. The provincial Governors would be chosen by him. The president would nominate the judges of the Supreme Court and the High Courts. He could at any time intervene in provincial affairs, disturb the political system and take charge of the entire administration either directly or through the Governors. To put it plainly,

the President could arbitrarily suspend the entire political process almost indefinitely in the provinces as well as in the center.

The parliament has put the seal of ratification on a fraudulent Referendum. To add insult to injury, to sharpen the shame and national humiliation, President Musharraf will remain the Chief of Army Staff till the end of December 2004. Thanks to MMA, an authoritarian regime, far from being temporary, has succeeded in acquiring the mantle of legality and permanence. The country will now settle into a form of government with a democratic façade and a hard inner core of authoritarianism – an iron hand wrapped in a velvet glove. Pakistan will now remain an illiberal democracy of the Cromwellian type in which army has effectively ousted the top ranking politicians and replaced them by lieutenant Generals. “Which ever party comes out on top”, the London Times predicted on the eve of elections, “in reality, the vote will do no more than cloak military rule in democratic mufti”. This is exactly what has happened.

Four years ago, a democratically elected government was toppled in a military coup and replaced by a regime headed by General Pervez Musharraf. Now that he has been “re-elected” as President, is Pakistan back on the rails and are we on the democratic path once again? Has General Musharraf redeemed the pledge he gave to the nation four years ago – that he will carry out ruthless accountability, hold free, fair, impartial elections, restore “pure” democracy and having done that, go back to the barracks and resume soldiering? Does Pakistan stand taller today? Is our long nightmare over and is it morning once again in Pakistan? Is this the dawn of a bright future for Pakistan? My short answer is in the negative.

How can you have democracy in this country when the nation has been stripped of all its core values dearest to the heart of the Father of the Nation? How can you have democracy when people don't have the freedom to elect their president in accordance with the constitution? How can you have democracy with a General sitting on top of an elected parliament? How can you have democracy when elections are rigged and results manipulated; judges are bribed and shift with political winds; judiciary functions at the behest of authority and allows itself to be used against the citizen; known corrupt politicians are resurrected, and sworn in as ministers. Democracy presupposes free, fair, accountable institutions that protect human rights and basic freedoms. It requires a parliament that represents the people, not one controlled by an unelected President in uniform. It requires an independent judiciary that guards the constitution and enforces the law with equal concern for all citizens. It requires armed forces that are politically neutral and subordinate to the civilian government and respect its authority. Above all, it requires that ultimate authority in all key matters rests with the parliament elected in a free, fair and impartial election.

We have a horrible past, a topsy – turvy present and an uncertain future. The country appears to be adrift, lacking confidence about its future. Nobody knows where it is headed and very few care. Today we have an elected parliament, a democratic government, multiple political parties, a reasonably free press and all the other trappings of democracy. But all these are mere symbols which hide the reality of the power situation and play no role in determining policy decisions. How meaningful is our democratic order when real decisions are made elsewhere?

The most remarkable development of the last quarter of the 20th century, according to Fukuyama, has been the collapse of dictatorships of all kinds. It is his brilliantly argued theme that, overtime, the motor of History will drive societies toward establishing liberal democracies. Isn't it ironical that while authoritarian governments are collapsing all around us and the world has gotten better in many ways, Pakistan, which started as a modern, progressive, democratic state 57 years ago, is drifting away from the democratic path and sliding into a thinly veiled military dictatorship. The engine of history is moving Pakistan backwards. Our fledgling democracy may, after all, turn out to have been a historical accident and a parenthesis that is closing before our eyes.

“If there is one principle more than any other”, Morley, Secretary of State for India, once said, “that has been accepted in this country since Charles I lost his head, it is this: that civil power must be supreme over the military power”. The British learned this lesson only when Charles I lost his head. Will our military rulers ever learn from history? Will they ever learn that military rule sows the seeds of its own downfall? Will they ever learn that today there is no respectable alternative to democracy, that military rule, direct or indirect, veiled or unveiled, is passé and is a recipe for disaster, that Pakistan cannot survive unless the army is taken out of the arena of political conflict and supremacy of civil power is accepted in letter and spirit?

“Let us pledge that everything we have is for Pakistan”, General Musharraf said in a New Year message to the people of Pakistan. “And all of us will keep Pakistan's interest supreme and we will not hesitate to sacrifice for the country”. It reminds me of Lloyd George's response to Chamberlain's appeal for sacrifice when World War II broke out. “I say solemnly”, Lloyd George said, “that the Prime Minister should set an example of sacrifice, because there is nothing which can contribute more to victory than that he should sacrifice the seals of office”. Chamberlain resigned in national interest. His successor led the country to victory.

Four year ago, I wrote: “General Musharraf’s greatest challenge, therefore, is the restoration of a stable, genuinely democratic political order. And what is even more challenging, can he stop Pakistan from swinging between dictatorship and fake democracy as has been the case throughout our troubled political history? In other words, can he put an end to periodic army intervention in the affairs of State? Or will the pendulum go on swinging, as before, with disastrous consequences for the country? Today the country is in worse condition than he found it in. we have a dysfunctional political system that Pakistanis describe as democracy with a General sitting on top. If, God forbid, something were to happen to General Musharraf in our insecure country, the entire political structure would collapse like a house of cards and the country thrown into utter confusion. In the absence of a binding law of political succession, who would take over as President? Much more important, who would takeover as army chief? Who would appoint the army chief?

The question of political succession has plagued the Muslim world since the death of the Holy Prophet in AD 632. The Holy Quran is silent beyond saying that Muslims should settle their affairs by mutual consultation. The Prophet had abstained from nominating a successor or laying down any rules of political succession. In practice, the question of succession was decided by the length of the contender’s sword and the sharpness of its blade. Of the first four Caliphs, close companions of the Holy Prophet, only one died a natural death. This was and continues to be one of the principle causes of instability of Muslim rule throughout history.

57 years after its creation, Pakistan’s quest for a durable political order remains elusive. Today Pakistan has an elected parliament but nobody knows when the axe will fall on it. Pakistan has swung between democracy and dictatorship several times in the past, and it doesn’t look as if the pendulum will ever stop swinging from one extreme to the other. Meanwhile, the country is gripped by fear and uncertainty. One doesn’t have to read the tea leaves for a glimpse of our future. The ship of state is decrepit and creaky. The sea is turbulent. The captain has a weak anchor and no compass. The crew is inexperienced. If the nation doesn’t wake up, we will all go down like the Titanic.

## **Cry, the Beloved Kashmir**

The Jammu and Kashmir dispute is the core issue between Pakistan and India that has bedevilled relations between the two countries since August 1947. The dispute basically involved three parties. Pakistan and India are the two main parties according to the UN Resolutions. The third are the Kashmiris whose right of self-determination has been recognized in several UN Resolutions. Pakistan and India, on their own, cannot decide the future of the Kashmiris. The commitment to enable the Kashmiris to decide about their future was not only made by India when it accepted the conditional so-called "Instrument of Accession" but was also explicitly admitted in India's complaint before the UN Security Council in January 1948. The Indian Representative, in his letter to the President of Security Council, regarding the status of the state, clarified that finally, "its people would be free to decide their future by the recognized democratic method of Plebiscite or Referendum which, in order to ensure complete impartiality, might be held under international auspices". Furthermore, the UN Security Council discussions led to the resolutions of August 13, 1948, and January 5, 1949, which clearly laid down that, 'the question of the accession of the state of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite'. These UN Resolutions are still valid even though India has made many efforts to declare them 'dead' particularly after the signing of the Simla Agreement on July 3, 1972.

"I could not imagine that the Head of a country could violate agreements with such impunity", President Ayub wrote in "Friends not masters". "I am not referring to his personal assurances conveyed directly as well as through various channels, but to the solemn pledges which Pandit Nehru had formally conveyed to the Government of Pakistan on the subject of plebiscite in Jammu and Kashmir". In one such communication dated October 4, 1948, Pandit Nehru assured Liaquat Ali Khan: "We have never resiled from our position that there should, as soon as normal conditions return to Jammu and Kashmir, be a fair and free plebiscite". However, by 1957, Indian leaders, including Nehru, began to hint that the real settlement of the Kashmir problem lay in partition, not plebiscite. What they meant was the recognition of defacto frontier along the Kashmir cease-fire line as the de jure frontier between India and Pakistan. Each side would keep what it had; and that would be that. India would not be too fussy about what went on, across the cease-fire line. Today Indian attitude is characterized by a certain smugness based on the knowledge that possession is 9

points of law – however illegal and immoral the possession. Indian strategy is based on the assumption that there would, in due course, be no more talk of a plebiscite and the defacto situation would acquire through usage a de jure status. The Kashmir dispute would then be settled out of court. This strategy seems to be working very well indeed. Pakistan's Kashmir policy seems to be crumbling up. It appears that we have reached a decisive stage and are about to witness the drop scene of this shabby, shameful, sordid drama.

It is no secret that solutions to the problem other than a plebiscite were, at one time, considered seriously by the Pakistani side. India is said at one point to have offered to cede to Pakistan all of the state of Jammu and Kashmir which Pakistan actually held with some small tracts of additional territory in Kashmir province and Poonch so as to straighten out the border, the first time it has proposed to transfer to Pakistan any land which it actually held in the disputed state. Pakistan, however, refused to accept any partition scheme which did not give it the entire Chenab valley in Jammu. India had no difficulty in rejecting this suggestion and the impasse continues. The important point to note is that at no stage did the Pakistani side abandon the UN resolutions or set aside the plebiscite formula.

Today the Indian government is not prepared for any Kashmir solution which is not strictly in accordance with their own national interest, and they are prepared to wait until Pakistani rulers accommodated themselves to this fact. They seem willing to do what they could to let us down gently, but they are not prepared to modify their stand on the terms of an ultimate settlement. No responsible section of Indian opinion is prepared today to consider any settlement which would entail India's giving up the whole or any portion of the Kashmir valley to Pakistan. The only solution India would be prepared to consider is acknowledging the current Line of Control (LoC) in Jammu and Kashmir as the international border between India and Pakistan, thereby stabilizing the situation and then allowing normal interaction between Kashmiris in Azad Kashmir and those on the Indian side. All other proposals including (1) an independent Kashmir, or (2) working out a new standstill arrangement on Kashmir between India and Pakistan and placing the territory of the state under some UN trusteeship mechanism to be followed a few years later by a plebiscite, or (3) cede the Kashmir valley to Pakistan, while India retains Ladakh, Jammu and other areas, are just not acceptable to India. While the status quo suits the Indian book, it is anathema to the people of Pakistan. No wonder, people were shocked to hear what president Musharraf had to say on the subject of plebiscite in Kashmir. "We are for UN Security Council Resolution", he said, "however, we have left that (plebiscite) aside". With that, Pakistan dropped a 50-year old demand for a United Nations – mandated plebiscite in Kashmir. For more than 50 years, Pakistan has insisted on a plebiscite to allow people in Kashmir to decide

between joining India or Pakistan – a position backed by a series of Security Council resolutions. Today Pakistan has publicly resiled from that position. Why this volte-face? Why this complete reversal of position, Pakistan has held for more than 50 years? Why now? It is incomprehensible and a matter of a deep concern why General Musharraf has de-linked the Kashmir dispute from the UN resolutions and set aside the plebiscite solution in violation of all the solemn pledges given by the Government of Pakistan and Mr. Jinnah himself to the people of Kashmir? Why has he resiled from this position now? In so doing, he has demolished our principled stand for the last more than half a century and knocked the bottom out of our case in the Kashmir dispute. The tragedy is that it is not going to make the slightest difference to the Indian position. It is difficult to rationalize the long list of concessions that Musharraf has been making to India for sometime past, except on the score that he is gripped with a sense of severe desperation to bring New Delhi to the negotiating table and faces intense American pressure to come to an understanding, however unfavourable to Pakistan. Bismarck once said, “he who seeks the friendship of his enemy with concessions will never be rich enough”. Musharraf would be well advised to heed these words of wisdom.

The most accomplished foreign minister and diplomat in contemporary history was Charles Maurice Talleyrand (1754 – 1838). He stipulated that three phenomena should be avoided in the conduct of any country’s foreign relations, namely, there should be no over-zealousness or enthusiasm, and no undue haste, there should be no excessive anxiety, and third, once a policy is decided upon, there should be consistency in implementing it. If one were to judge General Musharraf’s unrehearsed foreign policy pronouncements and u-turns, the conclusion is inescapable that all the three stipulations of Talleyrand have been completely ignored. By publicly abandoning the Security Council Resolutions and ‘setting aside’ the promised plebiscite, Musharraf has weakened Pakistan’s bargaining position. He has no card up his sleeve now.

In a conversation with the British High Commissioner on plebiscite on Kashmir, more than 50 years ago, Mr. Jinnah said: “the most urgently important matter for decision was the form of administration to be setup in Kashmir on the cessation of hostilities. He had no doubt that India intended to retain control of Kashmir and to accept no form of plebiscite unfavorable to that end. Impartial administration of the State after the cease-fire was essential and without the guarantee of such a development he himself could not ask the Muslims in Kashmir to lay down their arms. He did not personally favour the intervention of the United Nations Organization or of any other outside authority. He still preferred the solution suggested by him to India on November 1, 1947, that the two Governors General, duly authorized by their respective Dominions, should accept responsibility for the task of setting up a neutral administration in

Kashmir and organizing a plebiscite". Little did Mr. Jinnah realize that one day Pakistan would abandon the Security Council Resolutions on Kashmir, make a major policy shift under foreign pressure and 'set aside' plebiscite.

More than 50 years after Mr. Jinnah's death, we cannot look back with much pleasure on our foreign policy and the way we have handled the Kashmir dispute. The present position is that Kashmir has been swallowed up and is now a part of the Indian Union. We are told to layoff, bow our heads, give up our support for the Kashmiris, forget about the plebiscite and the Kashmiri's right of self-determination enshrined in umpteen Security Council Resolutions, forget all the promises made to them by Mr. Jinnah, forget all the sacrifices made by the Kashmiris, forget all the untold misery they have undergone, and accept Indian usurpation of Kashmir as a fait accompli. Now that Pakistan itself has set aside plebiscite and all the relevant Security Council Resolutions, why blame Pandit Nehru and his successors for violating Security Council Resolutions? Betrayed by friend and foe alike, silent, mournful, abandoned, broken, bleeding Kashmir will now almost certainly, recede into darkness and forgotten. She has suffered in every respect by her association with self-seeking, and self-centered rulers of Pakistan who have their own agenda. I believe the Kashmiris left to themselves and told they were going to get no help, would probably have been able to get better terms than they are likely to get now.

This is not the time for an honourable settlement of the Kashmir dispute. Today Pakistan's Kashmir policy reflects pressure not statesmanship. President Musharraf governs this country as if there is no tomorrow. Some disputes are decided by history. Kashmir is one of them.

## Our Scientists Deserve Better

Over endless cups of green tea, Toynbee would survey the past and produce a bird's eye view of mankind's history with a view to gaining greater insight into the present. The year was 1959. I was Deputy Commissioner Peshawar. Once a week, Professor Toynbee would do me the honour of visiting my house on Fort Road, accompanied by my friend Abu Kureishi, who was his guide and constant companion throughout his stay in Pakistan. "After the failure of the second siege of Vienna by the Ottoman Turks", Toynbee said, "the western natural science consummated its marriage with technology and thereby generated for the west a material power that quickly put the rest of the world at its mercy". A convenient date for this marriage, he said, is a A.D. 1660 which is the date of the foundation of the Royal Society of England. The marriage between science and technology, Toynbee said, was indeed an historic event. It was a turning point in the history of mankind. While such momentous developments were taking place in the west, the Islamic world fell into deep slumber, never got off the mark and lost the scientific and technological race forever.

Against this background, I was distressed to wakeup in the morning a few days ago and learn that two nuclear scientists of the Khan Research Laboratories, were "missing". One of the missing scientists has since returned home after a week - long "disappearance" and "debriefing". The government says the two scientists have not been detained and taken into custody, but were assisting the authorities in routine debriefing session. The explanation has come from the Foreign Office, rather than the Interior, science and technology or the defence ministry which is rather odd. The government has sought to assure us that no foreign agency is involved in the debriefing and that the civil rights of the scientists were intact. Nobody in Pakistan or abroad believes a word of this explanation. Everybody knows that it is yet another attempt by President Musharraf to appease the United States. This is no way to "debrief" our scientists who have done so greatly for their country which owes them a great debt of gratitude for loyal and magnificent service. They are a national asset. They are our real heroes. Why humiliate them? Are they foreign agents? Are they spies? Are they disloyal to Pakistan? Are they subversive? Are they security risk? Where is the evidence that carries such gravest implications? If they are suspect, why not institute an open inquiry into their activities and order a security hearing? If there is no evidence to justify a security hearing, why are they being treated like ordinary criminals? Why were they picked up in the dead of the night, taken to a safe house, held

incommunicado for days and “debriefed” with foreign assistance? Why this McCarthyism? Is this the way to treat our scientists, architects and builders of our nuclear deterrence, knowing it will tear them apart, knowing it will break their spirit, knowing it will destroy them and their families? People are indignant and demand answers.

J. Robert Oppenheimer, who helped the United States end World War II and build an unsurpassed arsenal of nuclear weapons, was suspected of disloyalty and working as a spy for Soviet Union and deliberately delaying the production of the hydrogen bomb. But he was not picked up by FBI or taken to a safe house, held incommunicado and “debriefed” like the two unfortunate Pakistani scientists. Given the circumstances and the spirit of the times, all this was possible even in America, but none dare touch Oppenheimer. He was given a public hearing before his security was withdrawn. “I can’t believe this is happening to me”, Oppenheimer told his secretary”. “It was like Pearl Harbor on a small scale”. I can imagine what our scientists must have gone through during their “debriefing”.

When Lev Landau, the future Nobel Prize winner, was arrested in Soviet Union for being a German spy, Kapitza, head of the Kapitza institute for physical problem in Moscow – who would earn a Nobel in his turn, - presented Molotov and Stalin with an ultimatum. If Landau was not released immediately, he, Kapitza, would resign from all his positions and leave the Institute. It was clear that Kapitza meant business. Stalin could not afford to lose Kapitza and capitulated. Landau was cleared of all charges and released! Who will defend the honour, dignity and freedom of our scientists?

“Perhaps the most depressed community”, Professor Salam once said, “is the community of scientific workers. We seem never to have recognized that in a science – dominated world there ever could be any task for Pakistani scientists. The official attitude towards science has at best been one of reluctant indulgence; somewhat like the attitude of learned divines in the worst and most intolerant days of the Bukhara Emirate towards the local clockmaker who was a Christian. He was permitted to enter the mosque to repair the tower clock only on the plea that, after all, in the matter of technical usefulness, he was on par with the donkeys which carried the stone slabs into the mosque in the first place”. “Why should the clockmaker”, Professor Salam said, “suffer such a social slight”?

It is common knowledge that our scientists working in sensitive fields of national importance have never felt so frustrated, so insecure, so vulnerable and so scared as they do now. How can science flourish in such an unfriendly and hostile environment? Science depends for its advances on towering individuals. Conditions must therefore be created, so that such men conduct their scientific

activities in an atmosphere free from fear and suspicion. When the late Amos de Shalit (the director of the Weizmann Institute in Jerusalem) was asked in a UN committee, what was the Israeli policy for science, his reply was: "We have a very simple policy for science growth which consists of just two elements. First, a working scientist is always right and the younger he is, the more right he is. We honour him. We treat him with respect. Second, we allow any scientist working in our universities or research organizations to travel freely, to migrate temporarily to anywhere in the world where his scientific work will flourish. We keep his position open at home".

Not long ago, Doctor Amir Aziz Khan, a highly respected orthopaedic surgeon, was arrested in Lahore and released on November 19 after a month-long detention on charges of having links with Taliban and Al-Qaeda leaderships. Some "unknown" persons dropped him at his house in Lahore cantonment on November 19 in the early hours of the morning. Dr. Amir Aziz was never produced before the Lahore High Court where a writ petition was filed by his mother. Following his early morning release, the Lahore High Court disposed of the petition as it had become infructuous. "I have been in the custody of Pakistani Intelligence Agencies in Islamabad where the FBI and CIA officials questioned me", Dr. Aziz told newsmen who visited his house. The High Court knew the devices by which the effect of its writ was being evaded. Yet it did not summon the relevant authorities to force them to "produce the body" before the court or face contempt proceedings and expose themselves to summary punishment.

The defence of the country is not at the ramparts alone. Questions of victory or defeat in modern wars are decided not in the battlefields but in the stillness of a professor's study or the scientist's lab. Over a 100 years ago, the German poet Heine warned not to underestimate such people. Concepts nurtured in the stillness of a professor's study or a scientist's lab could destroy a civilization. A few scribbles on a blackboard or on a sheet of paper could change the course of human affairs. Don't mess around with such people? Hitler lost the war when thousand of Jewish scientists, who had lost their positions in German universities after the promulgation of the Law for the Restoration of the career civil service, escape to the United States and produced the bomb. This may have a moral lesson for us in Pakistan.

"When I woke up the sun was shining in my face", one of the scientist recalled. "I had slept deeply, soundly and long - for the first time in many weeks. The previous night I had arrived in London and gone to bed without fear that at 3 AM, a car with a couple of SA men would draw up and take me away". Before it is science and career, before it is livelihood, before even it is family or love,

freedom is sound sleep and safety to notice the play of morning sun. Scientists are the flower of our nation. Let them work in freedom.

## Bush on Liberty

One thing you have to say about President George W. Bush: He's got a great sense of humour. "Freedom", he said recently on return from the killing fields of Iraq, "is worth fighting for, dying for and standing for"! The liberty of doing evil by invading other countries and killing innocent men, women and children, as Bush is doing, is not liberty. As the Roman poet Horace said long ago: "Dutce et decorum est pro patria mori" - It is sweet and proper to die for one's country. There is no greater curse for the human soul than the loss of personal freedom just as there is no greater curse than the loss of national independence. As someone said: "No one loves freedom more than those who had it and lost it. No one prizes it more than those who lost it and regained it".

When Herodotus wrote that the Greeks were a "free people", he meant that they were not slaves under foreign conquest or domination. By this definition, the North Koreans and Iranians are a free people. Afghans and Iraqis, on the other hand, are not a free people. Today they are slaves because they are under American military occupation and have lost their sovereignty. It must be a dreadful feeling to get up in the morning and suddenly realize that you are a slave in your own country and no longer free. To be placed in a situation where your choice is limited to Liberty or Death, where you have to decide whether to collaborate and obey the occupying authority or risk everything and defy the enemy, must present a terrible dilemma. It is a Sophies choice, horrible in its consequences either way. To add insult to injury, Bush is now calling for "a forward strategy of freedom" to promote democracy in the occupied countries. Adolf Hitler was more candid than Bush. He did not pretend he was a liberator. He enslaved Europe but he did not have the effrontery to call it a "strategy of Freedom" as Bush has done.

Contrary to what Bush said on November 6, there is no necessary connection between liberty and democratic rule. John Stuart Mill opened his classic "On Liberty" by noting that as countries became democratic, people tended to believe that, "too much importance had been attached to the limitation of power itself. That ... was a response against rulers whose interest were opposed to those of the people". Once the people were themselves incharge caution was unnecessary. "The nation did not need to be protected against its own will". Alexandr Lukashenko after being elected President of Belarus with an overwhelming majority in a free election in 1994, when asked about limiting his powers: "there will be no dictatorship. I am of the people and I am going to be for the people". The tendency for a democratic government to believe that it has absolute power

can result in the centralization of authority, often by extra constitutional means and with grim results. Over the last several decades, elected governments claiming to represent the people have steadily encroached on the powers and rights of other elements in society.

Hitler's rise to power was not an electoral fluke or a covert coup. The greatest terrorist of the 20th century climbed to power on a democratic ladder with disastrous consequences for his own country and the rest of the world. The people's assemblies of ancient Greece had unlimited powers and were truly democratic because every male had the right to participate in the governance of the community. But the individual's rights were neither sacred in theory nor protected in fact. Greek democracy often meant the subjection of the individual to the authority of the community. In the 4th century B. C. in Athens, where Greek democracy is said to have found its truest expression, the people's assembly - by democratic vote - put to death the greatest philosopher of the age because of his teaching. The execution of Socrates was democratic but it was, nonetheless, a great tragedy and an act of great injustice. In recent times, Zulfikar Ali Bhutto, the elected Prime Minister of Pakistan, was toppled in a military coup, convicted of murder, not by a democratic vote but by a full bench of the Lahore High Court and sentenced to death. His appeal was dismissed by the Supreme Court by a majority decision of 4 to 3. The execution of Socrates was democratic. The hanging of Bhutto was undemocratic and a judicial murder. What difference does it make? The end result in both cases was the same.

"The advance of Freedom", Bush said, "is the calling of our time. It is the calling of our country". Freedom from what? One may ask. Freedom for the pike is death for the minnows. Freedom for an oxford don is a very different thing from Freedom for a Sindhi hari. To offer political rights or safeguards against intervention by the state, beyond a certain minimum, to men who are half naked, illiterate, underfed and diseased, is to mock their condition; they need medical help or education - before they can understand, or make use of, an increase in their freedom. First things come first: there are situations in which - to use a saying satirically attributed to the nihilists by Dostoevsky - boots are superior to Pushkin. Freedom in the modern world is first and foremost the freedom of the individual from arbitrary authority which has meant, from the brute force of the State. It implies certain basic human rights: Freedom of expression, of association, and of worship and rights of due process. This kind of liberty or freedom comes only after men's more basic needs have been satisfied. It is in Lord Acton's phrase, the delicate fruit of a mature civilization.

There is no necessary connection between democratic rule and good governance either. Governments produced by democratic elections, specially in third world countries, are more often than not, inefficient, corrupt, shortsighted,

irresponsible, dominated by special interests, irresponsible to the needs of the electorate and incapable of adopting policies demanded by the public. These qualities make such governments undesirable but they don't make them undemocratic. On the other hand, Hong Kong, a British colony, ruled by the British Crown through an appointed Governor General, had never held a democratic election, but its government epitomized constitutional liberalism, protecting its citizen's basic rights and administering a fair system of judicial administration and bureaucracy. British rule in Hong Kong and even in India meant not democracy - colonialism is by definition undemocratic - but constitutional liberalism - Rule of Law, independence of judiciary, justice between man and man etc. It took American democracy, the greatest democracy in the world, 86 years to abolish slavery, 144 years to enfranchise women and 189 years to assure the black people the vote. After a century and a half, American democracy produced the Great Depression. Democracy is not a rose garden. It is as fallible as human beings.

"My greatest complaint against democratic government", Tocqueville wrote, "as organized in the United States is not, as many Europeans make out, its weakness, but rather its irresistible strength. What I find most repulsive in America is not the extreme freedom reigning there but the shortage of guarantees against tyranny... I know no country in which, speaking generally, there is less independence of mind and true freedom of discussion than in America". Tocqueville wrote with an uncanny feeling for the grand currents of history and with a wholesome sense of how much and how little we can deflect those currents. He alerted his own and later generations to the risks that would come with the promise of the New World. Like other classics of political thought, what Tocqueville wrote has a ring of prophecy.

Today the most powerful democracy in the world, upholder of Liberty and Rights of Man, is detaining hundreds of suspected foot soldiers of the Taliban in a legal black hole at the US Naval base at Guantanamo Bay. Since January 2002, about 660 prisoners including children between the ages of 13 and 16 as well as elderly people are held there without being given prisoner - of - war status. At Camp Delta the cells measure 6x8 feet. The purpose of holding the prisoners at Guantanamo Bay was and is to put them beyond the rule of Law, beyond the protection of any courts, and at the mercy of the victors. The procedural rules expressly provide that statements made by a prisoner under physical and mental duress are admissible. Prisoners will be tried by Military Tribunals. They have no access to the writ of Habeas Corpus. The military will act as interrogators, prosecutors, defence counsel, judges and when death sentences are imposed, as executioners. Trial will be held in secret. None of the basic guarantees for a fair trial need be observed. The jurisdiction of US courts is excluded. As matters stand at present, the US courts would refuse to hear a prisoner who produces

credible medical evidence that he has been and is being tortured. They would refuse to hear prisoners who assert that they were not combatants at all. They would refuse to hear prisoners who assert that they were simply soldiers in the Taliban army and know nothing about Al Qaeda. They would refuse to examine any complaint of any individuals. The blanket Presidential order deprives them all of any rights whatever. "As a lawyer brought up to admire the ideals of Americans democracy and justice", observed Lord Steyn Lord of Appeal in Ordinary, 1 of 12 judges who sits on Britain's Highest Court, "I would have to say that I regard this as a monstrous failure of Justice".

*"Oh liberty! What crimes are committed in thy name"?*

## **Bush's Commitment to Democracy in the Islamic World**

Two hundred years ago, America caught the imagination of the world because of the ideals which it stood for. For decades the United States has played a unique role in the world, because it was viewed as a society that was generally committed to certain ideals, which Americans were prepared to practise at home and defend abroad. Today Americans seem to have forgotten America as a source of optimism, as a beacon of liberty and are only talking about who they are going to invade, topple or "democratize". 83 years ago Woodrow Wilson took America into the 20th century with a challenge to make the world safe for democracy. In the 21st century Bush asserts a sovereign right to military domination of the planet. Today America's example is tarnished with military adventurism and conflicts abroad. For the first time America's commitment to idealism, democracy and liberty, worldwide, sounds hollow, hypocritical and makes people laugh. Today the United States is self-centered, preoccupied only with itself, and subordinating everything else in the world to an exaggerated sense of its insecurity.

The white house has recently begun shifting its case for the Iraq war from the embarrassing unconventional weapons issue to the lofty vision creating an exemplary democracy in Iraq. "A new regime in Iraq", Bush said in a recent speech, "would serve as a dramatic and inspiring example of freedom for other nations in the region". He talked about the deficit of liberty in the Middle East and its terrible consequences. "These are", he said, "the failures of political and economic doctrines". He made only a passing reference to the role played by Western nations who had taken the political destinies of the Middle Eastern peoples in their hand and had virtually consigned the Middle East to the Middle ages. The 20th century began with western powers seeking to impose a new order on the Middle East. The 21st century has begun in a similar fashion. The European powers believed they could change Middle East in the very fundamentals of its existence - the basis of political life in the Middle East - religion was replaced by nationalism and dynastic loyalties. Having destroyed the old order in the region, and having deployed troops, armoured cars and military aircraft everywhere from Egypt to Iraq, British policymakers imposed an arbitrary settlement upon the Middle East. They created countless countries, nominated rulers and demarcated frontiers. The rulers imposed on the people are corrupt, autocratic, and totally subservient to their handlers. They sacrifice national interest and make deals with western nations to ensure their survival. Against this background, people in the Islamic world feel indignant, powerless, manipulated and deceived both by their own rulers and western imperialists.

It is now Bush who is challenging Islam in the Middle East which he wants to remake in the light of his own vision. It is a clash between American imperialism masquerading as democracy and Islam as the motor of history and the basis of political life in the Islamic world. As I listened to President Bush's sermon on democracy and freedom in Iraq and the Middle East, I was reminded of Churchill who once said, "democracy is no harlot to be picked up by a man with a Tommy gun." That is exactly what Bush is doing today. America should also heed Robespierre's warning about: "Armed Missionaries" bringing democracy to Islamic countries on the tip of precision - guided missiles. Today the dominant view in the Islamic world is that Americans are in Iraq not to spread democracy but to steal Iraqi oil and make the Middle East safe for Israel.

"Our commitment to democracy", Bush said in a speech on November 6, "is tested in Cuba, Burma, North Korea, Zimbabwe, China and the Middle East". For people in Pakistan, living under a thinly veiled military dictatorship, the speech was a bucket of iced water in the face. Why did Bush make no reference to Pakistan which started as a modern, progressive democratic state 53 years ago but is drifting away from the democratic path and sliding into darkness? Today it has a dysfunctional political system that people describe as sham democracy with a dictator sitting on top. The substance of power vests in the president who is also the Chief of Army Staff. He is not elected in accordance with the constitution, is not accountable to the parliament or any other organ of state, refuses to vacate his office as Army Chief and doff his uniform. He has taken over functions which Schlieffen long ago believed could at best be performed in our age by a triumvirate of King, Statesman and Warlord. Democracy is in limbo, parliament is paralyzed. The constitution is a figment. Bush's democracy agenda must not begin with Afghanistan and end with Iraq which he invaded on the "wings of a lie". If Bush is truly interested in promoting democracy in the Islamic world, why doesn't he make a beginning with Pakistan? Why can't the United States identify itself with democratic forces and free this country's democracy from usurpation by a mafia? Why has Bush turned a blind eye to the mafiosos who have found in the twisted, hybrid, sham "democracy" of Pakistan, the perfect Trojan horse for attaining and preserving the substance of power? Instead of searching for new lands to "democratize" and new places to hold election, why not roll back the military which has ruled Pakistan for more than half its life with disastrous consequences. In an off the cuff comment on the constitutional changes made by President Musharraf, Bush conveyed a sense that democracy in Pakistan wasn't all that important and was an afterthought for him! Why is Washington's response to the constitutional changes made by Musharraf so tepid? Why is America punishing its enemies with its peculiar brand of "democracy" and rewarding its authoritarian friends with silence on democratization? "For a nation that honours democracy and freedom", the New York Times wrote in its

editorial, "the United States has a nasty habit of embracing foreign dictators when they seem to serve US interest. It is one of the least appealing traits of US foreign policy. Like his predecessors, Bush is falling for the illusion that tyrants make good allies. When Washington preaches democracy, while tolerating the tyranny of allies, America looks double-faced".

American policymakers are fond of the bromide, "democracies do not fight democracies". But democracy is security dependent. The secure become democrats, and the secure do not fight the secure. Instead, they attack the insecure, the weak, and the vulnerable who can't hit back. One has only to look at recent American history to see the carnage America has created on a world wide scale, all in the name of democracy: the bombing of Cambodia, the senseless endless war on the Vietnamese people, the slaughtering of thousands in Guatemala, the invasion of Panama, the invasion of Afghanistan and the killing of innocent men, women and children in one of the poorest countries in the world; the totally unprovoked, unjustified invasion of Iraq, the illegal occupation of a sovereign independent country in the teeth of opposition from the international community. The United States has painted itself in a corner and doesn't know how to get out.

America does not care for democracy in the Islamic world and has no intention of bringing about radical, political, social and economic changes in the region. The American diplomat Richard Holbrooke pondered this problem on the eve of the September 1996 election in Bosnia. "Suppose the election was declared free and fair and those elected are racists, fascists, separatists or religious zealots. That is the dilemma". Indeed it is, not just in Bosnia or Algeria or Turkey or Pakistan but in the entire Islamic world. No wonder, Bush's speech about bringing democracy and freedom to the Islamic world, as expected, has fallen on deaf ears and left people cold. It is now abundantly clear that no country in the Islamic world will ever be allowed by the United State to be truly democratic for the simple reason: were free, fair and impartial elections, the essence of democracy, the inescapable sine qua non, held tomorrow in the Islamic world, the resulting regimes would almost certainly be anti-American, anti-Israel, and pro-Islamic. No wonder, America didn't accept the result of a free, fair and impartial election in Algeria. When FIS (Islamic Salvation Front) appeared likely to win two-thirds of the seats, enough to fulfill its campaign promise of replacing Bendjedid's constitution with the framework of an Islamic state, the army scrapped the election result with American approval. After meeting General Zeroual, the coup leader, US Ambassador Ronald Neumann declared: "my government and I personally wish him every success as he seeks to move forward on the path he has publicly chosen". That was Washington's reply to democracy in Algeria. With the world's greatest democracy and sole surviving

super power against it, what chance can democracy have in Pakistan or anywhere else in the Islamic world?

Today America is playing with fire and acting like Conrad's puffing gunboat in *Heart of Darkness*, shelling indiscriminately at the opaque darkness. The enemy has no country, no address and no flag, wears no uniform, stages no parades, marches to his own martial music. He could be on the next treadmill at the gym, or the next table at the sports bar. He requires no tanks or submarines. He does not fear death. He can operate with a rental car and a box cutter. He may be in Iran, Iraq, Pakistan, Afghanistan, Germany, or the next motel room anywhere in the United States. He is not in any hurry. For him the soup of revenge is best served cold. Americans have no idea of the rage that men and women around the world feel towards America today. They celebrate when coalition soldiers are attacked and killed. They pray for America's downfall. Bush has lit the match and set off an Islamic prairie fire that will soon set the whole region ablaze. He is obviously going through a period of insanity that is worsening everyday. Today Bush has placed America on the wrong side of history. In the eyes of billions of Muslims, he is the greatest threat to the Islamic world since the 13th century. No wonder, most people in Iraq want Saddam back and "liberators" out. Ken Livingstone, the Mayor of London went a step further. He denounced Bush during his visit to London and said: "I actually think that Bush is the greatest threat to life on this planet that we have most probably ever seen".

## **In Defence of Javed Hashmi**

Our rulers, elected or un-elected, have a historic knack for acting in ways that evoke revulsion in the civilized world. Actions like the arrest and detention of Qazi Hussein Ahmed, the persecution of Asif Zardari, the shabby treatment meted out to the Sharif family, the hounding of journalists, and now the incarceration of Javed Hashmi, have a common element – intimidation. People in power in this country believe in eliminating their political opponents and evicting them from the political scene by smearing or breaking or exiling them. The constant nightmare of our rulers is that unless the voice of dissent is silenced, they can never feel secure.

Javed Hashmi's case is a classic case of abuse of the judicial process for political ends. His arrest on charges of sedition and mutiny brought back memories of a bygone era. The Ali Brothers were put on trial in Karachi in 1921 on the charge of suborning the loyalty of soldiers. They combined ridicule with defiance in their defence. Very few people know that Mr. Jinnah appeared for Tilak charged with seditious libel in 1908. More famous is Mr. Jinnah's defence of Bhagat Singh in the Central Legislative Assembly. Going through the record of the case, one is struck by Mr. Jinnah's brilliant advocacy and his clear-cut views on political trials which are as relevant today as they were in 1929 and bear recalling. It was 4 in the afternoon when Mr. Jinnah rose to speak in the Central Assembly on September 12, 1929. He had obviously toiled hard over his speech. By all contemporary accounts, his was a magnificent performance. His was one of the most powerful and effective speeches in the Central Legislative Assembly in defence of Bhagat Singh and his comrades. Bhagat Singh's culpability in Saunder's murder was not in question. That did not prevent Mr. Jinnah from exposing the farcical character of the trial and deliberate abuse of the judicial process to secure a death sentence. Jinnah did not approve of the action of Bhagat Singh. What he did was to raise the level of debate and went straight to the root cause of the trouble – "this damnable system of government which is resented by the people".

He went on to say: "Do you think that any man wants to exceed the bounds of law for the purpose of making a speech which your law characterizes as a seditious speech, knowing full well the consequences, that he may have to go to jail for six months or a year? Do you think that this springs out of a mere joke or fun or resentment? Do you not realize yourself, if you open your eyes, that there is resentment, universal resentment, against your policy, against your program, against your government". He went on to say: "Sir, it reminds me of a story - an

old Persian story. A man got stomachache because he had eaten some very rotten bread. So he went to the doctor and told him that he had stomachache. The doctor said, yes, and he promptly started treating his eyes. Then he said, "What have my eyes got to do with my complaint"? Then the doctor said, "Well, if you have eyes, you would never have got stomachache because you would not have eaten rotten bread". Similarly, I would say to Honorable the Home Member, "Have you got eyes? Well, if you had, you would never have got this stomachache". Now, will you open your eyes? Will you have a little more imagination? Have you got any statesmanship left? Have you got any political wisdom? This is not the way you are going to solve the root cause of the trouble. You may temporarily, provisionally, get over this particular trial. But now let us see what is the real cause of the trouble"... "And the last words I wish to address to the government are: try and concentrate your mind on the root cause and the more you concentrate on the root cause, the less difficulties and inconveniences there will be for you to face, and thank heaven that the money of the tax payer will not be wasted in prosecuting men, nay citizens, who are fighting and struggling for the freedom of their country".

Speaking at a news conference, MNA Maimoona Hashmi said that her father, a member of parliament, President of ARD and acting President PML(N) was being kept in solitary confinement and his whereabouts had not been made known to anyone, including his family for the last 12 days. The Speaker of the National Assembly had failed to issue his production orders due to pressure of the government. On Monday last, November 10, the government produced, for the first time, a copy of the FIR. For some inexplicable reason, the court did not provide a copy of the FIR to the petitioner's counsel but graciously allowed him to jot down the contents of the report. It took the counsel almost two hours to copy the FIR and two remand orders by hand! As a great American judge, Felix Frankfurter once remarked: "The history of liberty has been the history of observance of procedural safeguards". In the case of Javed Hashmi, every safeguard guaranteed by law has been denied to the accused. It is a classic case of a regime's attempt to incriminate its foes' public behavior with a view to evicting him from the political scene.

I first met Javed Hashmi at a cabinet meeting chaired by President Zia ul Haq in the 80s. I make no secret of my sympathies for Javed though my politics and his are poles apart. I don't agree with all that he says but as Voltaire said, I will defend to the death his right to say it. History bears witness that whenever the ruling powers in our country, elected or unelected, took up arms against the constitution and the fundamental rights of the citizens, the court-rooms served as the most convenient and effective weapons. The authority of the courts is a force and it can be used, for both justice and injustice. In the hands of a just government it is the best means for attaining right and justice. But for a

repressive and tyrannical government, no other weapon is better suited for vengeance and injustice. Next to the battlefield, it is in the court rooms that some of the greatest acts of injustice in the history of the world have taken place. It is unfortunate that from the country's first decade, our judges tried to match their constitutional ideals and legal language to the exigencies of current politics. It is our misfortune that judiciary has often functioned at the behest of authority and has been used to further the interests of the state against the citizens. Their judgments have often supported the government of the day. This was their chosen path through the 1950s; during the Martial Law period of the 1960s and 1970s; under the mixed constitutional rule of Zulfikar Ali Bhutto and persists till today. When the history of our benighted times comes to be written, it will be noted that the superior judiciary failed the country in its hour of greatest need.

After the fall of Nawaz Sharif, there was a glimmer of hope that intimidation of political opponents would be a thing of the past. Regrettably, that faint gleam of hope has faded away. President Musharraf and his government have fallen for fear and have adopted the same old tactics in order to browbeat their political opponents. Increasingly, Pakistan's judicial system is viewed as one more arm with which to persecute political opponents. The law is used not as an instrument to afford the citizen protection but rather as the chief means of his subjection. When government degenerates into tyranny, laws cease to be binding on its subjects resulting in anarchy. In the words of Palkhivala, so long as there is a judiciary marked by rugged independence, the citizen's liberties are safe even in the absence of cast iron guarantees in the constitution. But once the judiciary becomes subservient to the executive and to the philosophy of the party for the time being in power, no enumeration of fundamental rights in the constitution can be of any avail to the citizen, because the courts of justice would then be replaced by government courts. The lesson of history is that when the dykes of law and justice break, revolutions begin. If Javed Hashmi has committed treason, which is yet to be proved, he must be punished. Treason, no matter who commits it, must not go unpunished and must not prosper, for if it does, none dare call it treason. These are times that try men's souls. "The best lack all conviction while the worst are full of passionate intensity". The summer soldier and sunshine patriot will in this crisis shrink from the service of his country, but he who serves it now deserves the love and thanks of man and woman.

The right to personal freedom is guaranteed in our constitution but the proclamation of this right gives of itself but slight security and the right has no more than nominal existence. There is no difficulty, and there is often very little gain, in declaring the existence of a right to personal freedom. The true difficulty is to secure its enforcement and to turn a merely nominal into an effective or real right. In England, the Habeas Corpus acts have achieved this end and have done for the liberty of Englishmen what the high-sounding declaration in our

constitution has failed to accomplish. Javed Hashmi's Habeas Corpus petition is pending in the High Court. He has yet to be produced before the court. No judge who has got an iota of a judicial mind or a sense of justice can ever be a party to farcical proceedings of this kind and pass sentence without a shudder and a pang of conscience.

In the words of Mr. Jinnah, it is the system, this damnable system of government which is the root cause and is resented by the people. The substance of power vests in the president who is also the Chief of Army Staff. He is not elected in accordance with the constitution, is not accountable to the parliament, refuses to vacate his office as Army Chief and doff his uniform. Democracy is in limbo. Parliament is paralyzed. The opposition languishes in torpid impotence. The constitution is a figment, accountability is a farce. There is apathy in the country. Silence is its accomplice. This is not Pakistan. This is not the land of the free and home of the brave. This is some other country. I want the country I was raised to believe in – a democratic country strong enough for political discourse and debate, with leaders courageous and decent enough to have the willingness to listen to all citizens, not just those who parrot their own views. If this is land of the free and home of the brave, give me slavery. Today Pakistan has no choice: it is condemned either to be part of the democratic world or not to be at all.

## **In Search of Truth**

Mir Aimal Kasi, a citizen of Pakistan, convicted of murdering of two CIA officials and injuring some others on January 25, 1993, was killed by lethal injection in a Virginia jail on November 14, 2002. Strapped to a stainless steel table at Greensville correctional center, Kasi recited the Kalima and went on softly murmuring the words: God is great. There is no god but Allah before his breathing stopped. His dead body was delivered to his relatives who transported it to Quetta, his hometown, where he was buried on November 19 in the presence of thousands of people who had come from all over Balochistan. Kasi remained unrepentant till the end and expressed no remorse for his action.

Mir Aimal Kasi was picked up from a hotel in Dera Ghazi Khan on June 15, 1997 by a team of Pakistani officials and FBI special agents. No formal request for his extradition was ever made to Pakistan and no extradition proceedings were initiated. A few dozen heavily armed personnel, several vehicles and an American C-141 plane took part in the operation. The four-and-a-half year manhunt was finally over. I do not approve of the action of Mir Aimal Kasi but I say it with a heavy heart and deep anguish that the day he was arrested and delivered to FBI agents, in violation of the constitution and laws of Pakistan, for execution, five years later, in America, will go down in our history as a day of infamy. All self-respecting Pakistanis must hang their heads in shame for the role of our executive authorities in this sordid, tragic drama. I can understand the keenness of American authorities to grab Kasi and whisk him off to the States, but why did our government at the highest level, abet this criminal act? In the past, and I speak with some authority, we never surrendered our national to a foreign country, extradition treaty notwithstanding, and always insisted on exercising our sovereign right to prosecute him ourselves and punish him if, in the opinion of a competent court in Pakistan, there was sufficient evidence to sustain conviction. This was the established practice and I don't recall a single instance in which, at the request of a foreign country, we either deviated from this practice or denied our citizens the protection of our laws. Why was it not followed in the case of Aimal Kasi?

Under whose orders was Kasi arrested and on what authority was he handed over to the FBI agents? Who sent Aimal Kasi on June 15, 1997, a date which will live in infamy, to the Virginia jail in violation of our constitution and laws, to be strapped to a stainless steel table and killed by a lethal injection? Where should the burden of responsibility be placed? This is the question that has exercised the people of Pakistan for the last five years. This is a public matter in which we have

an obligation to find the facts. The public has the right to know. The irony is that this shameful episode took place, long before, 9/11, when we had an elected Prime Minister and an elected President running the affairs of state. Now, of course, the picture is completely changed. By succumbing to American pressure we may have secured a temporary reprieve, but at what cost? Pakistan is splattered with American fortresses, seriously compromising our internal and external sovereignty. Foreign troops move in and out in our country without let or hindrance. What is worse, any citizen of Pakistan can be picked-up by FBI agents in collusion with our government, illegally detained for several days and taken outside the country, making a mockery of our independence, our sovereignty and our entire judicial system.

The right to personal freedom is guaranteed in our constitution but the proclamation of this right gives of itself but slight security that the right has more than nominal existence. There is no difficulty, and there is often very little gain, in declaring the existence of a right to personal freedom. The true difficulty is to secure its enforcement and to turn a merely nominal into an effective or real right. In England, the Habeas Corpus acts have achieved this end and have done for the liberty of Englishmen what the high-sounding declaration in our constitution has failed to accomplish. Doctor Amir Aziz Khan, a highly respected orthopaedic surgeon, was arrested and released on November 19 after a month-long detention on charges of having links with the Taliban and Al-Qaeda leaderships. Some "unknown" persons dropped him at his house in Lahore cantonment on November 19 in the early hours of the morning. Dr. Amir Aziz was never produced before the Lahore High Court where a writ petition was filed by his mother. Following his early morning release, the Lahore High Court disposed of the petition as it had become infructuous. "I have been in the custody of Pakistani Intelligence Agencies in Islamabad where the FBI and CIA officials questioned me", Dr. Aziz told newsmen who visited his house. The interior minister knew all along who had the custody of Dr. Amir Aziz. The High Court knew the devices by which the effect of its writ was being evaded. Yet it did not summon the relevant authorities to force them to "produce the body" before the court or face contempt proceedings and expose themselves to summary punishment.

How will history judge Mir Aimal Kasi? His culpability in the murder of the two CIA officials is not in question. But was the trial fair? Was it impartial? The history of liberty has been the history of observance of procedural safeguards. Didn't the circumstances in which Aimal Kasi was arrested, kidnapped and whisked off to a foreign country, in violation of our constitution and laws, vitiate the trial proceedings abinitio? Isn't this defect a trespass on American law? Isn't it a mockery of morality? One of the most powerful speeches made in the central legislative assembly in India, in defence of Bhagat Singh, convicted of the murder

of an Assistant Superintendent Police, John Saunders, was made by Mr. Jinnah on September 12 and 14, 1929. In the course of his speech, Mr. Jinnah said, "I think I am speaking on behalf of a very large body of people when I say that, if there is sympathy and admiration for the accused (Bhagat Singh and Comrades), it is only to this extent, that they are the victim of the system of government. It is not that we approve or applaud their actions if they are guilty, which still remains to be proved. If they are guilty of the offense of which they are charged, then I am sure it is not that we admire them or approve of their actions, but, on the contrary, I am sure a large body of thinking people feel that these young men, whatever be the provocations, are misguided in resorting to actions for which they now stand charged... Mind you, sir, I do not approve of the action of Bhagat Singh, and I say this on the floor of this house. I regret that rightly or wrongly, youth today in India is stirred up, and you cannot, when you have three hundred and odd millions of people, you cannot prevent such crimes being committed, however much you may deplore them and however much you may say that they are misguided. It is the system, this damnable system of government which is resented by the people. You may be a cold blooded logician: I am a patient cool-headed man and can calmly go on making speeches here, persuading and influencing the Treasury Bench. But remember, there are thousands of young men outside. This is not the only country where these actions are resorted to. It has happened in other countries, not youths, but greybearded men have committed serious offences moved by patriotic impulses... Sir, it reminds me of a story, an old Persian story. A man got stomachache because he had eaten some very rotten bread. So he went to the doctor and told him that he had stomachache. The doctor said, yes, and he promptly started treating his eyes. Then he said, "What have my eyes got to do with my complaint"? Then the doctor said, "Well, if you have eyes, you would never have got stomachache because you would not have eaten rotten bread". Similarly, I would say to the Honorable the Home Member, "Have you got eyes? Well, if you had, you would never have got this stomachache". Now, will you open your eyes? Will you have little more imagination? Have you got any statesmanship left? Have you got any political wisdom? This is not the way you are going to solve the root cause of the trouble. You may temporarily, provisionally, get over this particular trial. But now let us see what is the real cause of the trouble... and the last words I wish to address to the government are: try and concentrate your mind on the root cause and the more you concentrate on the root cause, the less difficulties and inconveniences there will be for you to face, and thank heaven that the money of the tax payer will not be wasted in prosecuting men, nay citizens, who are fighting and struggling for the freedom of their country". Jawahar Lal Nehru added his voice of protest. "It is very easy", he wrote in his autobiography "and very fatuous to condemn persons or acts without seeking to understand the springs of action, the causes that underlie them".

The right to personal freedom is a false notion, a myth and a fiction. It does not exist in Pakistan. What of liberty's familiar safeguards? First, don't count on courts. Second, discount the parliamentary watchdogs. Finally, don't count on political pressure. There is no stream into which this anger can flow. It keeps breaking up in search of a destination. We know from a dozen historical examples where a sense of powerlessness ultimately leads. I have but one goal: that light be shed on this sordid episode. Let the inquiry be held in broad daylight. A miscarriage of justice has taken place. We will not be able to live with ourselves if we do not see to it that truth is unveiled. My ardent protest is merely a cry from my very soul. I know that precisely because the interests involved are too great and the men who wish to stifle the truth are too powerful, the truth will not be known for sometime. But there is no doubt that ultimately every bit of it, without exception, will be divulged. No matter how deep you bury the truth, it burrows ahead underground and one day it will surface again everywhere and spread like some vengeful vegetation. Truth carries the power within it that sweeps away all obstacles. And whenever the way is barred, whenever someone does succeed in burying it for any time at all, it builds up underground, gathering such explosive force that the day it bursts out at last, it will blow up everything with it.

Why don't our American friends try to understand the root cause of the trouble? When a whole people is seething with rage against injustice, it becomes a dangerous enemy because rage does not obey orders. When it exists in the hearts of millions of people, it cannot be cut off by pushing a button. When this rage overflows, it creates suicide bombers and Aimal Kasis, fueled by the power of anger against which there is no defense. These are people defending a cause with their souls and this is the highest level of noble resistance. This is not a regular fight, a regular war where you can choose your target and fight only soldiers. This is almost a desperate situation where young misguided men and women blow themselves up and whoever happens to be on the site.

## The Musharraf Doctrine

Our chequered history can be summed up in one sentence. It is the sound of heavy boots coming up the stairs and the rustle of satin slippers coming down. It is the story of ambitious and power - hungry Generals who used the Pakistan army to grab political power, derailed the political process and deprived the people of their liberties. A weak political system allowed the Generals to manipulate events and hijack the State.

The Pakistan army, like the Indian army, had inherited a great tradition of loyalty, sense of duty, patriotism, and complete subordination to civil authority. No one could imagine that at a time when the nascent state was struggling for survival, this great instrument of stability would prove so vulnerable. The Rawalpindi conspiracy of 1951 was the first attempt by the armed forces, barely two months after the appointment of General Ayub as Commander-in-Chief, to take over power by overthrowing a democratic government established by law. Seven years later, General Ayub Khan himself, in collusion with Iskandar Mirza, the Governor General, stabbed Pakistan's fledgling democracy in the back and inducted the army into the politics of Pakistan. "Another worry I had was how", Ayub Khan wrote with prophetic prescience in *Friends not Masters*, "if the army once got drawn into political life - and this seemed inevitable, it could withdraw itself from the situation... A well - organized, trained and disciplined army would find it extremely distasteful to be turned into an instrument for securing political power... To me it was like exposing my own child to unpredictable hazards"!

Ayub committed the original sin. It was Ayub who set a bad precedent. Others merely followed his example, all in the name of Pakistan! In the process they did incalculable harm to the country and to the army. One thing is clear: The Generals have shown a greater willingness to grab power than to give it up. None of the first three army Chiefs to rule Pakistan - Ayub Khan, Yahya Khan and Zia ul Haq - gave up power voluntarily. There is no reason to believe that General Musharraf would act differently. A few days after the 1999 coup, Musharraf's spokesman, Brig. Rashed Qureshi (now Major General), insisted that, "while others may have tried to hang on to power, we will not. We will make history". Musharraf agreed. "All I can say", he assured a television interviewer in January 2000, "is that I am not going to perpetuate myself - I can't give any certificate on it but my word of honour. I will not perpetuate myself ". Later in 2002, he went a stage further and said he would respect a Supreme Court

judgment that stated he should remain in office for just three years. In June 2001, however, Musharraf performed a U-turn. Following the example of Ayub, Yahya and Zia, he appointed himself as President. And in May 2002, he held a fraudulent Referendum that allowed him to remain in power for another five years. Today in violation of a solemn commitment he made on television, President Musharraf seems reluctant to give up his post as Chief of Army Staff and doff his uniform. Long ago, Trotsky wrote, "No ... cuts off his claws voluntarily". "No man ever willingly gives up public life", President Roosevelt once said, "No man who has tasted it". A person who possesses supreme power seldom gives it away peacefully and voluntarily.

Distrust of standing armies has been upper most in the mind of democratic leaders throughout history. Determining the proper role to be assigned to the military in a democratic society has been a troublesome problem for every nation that has aspired to a free political life. In America, recognition of the danger from Indians and foreign nations caused the Founding Fathers to authorize a national armed force begrudgingly. Their viewpoint is well summarized in the language of James Madison: "The veteran legions of Rome were an overmatch for the undisciplined valor of all other nations, and rendered her the mistress of the world. Not the less true is it, that the liberties of Rome proved the final victim of her military triumphs... A Standing army, therefore, is a dangerous, at the same time that it may be a necessary, provision". With a standing army the country could not, they feared, escape from despotism; without a standing army the country could not, they were sure, avert invasion. The maintenance of national liberty appeared to involve the sacrifice of national independence. Englishmen, at the end of the 17th and the beginning of the 18th century, faced the same dilemma. In due course, they found a practical escape from this theoretical dilemma.

"We have martial today", I told Morarji Desai in Peshawar in 1959. "You will have it tomorrow". Morarji reacted sharply. "No General dare impose Military rule in India. And if he does, Morarji will be the first to face the Indian bullet". 57 years after independence, the Indian army remains bound by tight constitutional and political constraints. There has been no coup, no Colonel's or Brigadier's conspiracy to seize power. The Indian army has not intervened in politics. De Tocqueville and other theorists had argued that democracy and a large standing army were incompatible, but India has managed both. Indian democracy has stood the test of time. The constitution has kept the country united, allowed its democracy to survive and kept the armed forces at bay. The structure of the Indian civil-military relationship is still intact largely because the legitimacy of the political system remains high. The British tradition of separate spheres of military and civil authority has carried over. Indian officers like to boast that politics and military do not mix; that the two are immutably different and

separate. Junior officers are taught to be political illiterates. Sadly, our Generals followed a perilous path with disastrous consequences for the country and the army.

“Moreover, as I have said before, Tocqueville wrote more than 200 years ago”, on return from America, “because in democracies the richest, best – educated, and ablest citizens hardly ever adopt a military career, the army finally becomes a little nation apart, with a lower standard of intelligence, and rougher habits than the nation at large. But this little uncivilized nation holds the weapons and it alone knows how to use them!... Military revolutions are always to be feared in democracies. They should be reckoned among the most threatening of the perils which face their future existence. Statesmen must never relax their efforts to find a remedy for this evil”.

Mr. Bhutto was conscious of the role of the military oligarchy and the need to reduce its power. His intervention in military affairs, however, did not go much further than the dismissal of Gul Hassan, the army chief and Rahim Khan, the air chief. In order to reduce his dependence on the army and civil servants, he reinforced the police, set up a para-military Federal Security Force - an infamous organization which gained much notoriety under Masud Mahmud, but did not in any way counterbalance the weight of the military. He did, however, succeed in breaking the back of the civil service which, in his view, constituted a potential threat to his rule. His position at that time seemed unassailable. His legitimacy was beyond question. Both elements of the military – bureaucratic oligarchy lay prostrate before him. Bhutto had both legitimacy and power. But he was his own worst enemy. He mutilated the 1973 agreed constitution. He destroyed political institutions and lost all his friends if he had any. No wonder, nobody stood by him when he was taken to the gallows and hanged. It was a tragic, but in the circumstances, perhaps inevitable end to a chapter in Pakistan’s history when for the first time conditions were just right to establish a long term supremacy of the democratic process, putting an end to the domination of the military oligarchy. Every government since 1951, whether democratic or military, had only one of the two ingredients that are together essential to sustain a viable regime: they had either legitimacy without power or power without legitimacy. For the first time in Pakistan’s history, the regime of Mr. Bhutto enjoyed both political legitimacy as well as effective power, and that under democratic provenance. On that foundation, Mr. Bhutto could have established Pakistan’s long-term democratic future on a firm basis. Sadly, his shoulders were not broad enough to carry the burden that history had placed upon them.

Marx once said: “Neither a nation nor a woman is forgiven for an unguarded hour in which the first adventurer who comes along can sweep them off their feet and possess them”. October 7, 1958 was our unguarded hour when

democracy was expunged from the politics of Pakistan with scarcely a protest. The result is the mess we are in today. As a direct consequence of military intervention in October 1958, we lost half the country in 1971. Our Bengali compatriots parted company with us when we drifted away from the democratic path. They saw no future for themselves in a military – dominated Pakistan and broke the country in two. “Those who do not learn from history are doomed to repeat it”. Are we witnessing the denouement, the final unravelling of the tragic drama which unfolded itself in 1971? Some lessons of history, they say, take time to have an effect.

Where do we stand today? 57 years after independence Pakistan has a disjointed, lop-sided, hybrid political system – a non-sovereign, rubber stamp, cowed, timid and paralytic parliament, a powerful President in uniform, a weak and ineffective Prime Minister appointed by the President. Political institutions established at the time of independence are still there, albeit now in anemic form. One by one, all the arguments for Musharraf’s rule and dismissal of an elected government are tumbling. They are falling like skittles in a bowling alley. Bit by bit, the intellectual foundations of this regime are crumbling to dust: first to go was the big one. Musharraf had toppled what he called a fake democracy. He was going to introduce ‘pure democracy’! Grinding our teeth, we have been reduced to the role of spectators, while honour and duty beckoned.

The days of military rule are gone. Politics and military do not mix. History is not on your side, General Musharraf. There can be no politics under military rule, direct or indirect, veiled or unveiled with or without a civilian façade. There can be no freedom under military rule. There can be no democracy under military rule. A democratic General? The idea sounds preposterous, like a democratic Ayatullah, a black Ku Klux Klansman, a Jewish Nazi or an intellectual member of the Bush family.

It is now abundantly clear that Pakistan cannot survive except as a democratic state based on the principle of sovereignty of the people. There is nothing intermediate between the sway of democracy and the yoke of a single man. Pakistan cannot survive except under a constitution which reflects the sovereign will of the people, not the whims of one individual person. Pakistan cannot survive except under a system based on the supremacy of civilian rule. Pakistan cannot survive except as a federation based on the willing consent of all the federating units. Pakistan cannot survive under military rule, with or without a civilian façade, because military rule lacks legitimacy and is an anachronism in a world of global markets, information and media.

I believe this government is leading the country to a perilous place. Musharraf has broken faith with the people who welcomed him with open arms and

reposed their trust and confidence in him. He has not leveled with the people of Pakistan. Once he was a good listener. Today he is like an aging relative who refuses to wear a hearing aid. He will do what he thinks right, even if he is the only one who thinks it. Today there is no one to restrain him. He is Caesar and from Caesar one can appeal only to Caesar. One thing is clear: Musharraf's calls to stay the course are fatuous. The course Musharraf is on leads downhill. It is axiomatic that army has no political role in a democratic country. Musharraf doesn't seem to agree. For the first time in our history, a serving Chief of Army Staff has publicly justified all military coups in Pakistan – past, present and future and enunciated a Doctrine (a grim reminder of Bush's Doctrine of preemptive attack) which gives the Army Chief the 'right' to topple a democratic government whenever he deems it necessary. If Musharraf has been correctly quoted, it is a dangerous Doctrine – a recipe for disaster and will never be accepted by the people of Pakistan.

The Pakistan army is a people's army, in the sense that it belongs to the people of Pakistan who take a jealous and proprietary interest in it. It is not so much an arm of the Executive branch as it is an arm of the people of Pakistan. It is the only shield we have against foreign aggression. In the absence of authentic political institutions, it is the only glue that is keeping our fragile federation together. Why politicize it? Why expose it to the rough and tumble of politics? Why use it as an instrument for grabbing and retaining political power?

One thing is clear: Pakistan cannot survive if army is not taken out of the turbulent arena of political conflict. We have deviated from the democratic path and lost our bearings and all sense of direction. Pakistan has been on the wrong road for so long. It needs to get on the right road. But where is the beacon to guide us back from the errant path?

## August 14

### What is there to Celebrate?

I was born in slavery. On 14th August 1947, I was a free man, proud citizen of a free, independent, and sovereign country which I could call my own, a country I could live for and die for. I was young-twenty four to be precise- full of joie de vive, idealism, hope and ambition. For me and, like me, for all those who belonged to my generation, Pakistan symbolized all our wishes and expectations. We all shared a seemingly unassailable certainty. We believed in Pakistan. To quote Wordsworth: 'bliss was it in that dawn to be alive. But to be young was very heaven.' On that day, we dreamed of a shining city on the hill and the distant bright stars. It was a day that should never have ended. For it was like a dream come true, and carried with it a sense of pride, of excitement, of satisfaction, and of jubilation that it is doubtful whether any other can ever come up to it. On that day, over a century and a half of British rule came to an end. The Union Jack was lowered for the last time. I saw the sun set on the British Empire in the sub-continent. I witnessed its dissolution and emergence of two independent sovereign countries. On August 14, 1947, I went around happy all the time and I asked myself, 'why am I happy all the time'? It is not just that we had a great leader who seemed to embody in his determination a bright and different world as each person imagined it. We had entered a new era. In the shivering streets people warmed themselves with hope.

Today Pakistan is a shadow of what it used to be. What is there to celebrate? The Federation is united only by a 'Rope of Sand'. 57 years after independence, Pakistan is torn between its past and present and dangerously at war with itself. A general languor has seized the nation. It has a disjointed, dysfunctional, lopsided, hybrid, artificial, political system - a non-sovereign rubber stamp parliament, a weak and ineffective imported Prime Minister, appointed by a powerful President in military uniform. As we look back at all the squandered decades, it is sad to think that for Pakistan it has been a period of unrelieved decline and the dream has turned sour. Pakistan has long been saddled with poor, even malevolent, leadership: predatory kleptocrats, military - installed dictators, political illiterates and carpet-baggers. Such leaders use power as an end in itself; rather than for the public good. Under the stewardship of these leaders, ordinary life has become beleaguered; general security has deteriorated, crime and corruption have increased. This depressing picture is brought into even sharper relief by the striking example of effective Indian leadership since independence. Once we were the envy of the developing world. That is now the stuff of nostalgia. We seem exhausted, rudderless, disoriented. Our great dreams

have given way to a corrosive apprehension, fear, uncertainty and frustration. The corrupt among us are doing breathtakingly well but the large mass in the middle is struggling hard just to keep its head above water. Today most youngsters graduate directly from colleges into joblessness. They are the future of the country, political leaders keep telling them, but it is hard to know what that means.

In Pakistan, nothing has no altered the fortune of so many people so suddenly as political power. Here money and power seek each other. Today, we live in a society where the few have privileges and the many are without a kernel of hope. Today I feel like a stranger in my own country – with no familiar landmarks and grope my way in the dark but I stumble. I feel as if I am in a car that had lost its steering. This is not the country I opted for in the Referendum held in my home province in 1947. It has changed beyond all recognition in more ways than one. I badly want a Pakistan to defend, a nation I can belong to, fight for and die for.

One of the lessons of history is that when people lose faith in their rulers, when they lose faith in the sanctity of the ballot box, when elections are rigged and votes are purchased; when judges try to match their constitutional ideas to the exigencies of current politics and shift with political winds; when judiciary functions at the behest of authority and allows itself to be used against the citizens; when the gap between the rulers and the ruled widens; when there are no ways for people to express political preferences from time to time in an atmosphere free from fear, coercion, or intimidation; when known corrupt people, tax evaders and smugglers are foisted upon a poor, illiterate electorate unable to make an informed political choice, and sworn in as ministers; when elections throw up not the best, not the noblest, not the fittest, not the most deserving but the scum of the community, and a legion of scoundrels, when hunger and anger come together, people, sooner or later, come out on to the streets and demonstrate Lenin's maxim that in such situations voting with citizen's feet is more effective than voting in elections.

Does anyone have the ability to translate all this rage, all this discontent into activity? No country can give itself a new past. But it can alter the future. Pakistan is a case of failed leadership, not failed state. Who among our leaders has the capacity to look out from the mountaintop, foresee the trend lines of the future, and bend history to take us on a journey into the future? Who has the capacity of seeing far ahead? Who among our leaders understands the forces of History and has the capacity to move them in a favorable direction and nudge history? Who could put together a new political vessel to hold all the boiling discontent of a people increasingly disillusioned by a succession of corrupt politicians and Generals?

Today, Pakistan is hungry for a person who will light a candle in the gloom of our morale; who has a passion burning within him that will set our nation alight; who will be the standard-bearer of the disenchanting; who can give voice to our humiliation; who helps the nation recover its élan vital; who places country above self; who restores the process of national revival; who gives the country a new agenda, one that does not replace once set of corrupt leaders by another; who offers the genuine hope of a new order to take us into a new millennium; who stitches the country back together; whose heart is in the right place; whose hands are clean and remain clean; who restores the rule of law; who protects the citizen's honor, person and property; a crusader against high-level corruption, who will purge the country of all corrupt elements-politicians, bureaucrats, both civil and military and members of superior judiciary; who brings the guilty - those who stole the Pakistan dream - to justice, who will bring back a sense of decency; who will raise the people from the slough of despondency; who will restore the people's faith in themselves, their rulers, and above all in their country; who will, as Burke said, tell the people not where they want to go but where they ought to go; who will, as Mercier said, lance the poisoned carbuncle and clean the country of its mess and who will 'seize the moment', give the country the 'lift of a driving dream', and drag the nation to its feet again. Will Pakistan ever recover its élan vital and regain its lost dignity? Will Pakistan ever convert itself into a more self-respecting and proud country, a country that is truly sovereign, fiercely independent and genuinely democratic? Will Pakistan ever catch the flood tide of History?

Why is the better sort of the nation so silent today? 'The best lack all conviction while the worst are full of passionate intensity'. An evil spirit hangs over Pakistan. Is it our destiny that there must always be darkness at high noon, there must always be a line of shadow against the sun? What is it that has robbed me of my freedom of action, my freedom to speak my mind, my freedom to stand up straight? I have such a heavy load on my back. How can I straighten up? Too long have we been passive spectators of events. Today our Fate is in our hands, but soon it may pass beyond control. A shout in the mountains has been known to start an avalanche. We must call things by their names and shout louder. Let Pakistan be Pakistan again. Let it be the dream it used to be - a dream that is almost dead today. "From those who live like leeches on the people's lives" - who have robbed us of everything, our past, our present, our future and all our beautiful dreams - we must take back our land again.

## **The Role of Military in the Politics of Pakistan**

It is axiomatic that military has no political role in any democratic country. Unfortunately, a weak political system allowed the Pakistan military to manipulate events, and, ultimately, hijack the state. The military has cast a long shadow over politics in Pakistan even during the period of civilian rule. Repeated army intervention in the politics of Pakistan has been a recipe for disaster. It has thwarted the growth and development of parliamentary democracy and destroyed whatever little faith people had in their political institutions. What is worse, it has eroded people's faith in themselves as citizens of a sovereign, independent, democratic country.

Marx once said: "Neither a nation nor a woman is forgiven for an unguarded hour in which the first adventurer who comes along can sweep them off their feet and possess them". October 7, 1958, was our unguarded hour when democracy was expunged from the politics of Pakistan with scarcely a protest. The result is the mess we are in today. As a direct consequence of military intervention in the politics of Pakistan in 1958, we lost half the country in 1971. Our Bengali compatriots parted company with us when we drifted away from the democratic path. They saw no future for themselves in a military - dominated Pakistan and broke the country in two. We lost half the country but learned nothing. 33 years after that traumatic experience, a General in uniform rules Pakistan. Some lessons of history, they say, take time to have an effect.

It is now abundantly clear, except to those who are blind, or on drugs, that Pakistan cannot survive if army is not taken out of the turbulent arena of political conflict. Pakistan cannot survive under military rule, with or without a civilian façade, because military rule lacks legitimacy and is an anachronism in a world of global markets, information and media. Pakistan cannot survive under military rule because military rule symbolizes the hegemony of Punjab over the smaller federating units. Pakistan cannot survive under military rule because experience has amply demonstrated that military rule is a recipe for disaster. Army is the only shield we have against foreign aggression. Why involve it in politics?

On August 14th / 15th 1947, both Pakistan and India emerged as sovereign, independent, democratic countries with great hopes and high expectations. 57 years after independence, the Indian army remains bound by tight constitutional and political constraints. There has been no coup, no Colonel's or Brigadier's conspiracy to seize power. The Indian army has not intervened in politics. De

Tocqueville and other theorists have argued that democracy and a large standing army were incompatible, but India has managed both. Indian democracy has stood the test of time. The constitution has kept the country united, allowed its democracy to survive and kept the armed forces at bay. The structure of the Indian civil-military relationship is still intact largely because the legitimacy of the political system remains high. The British tradition of separate spheres of military and civil authority has carried over. Indian officers like to boast that politics and military do not mix; that the two are immutably different and separate. Junior officers are taught to be political illiterates. Tragically, Pakistan army followed a different path with disastrous consequences for the country.

The engine of history is moving Pakistan backwards. If we are not vigilant, our fledging democracy may, after all, turn out to have been a historical accident and a parenthesis that is closing before our eyes. Today Pakistan has no choice: It is condemned either to be part of the democratic world or not to be at all. Pakistan will never be all it can be, let alone all it need to be, if army is not taken out of the arena of political conflict and civil administration.

Asghar Khan is right when he says that, "Only powerful public pressure to restrict the armed forces to their defense responsibilities under political direction can bring about a change". This task must be undertaken today. Tomorrow will be too late. Today our fate is still in our hands, but soon it may pass beyond control.

## **America's Search for Enlightened Moderate Muslims**

The 20th century had been, as Isaiah Berlin once wrote, "the most terrible century in the world". But with the end of World War II, this terrible century appeared to be having a happy ending. As in melodramas of old, the maiden democracy, bound by villains to the railroad track, was rescued in the nick of time from the onrushing train. As the century drew to a close, both major villains had perished, fascism with a bang, Soviet communisms with a whimper. The world was safe for democracy or so the world believed. For historians, the euphoria, it generated, rang a bell of memory. Didn't the same radiant hope accompany the transition from the 19th to the 20th century? The 21st century started in a similar atmosphere of optimism and high expectations. The American century had begun.

The sudden demise of Soviet Union upset the balance of power and left the US in sole command of the world. With no power strong enough to challenge it, the world witnessed the rise of American imperialism. Taking advantage of the tragedy of 9/11, America reserved to itself the right to wage war anywhere in the world and change any regime. The first blow fell on Afghanistan, one of the poorest countries in the world, which is now under American military occupation and has ceased to be a sovereign, independent country. Next on its list was Iraq, the only secular, modern, progressive country in the Islamic world. The invasion of Iraq was avaricious, premeditated, unprovoked, cruel and unjust. It is a war against a foe who posed no immediate threat to the United States. Iraq had done no harm to America or its citizens. There is nothing that Bin Laden could have hoped for than the American invasion and occupation of Iraq.

Why is the Islamic world today a prime target for America, the latest imperial power, virtuoso in the art of smashing Islamic countries and establishing its control over the remains? It has all the requirements to make it the perfect American target. It has enormous natural resources; it has a rotten socio-political system in an advanced stage of decay and decomposition; its rulers are corrupt, despotic, authoritarian, unresponsive to the prime needs of the people, accountable to none; it lacks the will to defend itself because what its rulers represent is not worth defending; it is highly vulnerable to attack; a coup de grâce, or a coup de main, a powerful kick and the entire rotten structure will come crashing down. At relatively little risk and cost, America can gain strategic advantages in the Islamic world and place itself increasingly in position to control the world's resources and life lines. The aim is to gain control of the energy treasure house of the Gulf. "More than ever", Nixon once said, "the

question of who controls what in the Persian Gulf and the Middle East is the key to who controls what in the world”.

Today, Islam not the fossilized, institutionalized Islam co-opted by corrupt Muslim rulers, but the revolutionary Islam of its early years, is fuelling the resistance moment against American and Israeli imperialism in the Islamic world. Americans have no idea of the rage that men and women in the Muslim world feel towards America today. They celebrate when coalition soldiers are attacked and killed. They pray for America’s downfall. To counter this, Bush is challenging Islam which he wants to “reform” in the light of his own vision. It is a clash between American imperialism masquerading as democracy and Islam as the motor of history and basis of political life in the Islamic world. In order to counter what it calls the radical fringe of Islam, America is desperately scouting around for ‘enlightened liberal Muslims’, especially ‘enlightened Muslim rulers’, who can sell an alternative vision and version of Islam that fits into the American scheme of things. This goal is clothed in the garb of high-sounding slogans such as ‘democracy’, ‘human rights’, ‘liberalism’, ‘pluralism’ and last but not least ‘enlightened moderation’. ‘Democracy’, ‘freedom of choice’, ‘rule of law’, ‘human rights’ and ‘enlightened moderation’ are highly desirable American goals but in reality, they are hollow slogans and mean very little. In an off the - cuff comment on the series of constitutional changes announced by President Musharraf, sometime back President Bush conveyed a sense that democracy in Pakistan wasn’t all that important and was an afterthought for him. Many Pakistanis are wondering: why is America pushing democracy only in Afghanistan and Iraq? Why is the Bush team advocating democracy only in authoritarian regimes that oppose America and not in authoritarian regimes that are pro-America? Why is Washington’s response to the constitutional changes made by President Musharraf so tepid? Today American policy towards the Islamic world, as described by Thomas Friedman, the well-known American columnist, is ‘to punish enemies with the threat of ‘democracy’ and reward its friends with silence on democratization’.

An illustration of the actual agenda behind the sort of ‘enlightened moderate Islam’ that America is now so feverishly seeking to promote is provided by a recent report prepared by the RAND Corporation, a conservative American think-tank. Titled, ‘Civil Democratic Islam: Partners Resources and Strategies. The report is authored by Cheryl Benard, Director of Research at the Boltzmann Institute in Austria. She is the wife of Zalmay Khalilzad, Member of America’s National Security Council and a key advisor to President Bush! Benard locates radical (read anti-American) Islam as a threat to global (read American) stability. She sees the solution to the problem as lying simply in promoting an alternate version of Islam that is compatible with what are defined as American values and whose proponents would be willing to work as close partners of the US. She

suggests that America take it upon itself to devise nothing less than a new 'Islam' carefully crafted in order to suit American interests. After explaining her rationale for her proposed project of reforming Islam, Benard sets out guidelines for America to adopt in order to develop a form of Islam that would be able to facilitate American interests. For this purpose, she recognizes that the cooperation of carefully chosen Muslim allies, in particular, Muslim rulers, would be indispensable. The ambitious plan that Benard sets before the US of reconstructing the Muslim world and indeed defanging and building a new Islam is already under implementation. The concerted and well orchestrated campaign to project enlightened moderate Islam is in full swing as is evident from the sudden flurry of conferences, seminars and publications on 'enlightened moderate Islam' appearing throughout the Islamic world.

President Bush has accomplished two truly remarkable achievements. One, he has radicalized Islam. Two, he has turned even the monster of Baghdad into the hero of many in the Muslim world. US leaders refuse to accept the obvious. They do not realize that what they are fighting is a worldwide anti-imperialist Islamic war of Liberation – not criminality or terrorism – it is rooted in opposition not to American values but to American policies and actions. Muslims have been angered by US support for dictatorial regimes in Muslim countries, including at one time Saddam Hussain's, and by its backing of Israel as a force occupying Palestinian lands and Islam's third holiest place, East Jerusalem. Who is there to tell the Americans that you do not go charging off to remake a society when you do not understand its moral traditions; that if you conquer a nation and impose upon it something you call democracy, the results will be predictable: that you can't administer a conquered country behind a security bunker.

Mohandas Karamchand Gandhi wanted India dedicated to 'enlightened anarchy' where everyone was his own ruler. General Musharraf wants the entire Islamic world dedicated to 'enlightened moderation' as a panacea for its ills! At the 58th session of the UN General Assembly, President Musharraf took the lead and enunciated the strategy of 'enlightened moderation' as a means to promote human emancipation! People who fight American or Israeli or Indian imperialism, refuse to accept foreign conquest and occupation of their country, refuse to collaborate with the enemy, defy the occupation forces, respond to the call to honour, risk everything they possess, and go on fighting with whatever they have until the enemy is thrown out and the national stain is wiped clean, are not terrorists. They are not thugs. They are not bandits. They are not extremists either. They are called freedom fighters. It is a cruel joke to advise these people to resist aggression with 'enlightened moderation'. Moderation in the pursuit of liberty is no virtue; extremism in the pursuit of justice is no vice.

## Bush on Sovereignty

Say what you like, President Bush has a great sense of humor. "Freedom", he said not long ago, "is worth fighting for, dying for and standing for", later, he called for a, "forward strategy of freedom to promote democracy in the occupied countries and throughout the Middle East. It isn't often you get to see a charade, a live Political Science experiment, but that is what we are about to witness in Iraq. It is enough to make one "die laughing". On June 30, 2004, Bush plans to convert a US - nominated Interim Government headed by Ilyad Allawi - a CIA and MI 6 protégé into a fully "sovereign" and independent authority. He said recently that he would transfer complete and full sovereignty to an Interim Iraqi government in less than a month. But nothing like that is going to happen. What he is offering a puppet government is hollow sovereignty totally devoid of substance. In Bushworld, America can create an exciting Iraqi democracy as long as it doesn't control its own military, pass any laws or have any power. To apply the adjective sovereign to the interim government in Iraq will be a tragic farce and a cruel joke.

What is sovereignty? The term sovereignty, first used in the 15th century, has had a long history. Taking off from Aristotle's notion of the 'Supreme Power', the idea has travelled through the 16th century Jean Bodin's definition as the 'absolute and perpetual power', Austin's theory of the Sovereign power, commanding general obedience but itself owing obedience to none and Dicey's concept of sovereignty being absolute, comprehensive and indivisible. The latest to join this galaxy is George W. Bush!

How can a country regain its sovereignty if foreign troops continue to remain on its soil against the will of the people and aggression continues unabated? How can the US or even the UN convince the Iraqis that Iraq will regain any meaningful sovereignty after June 30, if it remains under American military occupation and all real decisions on security and reconstruction are still made by the Americans? As long as US forces and bases are present in Iraq, no Iraqi regime, elected or nominated, can portray itself as truly sovereign and not an American puppet. Iraqi freedom fighters will go on attacking American bases wherever these are. US troops will be repeatedly drawn out of their bases and into direct involvement with Iraqi freedom fighters.

Iraqi armed forces will continue to operate under US command although the Americans have said they will consult the new government on deployment and other matters. It will be seen by the Iraqis as simply an American tool. Other subjects that remain unclear include the extent to which Iraq will have a say in

the practices of US - run prisons that hold Iraqi suspects and over the Iraqi criminal justice system that might prosecute Americans for crimes against Iraqis. Who will be in charge of Abu Ghraib prison? Nor is it clear to what extent the World Bank and other International Agencies will continue to have auditing authority over the spending of huge sums derived from Iraqi assets and oil.

The new government will be explicitly directed by the United States and UN not to enact major new laws or make any commitments that would bind its elected successors next year. "Majestas est Summa in civas ac subditos legibusque soluta Potestas", i.e. is Defacto sovereignty or highest power over citizens unrestricted by law in Iraq will reside not in the nominated Iraqi government or the Prime Minister but where the American coercive power resides. The American - sponsored Security Council resolution adopted on June 8, 2004, does not change anything. It cannot confer sovereignty on the American - nominated interim government, nor can it change the character of the American forces engaged in the war of aggression against the people of Iraq.

The US has no intention of handing over sovereignty to the Iraqis. It wants to keep control of all armed forces in the country; make use of that force at its own discretion, with American forces enjoying extraterritorial status and legal immunities; and to exercise a veto over the legislative decisions of whatever Iraqi government takes office. The transfer of nominal sovereignty to a few chosen Iraqis in a still - occupied country will brand any so - called 'sovereign' Iraqi authority as treasonous and will lack any political legitimacy. The transfer of 'sovereignty' will not fundamentally alter the continued and overt supremacy of the United States in Iraq. Between 110 and 160 American advisors will be layered through Iraqi ministries on contracts signed by the occupation authority. The new government would have no authority to stop American forces from attacking any Iraqi target. It would only have a theoretical right to request a full American withdrawal which will leave it virtually defenseless.

How can this government establish its legitimacy in the eyes of the people of Iraq when it lacks an electoral mandate and would be totally dependent on a huge American - dominated military force? How can Allawi, an American appointee, speak for the people of Iraq? How can he symbolize a sovereign, independent Iraq? In the eyes of the people of Iraq, Allawi can never be Iraq. Iraq will always be distinct from the quisling Ilyad Allawi and the administration he will be heading after June 30. Wasn't "La France" distinct from its quisling Vichy government? Was France under Marshall Henri Philippe Petain, the hero of Verdun "sovereign and independent"? Did Petain, the head of the Vichy government, represent France - the eternal France of the revolution? Wasn't this France incarnated in the resistance leader Jean Moulin or in Charles de Gaulle

himself? Wasn't Petain condemned as a collaborator and sentenced to death after liberation?

Americans want to treat Iraq as a conquered and occupied nation instead of a free and sovereign state. This is how they wanted to treat France after the Normandy landings on June 4, 1944. But de Gaulle stood his ground and would not yield any form of civil and political authority to foreigners, even those who were fighting and dying for France! "But this country is ours, not yours and we decide what will be done here", Francois Coulet, representing the French Provincial Government headed by de Gaulle told General Lewis, the Chief of Civil Affairs on Montgomery's staff. "My presence here has nothing to do with you", Coulet banged his fist on his desk and said, "I have received the order to be here from General de Gaulle's government and I shall leave only upon his orders and act only upon his orders". It is inconceivable that Allawi, head of the so-called sovereign Iraqi government, will ever confront an American General and challenge him in such a defiant manner as Coulet did in the name of the Provisional government headed by de Gaulle.

Carl Marx once wrote, "all great historical events happen twice, the first time as a tragedy, and the second time as farce". This is what is happening in Iraq today. The 20th century began with western powers seeking to impose a new order on the Middle East. The 21st century has begun in a similar fashion. In a leading article on August 7, 1920, the London Times demanded to know, "how much longer are valuable lives to be sacrificed in the vain endeavor to impose upon Iraq an elaborate and expensive administration which the Arabs never asked for and do not want". History is repeating itself in the 21st century. The engine of history is moving Iraq back to 1920.

How long is it going to take for America to recognize that the war it so foolishly started in Iraq is a fiasco - tragic, deeply dehumanizing and ultimately unwinnable? How much more time, how much more money and how many more wasted lives is it going to take? One thing is clear. Peace and stability will never resume as long as aggression continues and American soldiers remain on Iraqi soil. Instead of enacting a charade, America should turn the country over to a genuine international coalition headed by the United Nations and get out. It has dug itself into a deep, deep hole. The least it can do in its own national interest is to follow the first rule of holes and stop digging. I am reminded in this context of one of "Rumsfeld's rules", the Pentagon Chief's guide for wise public policy, "It is easy to get into something than to get out of it". Americans are paying a terribly high price For what? Instead of democracy flourishing in the desert, bloodshed and killings continue - the payoff of a policy spun from lies and falsehood. This is the most foolish conflict since the war of Jenkin's ear in the 18th century.

Recently Paul Bremer, the American dictator of Iraq, was asked by the journalist Tim Russert to whom he would turnover the keys in Iraq on June 30, and gave his now immortal answer. "Well, that's a good question. We don't have a clue and in part that's because we have no memory". The biggest headache for the United States stems not from the invasion and conquest of Iraq, but from the aftermath - the old conundrum of military history - what to do with the loser? Now that the country has been conquered and Saddam's regime driven from power, the US is left "owning" an ethnically divided country of 22 million people ravaged by more than two decades of war. It wants the dirty job to be done by the interim government.

## The Case Against Plea Bargaining

Recently, while inaugurating an International Conference on UN Convention against Corruption, Prime Minister Jamali opposed arbitration and plea bargaining and said: "Whether the accused are politicians or others, arbitration should not be done in corruption cases as arbitration in such cases is itself a part of corruption, rather more dangerous than corruption". 24 hours later, President Musharraf struck a discordant note and defended plea bargaining and arbitration in corruption cases. What are we to make of all this? I am all for mediation or arbitration – sometimes referred to as alternate or alternative dispute Resolution – in civil disputes. I fully support consensual, out-of-court settlements in money matters, family disputes and land cases. I always encouraged such settlements when I was a young civil judge before independence. But to resort to mediation or plea bargaining in criminal cases like murder, rape, robbery, theft and corruption is inconceivable and abhorrent and is contrary to the purpose of the law in which a specific action should be associated with a specific penalty. In criminal cases, judges are supposed to judge the guilt or innocence of the accused. It is not their job to mediate or become parties to plea bargaining.

What is plea bargaining? It is essentially a contract with the state. As such, it should be subject to the same rules that apply to contracts under the contract act, including the requirement that both parties disclose all relevant information. If the contract has been entered into under pressure or duress or as a result of some inducement, it would, in law, be void and unenforceable. The defendant agrees to plead guilty to a lesser crime and receive a lesser sentence, rather than go to trial on a more severe charge where he faces the possibility of a harsher sentence. The prosecution agrees to a reduced prison sentence in return for the defendant's waiver of his constitutional right against self-incrimination and his right to trial. As a practical matter, this means, as between two similarly situated defendants, that if the one who pleads guilty and cooperates with the prosecution, gets a four-year sentence, the one who exercises his right to trial may get 20 years on conviction! It follows that under the system of plea bargaining we punish people only because they insist on going to trial which is their constitutional right. The leniency shown by the prosecution to those who cooperate is in reality payment to induce them not to go to trial. The guilty plea or no contest plea is the quid – pro-quo for the concession. "There is", as an eminent judge said, "No other reason".

Plea bargaining unquestionably reduces the workload of judges, prosecutors and defense lawyers. But is it proper for a government that is constitutionally

required to respect the citizen's right to trial to use its charging and sentencing powers to pressure a citizen to waive that right? Is it in public interest that defendant should "sell" his right to trial as a result of "negotiations" with the prosecution? It is no secret that in this country government officials deliberately use their power to pressure people who have been accused of crime, and who are presumed innocent, to confess their guilt and waive their right to a formal trial? Isn't it common knowledge that prosecutors enter into "negotiations" with defendants with respect to the exercise of their trial rights?

What has been the impact of plea bargain on corruption? There appears to be a consensus in the country that mega corruption which had declined significantly in the first 12 months of the military rule, reared its head once again when our military leadership developed political ambitions and joined hands with some of the most corrupt elements of the society. Petty or middling corruption which hurts the common man most, has been dented very little and continues to flourish as before. The inescapable conclusion is that like earlier anti-corruption drives and initiatives, NAB has also proved ineffective in eradicating corruption. After four years of absolute rule, has the military leadership, which superseded an elected government, set a higher standard of public morality? Are judges less corrupt today? Is police less corrupt? Are civil servants less corrupt? And last but not least, are generals less corrupt? Has this government set a healthy tone in society? My short answer is no.

The former US Congressman, Rostenkowski, Chairman of the House, Ways and Means Committee, was sentenced to seventeen months in prison for abusing his office and using employees to mow the grass at his summer house and to take photographs at the wedding of his daughter. He was also accused of using his house office account to buy stamps, which he then converted to cash. As the former Congressman, the once powerful law-maker and Chairman of the influential Ways and Means Committee, stood up to hear the sentence, US District Judge Norma Holloway rebuked him for he had betrayed the trust of his constituents who had elected him from 1959 until 1994. "You shamelessly abused your position", Judge Norma said. "Pretty petty stuff, people thought and pretty unlikely behavior for a figure as powerful and as capable of commanding support as Mr. Rostenkowski. But the case against him turned out not to be petty. He goes to jail for having abused his office. That is a flashing yellow light for every office holder", the New York Times commented. How many holders of public office are in jail today in Pakistan for looting and plundering national assets and betraying the trust which people had reposed in them? The country needs, and unless I mistake its temper, the country demands ruthless accountability. When will a President or a Prime Minister in Pakistan go to jail for having abused his office? And when will one of our judges rebuke a President or a Prime Minister for "betrayal of trust" or subversion of constitution

and call his conduct reprehensible while sentencing him to prison, as Judge Norma did Senator Rostenkowski? That will be the finest hour of our superior judiciary.

So what conclusions might be drawn from this latest experiment in accountability? Firstly, people have lost faith in the objectivity and impartiality of the two most important pillars of state: The Presidency and the Judiciary, the two watchdogs charged under the constitution with the responsibility of keeping a strict watch on the conduct of holders of public office. Secondly, no anti-corruption effort has been successful anywhere in the world without an independent and honest judiciary upholding the Rule of Law. How can it succeed in this country when judiciary functions at the behest of authority and allows itself to be used against the citizen. Thirdly, without credibility and a strong political will no anti-corruption effort has any chance of success. When the history of NAB comes to be written, it will be noted that it proved ineffective for two reasons: (a) it lacked credibility and (b) it had no political will behind it.

Four years ago, ruthless accountability of corrupt holders of public office was on top of General Musharraf's agenda. What prevented him from making good on his promise to initiate expeditious and ruthless accountability of all those who had bartered away the nation's trust and plundered the country's wealth? Why are so many corrupt holders of public office still at large and why were they allowed to contest the elections? Why were they not sent to prison, disqualified, and prevented from recapturing the parliament? Why are they back in business? Why talk of "environmental contradictions" now? Why blame "environmental contradictions"? What the people expected was not a cosmetic change, not selective accountability, but a purifying, cleansing, surgical operation to purge the country of all robber barons- corrupt politicians, civil servants, judges and generals. Unlike his democratic predecessors, President Musharraf commanded absolute power and had no excuse, no alibi, and no political compulsions. When expectations were not fulfilled, frustration set in, hopes raised five years ago dimmed and faded away.

Four years ago, Musharraf promised to bring honour and dignity back to the government. Instead, he got rid of accountability. The people feel betrayed and are reverting to their customary cynicism and apathy. They see President Musharraf as a prisoner of the forces he vowed to tame. Instead of crushing the corrupt, he has co-opted them as his political allies. He failed to prevent the corrupt from recapturing the parliament with the result that the entire democratic process has become a farce once again; clean politics and an authentic democratic system remain an illusion. Musharraf lost all credibility when he developed political ambitions and joined hands with the corrupt and turned the

nation's car keys to those who had robbed us of everything – our past, our present, our future.

The national integrity pillars: the parliament, the executive, the judiciary, the public accountability bodies, and the civil service have all crumbled. All the national integrity systems have collapsed. The accountability process has run out of steam. Nobody in this country – neither the government, nor the opposition, nor the judiciary and certainly not the military, is interested in accountability, as it is understood in the west. In the name of accountability successive governments, both civil and military, hounded, harassed and persecuted their political opponents with the connivance of a spineless judiciary. On the other hand, acts of gross misconduct, abuse of office and rampant corruption committed by people in power go unpunished.

The fish, according to a Chinese saying, begins to rot from the head first. Accountability, in order to be credible, must therefore start from the top and applied first to the rulers, who should no longer feel they could get away with impunity. It is my profound conviction that without ruthless accountability of corrupt politicians, corrupt civil servants, corrupt judges and corrupt generals, including all those who subverted the constitution, Pakistan will remain weak and sickly and will suffer as from a cancer gnawing at its flesh.

Plea bargain dominates the administration of justice in America but is foreign to our judicial system. It is highly controversial and certainly not the most attractive feature of the American judicial system. Why follow it blindly? "Let us not turn to America", Tocqueville wrote in 1848, "in order slavishly to copy the institutions she has fashioned for herself, but in order that we may better understand what suits us; let us look there for instruction rather than models". Plea bargain or mediation is not the answer to mega or high-level corruption in our country. "Corruption is a curse", Mr. Jinnah told the nation on August 11, 1947. "It has to be crushed with an iron hand".

We never had such corrupt rulers or holders of public office in the early days of independence. Corruption was always there but it was never so rampant, never so brazen, never so flagrant. What happened? With the imposition of martial law and the abrogation of constitution in 1958, the dykes of law broke down. When the constitution – the fundamental law of the land, is torn to pieces – a grave offense punishable with death – with impunity, respect for law declines, the devil of force leaps into its place, every standard of conduct, integrity and morality, and every sense of right and wrong, good or bad, is discarded. Men begin by being realists and end by being Satanists. The law of jungle takes over. Corruption rears its ugly head, loses its stigma and becomes a fact of life. People

who become inured to corruption have no compunction in electing the corrupt as their rulers.

*"A wizard told him in these words our Fate:*

*At length Corruption, like a general Flood, (so long by watchful ministers withstood),*

*Shall deluge all"*

## State of the Nation

The world has just witnessed the Majesty of the Indian Constitution, a peaceful and orderly change of government and a unique democratic exercise in the largest democracy in the world. In a stunning political shift Indian voters have decisively rejected BJP.

Holding of free, fair and impartial elections is a sine qua non in any democracy. Indian democracy continues to grow and flourish because people have repeatedly demonstrated their will and ability to hold free and fair elections. In India, as in all democracies, people take part in the making of laws by choosing their lawgivers, and they share in their application by the executive which is accountable to the legislature every moment of its existence. One might, therefore, say that in India the people govern themselves. Praja is Raja. The people reign supreme. For 57 years, the principle of sovereignty of the people has prevailed unchallenged in that country. If there is one country in our part of the world where one can hope to appreciate the true value of the dogma of sovereignty of the people, that country is India. Where else can one find greater cause of hope or more valuable lessons? What is it that has kept the Indian union together? What is it that has kept the armed forces at bay? What is the secret of India's success? Answer: A functioning democracy, a constitution based on consensus, a strong and independent judiciary, no Doctrine of Necessity, civilian supremacy and non-interference by armed forces in politics and - luck.

Where do we stand? The contrast is stark. We seem to live on different planets. 57 years after independence, Pakistan has a dysfunctional; lop sided, hybrid political system composed of incongruous elements - a non-Sovereign Parliament, a powerful President in uniform and a weak and ineffective Prime Minister. Democracy is in limbo; parliament is paralyzed. The opposition languishes in torpid impotence. Ostensibly we have all the trappings of democracy - national and provincial assemblies, political parties, elected government etc. but all these play no role in determining major policy decisions and have, for all practical purposes, become irrelevant. The shadow military state lurking behind a civilian façade is not what Mr. Jinnah envisaged for Pakistan. How meaningful is our democratic order when real decisions are made elsewhere?

In the absence of an agreed constitution, the federation is united only by a "rope of sand". A plethora of amendments carried out by successive military rulers has defaced, disfigured, mutilated and decimated the 1973 constitution and changed it beyond recognition. General Musharraf has literally appointed himself as the

President of Pakistan on the basis of a fraudulent referendum. The people, the ultimate Sovereign, have been denied the right to elect their President in accordance with the un-amended 1973 constitution.

At the end of three years of military rule, people looked forward to a fresh beginning and a better future for themselves and their children in a democratic Pakistan. Instead of holding absolutely free, fair and impartial elections and allowing the people to choose their representatives, elections were rigged, ballot papers were tampered with and results manipulated in many cases. Not surprisingly, a distorted picture has emerged which does not reflect the ground situation. No wonder, elections have thrown up, not the best, not the most deserving, but the most un-principled, the most unscrupulous, and the most opportunistic amongst us.

Accountability of corrupt holders of public office has run out of steam and has become a farce. It has now been reduced to clandestine deals and plea bargaining with criminals who bartered away the nation's trust and plundered the country's wealth. Known corrupt people, tax evaders, smugglers and fugitives from justice have recaptured the parliament and are back in power to complete their unfinished agenda. People have lost faith in the objectivity and impartiality of two of the most important pillars of state – the Presidency and the Judiciary charged under the constitution with the responsibility to keep a strict watch on the conduct of holders of public office. In the name of accountability, successive governments have hounded, harassed and persecuted their political opponents with the connivance of a corrupt administration and a pliant judiciary. On the other hand, acts of gross misconduct, abuse of office, betrayal of trust, rampant corruption, and violation of oath of office by ministers of the ruling party go unpunished. Nobody in this country, neither the government nor the opposition, nor the judiciary, and certainly not the military, is interested in accountability as it is understood in the west. Has the military set a higher standard of public morality during the last four years? Are ministers less corrupt today? Are judges less corrupt? Is police less corrupt? Is civil service less corrupt? And last but not least, are Generals less corrupt today? Hasn't mega-corruption reared its head once again?

The military has cast a long shadow over politics in Pakistan even during the period of civilian rule. Repeated army intervention in the politics of Pakistan has been a recipe for disaster. It has thwarted the growth and development of parliamentary democracy and destroyed whatever little faith people had in their political institutions. What is worse, it has eroded people's faith in themselves as citizens of a sovereign, independent, democratic country. It is axiomatic that army has no role in any democratic country. If Pakistan is to survive, army must be placed outside the turbulent arena of political conflict. The secession of East

Pakistan made it abundantly clear that the Federation cannot survive except as a democratic state based on the principle of sovereignty of the people and supremacy of civilian rule.

Today, Pakistan which symbolized all our dreams, our hopes and aspirations, is a nightmare of despair and despondency, in doubt about its future. The rich are getting richer while the poor are sinking deeper and deeper into a blackhole of abject poverty. While life at the top gets cushier, millions of jobless educated youth and those at the bottom of the social ladder are forced to resort to crime, drugs and vagrancy merely to survive. The country appears to be adrift, lacking confidence about its future. Disaster and frustration roam the political landscape. Look into the eyes of a Pakistani today and you will see a smouldering rage. Nobody knows where the country is headed and very few care. Traditionally proud Pakistanis have begun to despair. We seem exhausted, rudderless, disoriented. Our great dreams have given way to a corrosive apprehension, fear, uncertainty and frustration. Elections are rigged. Judges continue to match their decisions to the exigencies of current politics and shift with political winds. Judiciary functions at the behest of authority and allows itself to be used against the citizen. The judicial system is viewed as one more arm with which to persecute political opponents.

Pakistan could regain its glory only if it rediscovered its core values – Sovereignty of the people, Inviolability of the constitution; Supremacy of civilian rule, a fiercely independent, incorruptible judiciary, Rule of Law, an independent, incorruptible Chief Election Commissioner, a neutral, non-politicized honest civil service, egalitarianism, social justice, ruthless accountability of rulers, past and present and, above all, national interest above self, and national needs above personal survival.

No country can survive when its dream spill over; when its military rulers seem more concerned about perpetuating themselves and protecting their power than protecting the country. Our country is headed in the wrong direction. It is fast losing its way. We have deviated from the democratic path and lost our bearings and all sense of direction. Pakistan has been on the wrong road far too long. It needs to get back on the right road but where is the beacon to guide us back from the errant path.

Ultimately, the true guardians of democracy are the people of Pakistan. If they have no faith in their political institutions; if they are not prepared to defend their political institutions; if they are not prepared to make any sacrifice for their sake and if they wont even speak up, the hybrid of military government with a civilian façade will acquire the mantle of legitimacy and permanence. Why are people who owe everything to this country so silent? The tragedy is that each

person feels what is wrong and knows what is required to be done; they all lament over it, ritualistically, in drawing rooms across the country but none has the will or energy needed to seek something better; all have lofty ideals, hopes, aspirations, desires, regrets, sorrows and joys which produce no visible and durable results like old men's passions ending in impotence.

The Indian people have spoken. When will the people of Pakistan break their deafening silence?

## Keep Away From “Mes-pot”

President Eisenhower famously said: “If a problem can’t be solved as it is, enlarge it”. This is exactly what President Bush is trying to do as the Iraq war enters its second year. He is desperately trying to internationalize the campaign and involve Muslim countries in the “pacification” of Iraq. He is trying to have it both ways. He urgently needs other nations to play a larger role in helping to establish a secure environment. Yet, he will not yield a large enough political and economic role to the United Nations that would make it possible for other nations to participate. Today Bush is trapped in a bad story with no way to change the play.

There is a Chinese proverb: “It is easy to seize power, difficult to maintain it”. A hated occupier is powerless even with all the firepower in the world. After months of chaos and loss of life, there is increasing worry in Washington that the US is carrying too much of the financial and military burden in Iraq. There is also mounting public concern about the number of US soldiers who are being killed and injured everyday. This misbegotten war has entered its guerrilla phase. 130,000 American soldiers are surrounded by 23 million Iraqis who want to throw them out of their country. Fed up with being in Iraq, told several times that they would soon be going home only to have their hopes dashed to the ground, demoralized by their role as policemen in a risky place, US soldiers are angry. Morale is low, in fact non-existent. They are tired of patrolling hostile Iraqi towns in the punishing heat. They are tired of fighting an invisible enemy, knowing that a mortar attack or a rocket-propelled grenade could come in any moment.

The growing vulnerability of American troops in Iraq, the mounting domestic concern about the number of American casualties, the tepid international support, the fast deteriorating security environment has changed the political and diplomatic landscape and forced the Bush administration to do some rethinking. Washington’s response to the fast deteriorating situation in Iraq in the 4th year of the 21st century is the same as London’s at the beginning of the 20th: Call for reinforcements from countries like Pakistan to fulfill the role of loyal provider of brave soldiers for a war not of their making. During the First World War more than 12000 Punjabi and Pathan soldiers were hired by the British to fight the Turks in Mesopotamia as it was then called. Many refused to shoot and kill their Muslim brethren. Some of them defected to the Turkish side. The bulk of the Punjabi and Pathan soldiers surrendered to Turkish forces in Kut in May 1916 after a siege which lasted 147 days. Of the soldiers who left Kut in captivity more than 4000 died. Is history about to repeat itself? A century later,

our role as a source of auxiliary cohorts for the American Empire in Iraq is being reprised by President Musharraf. Surely, he is not oblivious to the lesson of imperial history. Isn't it ironic that at a time when countries like Spain, Honduras and Dominican Republic are pulling out their troops from Iraq and the fractured American-led coalition is collapsing, Pakistan is entering the fray? Where is the mandate for so enormous and fateful a decision?

Considering all this, it seems rash even to entertain the notion of sending our troops to Iraq. Why expose them to mortal danger? But, as the saying goes, those who do not learn from history are doomed to repeat it. This is what we are about to witness. A Foreign office spokesman at his weekly news briefing acknowledged having received a formal request from the United States for sending troops to Iraq to protect the UN mission. "We have made no commitment so far", he said and added that a decision would be made as soon as the UN mission was setup there and Pakistan was intimated about the strength required. In my experience in government when you say you will consider something, you have already put your foot on the slope. How can our government be unaware of the deep sense of resentment and anger among the people of Iraq against the UN? Iraqis make no distinction between the UN and the United States. A people who had endured the rigors of the most comprehensive economic sanctions in history for 12 long years, are unlikely to forget either the harm done to them by the United States or forgive the UN which acted as a conduit for channeling American power. The US - inspired UN sanctions were brutally effective in bleeding Iraqi civilians. Thanks to the UN, the Iraqi economy is in a state of total collapse. The medical system is ruined due to lack of equipment and medicines. Public water and sewage systems have collapsed. Mal nutrition has become a serious national problem. In 1990, Iraq was rated 50th out of 130 nations on the UN Human Development Index. By 2000, Iraq had plunged to 126 out of 174. UNICEF estimates, that 500,000 children died as a result of UN sanctions.

Among those who have been irked by the heartless decisions of the UN 661 sanctions committee in Iraq is my friend Hans Von Sponeck, former German head of the Baghdad - based UN Office of Humanitarian Coordination in Iraq (UNOHCI) from 1988 to 2000. So acute was the food deprivation of the populace, Von Sponeck told the international community, that eggs and chicken became currency. Von Sponeck also talked about the rise of prostitution. "In Baghdad you see prostitutes in the street in the middle of the night, something unheard of in Arab countries", he said. The arrival of open prostitution in Baghdad was symptomatic of both the economic degradation of the populace brought about by stringent UN sanctions and the resulting loss of self-dignity that affected men and women alike. Americans are coldhearted when it comes to dealing with Iraq and Iraqis. In an interview with Lesley Stahl on CBS's 60 minute program on

May 12, 1996, Madeline Albright, US Secretary of State was asked: "More than 500,000 Iraqi children are already dead as a result of UN sanctions. Do you think the price is worth paying"? Albright replied: "It is a difficult question. But, yes, we think the price is worth it".

The legal position is laid down in the Geneva Convention and The Hague Regulations and is quite clear. They provide that America as an occupying power has a duty to keep order, keep civil administration functioning and provide for immediate humanitarian needs. Given this, Pakistan is under no obligation to send its troops to Iraq in aid of the US or the UN. Where then is the justification for sending our troops to a country on fire? Why expose our soldiers to unnecessary hazards when our vital interests are not at risk? Our military involvement in Iraq would undoubtedly enable a sizeable number of American troops to return home. But our troops would then have to face guerrilla attacks and organized resistance put up by Iraqi freedom fighters. How can our troops protect UN personnel in Iraq if American soldiers remain on its soil and aggression continues unabated and unabashed? Why should we assume responsibility for the protection of UN personnel under the overall command of the American occupying power and become its accomplice in the crime? How can policing be done by our troops who, like combat troops the world over, are trained to kill, not police? What happens if there is another attack on the UN office in Baghdad or elsewhere? Will our troops shoot into the crowds and kill their Muslim brethren? What happens if our troops get involved in sectarian conflict in Iraq, considering the fact that the majority of the people is Shia but the country has always been ruled by Sunnis? How can our troops go to Iraq as scavengers of the American campaign? Why humiliate our army by sending it to Iraq as part of the US clean-up team? Why step into the turbulent waters of Mesopotamia at the behest of Americans? If you do, be prepared to get wet. Why fly in the face of history? How can Pakistan keep supporting the US government as it tramples the sovereignty of Muslim nations? First Afghanistan and now Iraq. Have we become the doormat on which the US government can wipe its bloodstained boots whenever it likes? Why meddle in the affairs of a Muslim country in the throes of a revolution, struggling to rid itself of foreign invaders?

The ouster of Saddam has not made the world or Iraq a better place. America, the occupying power, has aroused bitter anti-American sentiments in the Islamic world and triggered a bloody war of liberation. While Iraqis feared their ruthless ruler what they feared even more was life without him. Today their worst fears have come true. Saddam was a tyrant, but he stood up to America. What about those who collaborate with America?

Let the Bush administration, as one senior French official put it, "Mijoter dans son Jus" - "Stew in its own juices" - by leaving it alone to handle the situation.

“You break it. You own it”, Colin Powell is reported to have told Bush on the eve of the invasion of Iraq. Why does our government believe it has a God-given duty to fight someone else’s war or defend someone else’s empire? We are, after all, what the French call ‘quantite negligible’ in international affairs. We have enough problems of our own. If there is confrontation between our troops and Iraqi civilians, which is inevitable, and there are casualties, the blood of innocent Iraqis and Pakistani soldiers will be on our hands. In their occupation of Iraq, the US and British armies have entered the gates of hell. They have sown the wind. Let them reap the whirlwind.

From time to time in the life of any country there come occasions which must be clarified. No one who has been following the events of the last one year at home and in Iraq can doubt that such an occasion is at hand. When the history of the American invasion of Iraq comes to be written, let it not be said that our troops intervened in Iraq not to help the Iraqis regain their sovereignty but as mercenaries hired by the Americans to do their dirty job and perpetuate their illegal occupation. This is an administration that is particularly sensitive to light. It prefers to do business behind closed doors with the curtains and shades drawn. Under American pressure, the decision to send troops to Iraq has already been taken. What is lacking is a fig leaf, the semblance of some form of legality, however tenuous, to justify the decision. Today our military rulers seem indifferent to the lesson of history and are on the verge of making a tragic mistake. “For fools rush in where angels fear to tread”. There is an old Russian saying: “Once you let your feet get caught in a quagmire, your whole body will be sucked in”. Today we have reached a stage when the true interests of Pakistan require the people to speak up. “To sin by silence when we should protest makes cowards of men”.

## The Abdication of Parliamentary Sovereignty

One thing you have to say about President Musharraf. He's got a great sense of humour. "I believe", he said recently, "in the supremacy of parliament in a democratic system". Actions, they say, speak louder than words. Democracy is in flames. The constitution – the fundamental law of the land is being mutilated, disfigured, and defaced. Parliamentary democracy has been replaced by a Presidential form of government. And yet, Musharraf affirms his commitment to democracy he once promised but did not deliver.

"Democracy", Churchill once said, "is not a harlot to be picked up by a man with a Tommy gun". Democracy grows out of a nation's history and experiences. It cannot be put on like a hat. Nor can it be imposed, even by well meaning or well armed. One need only read a few pages of Churchill's "History of the English – speaking peoples", to realize how tender a plant it is. And how much it needs protective institutions, like independent courts, rule of law, civilian supremacy and last but not least, non – interference from the military. On democracy, Musharraf is clearly on the wrong side of history. Today, Pakistan has no choice: It is condemned either to be part of the democratic world or not to be at all.

For a country to be democratic, it is necessary that its people must have the freedom to choose their rulers in free, fair and impartial elections. It should have a parliament with authority to legislate on all matters without any restrictions, including matters relating to the making of a constitution. The sovereignty of parliament is the dominant characteristic of our political institutions. What does this mean? It means neither more nor less than this, namely, that parliament has the right to make or unmake any law whatever; and further, that no person or body is recognized by law as having a right to override or set aside the legislation of parliament. It can in short, do everything that is not naturally impossible. "True it is, that what the Parliament doth, no authority upon earth can undo". It is a fundamental principle inherent in the concept of parliamentary sovereignty, "that parliament can do everything but make a woman a man, and a man a woman". Legally speaking, if parliament decided that all blue-eyed babies should be murdered, the preservation of blue-eyed babies would be illegal; but parliament must go mad before it could pass such a law, and subjects be idiotic before they could submit to it. There is no power which can come into rivalry with the legislative sovereignty of parliament. This doctrine of the legislative supremacy of parliament is the keystone of parliamentary democracy throughout the world. Regrettably, in Pakistan it does not always find ready acceptance and it is well worth to examine the difficulties which impede the admission of its truth.

We have to travel in the past in order to realize how a parliamentary constitution has been violated and changed beyond recognition by repeated military interventions in the politics of Pakistan. On August 14, 1947, all discretionary powers of the Governor General (M. A. Jinnah) were restricted through an amendment in the Indian Independence act 1947. Under Section 8(c), the powers of Governor General to act at his discretion or to exercise his individual judgment lapsed from August 15, 1947. From then onwards, the Governor General was presumed to act on the advice of his ministers. No discretionary powers were left with the Governor General under the Act as adapted in Pakistan. With effect from August 14, 1947, all governmental activities were brought under the control of the cabinet which was responsible to legislature alone. All powers of the Governor General were to be exercised on the advice of the cabinet. Where do we stand today?

The constitution has been defaced, disfigured and decimated by successive military rulers in pursuance of their political ambitions. Today, one doesn't have to be a great constitutional expert to realize that we are back to pre-independence Government of India Act 1935 with a powerful president, (in uniform, to boot) a non-sovereign parliament and a powerless Prime Minister. Parliament is one of the chief instruments of our democracy. Is it consistent with the principle of parliamentary democracy to empower a President in uniform at the expense of the Prime Minister? And is it consistent with parliamentary democracy to divest the parliament of its constitutional role as the sole check on the Executive and pass on this function to an unelected body like the NSC dominated by the armed forces answerable to none?

How can you have democracy when the nation has been stripped of all its core values? How can you have democracy if people don't have the freedom to choose their President in accordance with the constitution? How can you have democracy when elections are rigged and results manipulated; judges shift with political winds; judiciary functions at the behest of authority and allows itself to be used against the citizen? How can you have democracy when known corrupt leaders are resurrected and then sworn in as ministers? How can you have democracy in this country when constitution is treated with contempt and army is treated with more respect than the constitution? Democracy requires fostering fair, accountable institutions that protect human rights and basic freedoms. Democracy requires a parliament that represents the people, not one controlled by the President. It requires an independent judiciary that guards the constitution and enforces the law with equal concern for all citizens. It requires security forces that are politically neutral and serve the needs of the people. It requires an accessible media that is free, independent and unbiased, not one

controlled by the state or corporate interests. Above all, it requires that ultimate authority on all key security matters must rest with the elected representatives.

Free, independent, sovereign Pakistan opted for parliamentary democracy on August 14, 1947, but till today we have not resolved one basic question which has bedevilled the growth of our fragile democracy. Who is to rule this country? The people through their elected representatives or the army. "Where ought the sovereign power of the state to reside"? Asked Aristotle. "With the people? With one man, the tyrant"? One thing is clear. The sovereignty of the people is a myth. To apply the adjective Sovereign to the people in Pakistan is a tragic farce. Electors in England or even neighboring India, can in the long run always enforce their Will. Not so in Pakistan.

Countries experience malaise as Jimmy Carter once said. Pakistan is clearly in that state today. Tycoons and oligarchs are brazenly buying access to power - or to more wealth. Criminals and mafiosos have found in "democracy" the perfect Trojan horse for attaining and preserving real power. There is an unhappy mix of plunder and power. This is what people call "managed democracy". At a time when people speak openly in terms of national decline, our parliament has committed suicide by creating the NSC thereby abdicating and divesting itself of whatever sovereignty it possessed. The politicians who conferred legitimacy on General Musharraf thought they were clever, "ridding themselves of the wolf by introducing him to the sheepfold"!

Today there is a popular perception in Pakistan that we lost our sovereignty and freedom of action on September 13, at 1:30 PM when Musharraf, to Colin Powell's great surprise, succumbed under American pressure, accepted all the seven American demands and surrendered tamely. On that day, Musharraf put his foot on the slope and we joined the coalition of the coerced. Nuclear Pakistan became an American vassal. "It looks like you got it all", Bush told a triumphant Powell. As a direct consequence of that fateful decision, today our troops are back in Waziristan, after 57 years, to fight a proxy war in the mountains against our own tribesmen. In the words of Oliver Hardy, "a fine mess you've got us into".

"Today Pakistan is experiencing the warning tremors of a political earthquake. Things have gotten so bad in this country that people look back to Nawaz Sharif and Benazir with nostalgia. For the people of Pakistan, it boils down to a choice between the unimaginable and the hardly bearable. To seers there is a detectable element of disquiet, an unease not often declared, nor even perhaps realized, but intuitive, a thunderstorm feeling - a heaviness in the air, an unusual brightness of the light.

## **National Security Council or Army Rule by other means**

Once again Pakistan's fledgling democracy is facing a crucial test as Parliament takes up the National Security Council Bill. The bill seeks to establish a National Security Council to serve as a forum for consultations on matters of national security, including the sovereignty, integrity, defence and security of the state, crisis management, democracy, governance and inter-provincial harmony. The bill envisages that the President of Pakistan shall be the chairman of the council. Its other members will be the Prime Minister, the Chairman of the Senate, the Speaker of the National Assembly, the Leader of Opposition in the National Assembly, the Chief Ministers of the Provinces, the Chairman of the Joint Chief of Staff Committee, and the Chief of Staff of the Pakistan Army, Navy and Air Force.

On December 30, 2003 to be exact, the parliament faced its first test. People were shocked when it passed an extra-ordinary constitutional bill which added a new clause (8) to article 41 of the constitution providing for a one-time vote of confidence for a further affirmation of General Musharraf's Presidency. Two days later, the members of parliament sworn to preserve, protect and defend the constitution, participated in a charade in which General Musharraf obtained a vote of confidence from the parliament and was declared elected as President. The constitution - the Fundamental Law of the land - was defaced, disfigured and mutilated for the sole purpose of electing General Musharraf as President until 2007. Thanks to our elected representatives, a parliamentary form of government provided for in the 1973 constitution has been virtually replaced by a presidential form of government, with a powerful president, in uniform, sitting on top of the parliament. And with the support of the parliament, an authoritarian regime, far from being temporary, succeeded in acquiring the mantle of legality and permanence. Predictably, the country has settled into a form of government with a democratic façade and a hard core of authoritarianism - an iron hand wrapped in a velvet glove. This was the first foretaste of a bitter cup. More was to follow.

To add insult to injury, to sharpen the shame and national humiliation, parliament is now being asked to establish a National Security Council, chaired by a President, in uniform, flanked by the service chiefs, to serve as a forum for 'consultations' with the civilians on a vast variety of subjects which do not fall within the domain of the Presidency. It will be the National Security Council which will 'advise' the Prime Minister and through him the cabinet on all major national issues! This reminds me of the Turkish National Security Council, made up of six high ranking military officials and civilians, a kind of shadow

government through which the Generals can impose their Will on parliament and the government. Once a month, decked out in full uniform, the Chief of Staff and the Heads of the Army, Navy, Air Force and National Police along with a sixth General acting as the Council's General Secretary meet the Turkish President, Prime Minister, and the Ministers of Defence, Foreign affairs and interior. The Council is empowered to examine all affairs of state, whether relating to domestic or to foreign policy. Its deliberations are never made public, and even when decisions are announced, they are presented as 'recommendations' to the government. Civilians ignore these recommendations at their peril. When Prime Minister Erbakan had the temerity to send the National Security Council's 20 recommendations for 'eradication of Islamist reaction' to parliament in 1997, the military had him ousted. Erbakan signed his death warrant by pretending not to understand that the 'recommendations' constitute an ultimatum. Reminding Turks that the National Security Council's decisions are taken not by majority vote but by consensus, the Chief of Staff of the Turkish Army declared that the council could include "even 100 civilians, if that is what they want", implying thereby that numbers did not count. The European Union is trying to persuade Turkey to do away with the National Security Council and revamp its constitution that institutionalizes the army's dominant power and blocks any move toward democratization. Regrettably, we in Pakistan are doing just the opposite. Parliament is in the process of establishing the National Security Council, thereby institutionalizing the army's dominant power and divesting itself of whatever residual powers it still has. If the bill goes through, the center of gravity will automatically shift from the parliament and the cabinet to the National Security Council. Under the constitution, it is the cabinet which aids and advises the President in the exercise of his functions. With the establishment of the National Security Council, the roles will be reversed.

In the United States, the National Security Council is part of the Executive Office of the President. It is the President's principal forum for considering National Security and foreign affairs matters with his senior National Security Advisors and Cabinet officials. It is noteworthy that, except the Chairman of the Joint Chief of Staff who is the statutory military adviser to the council, no Service Chief, in fact no man in uniform, is ever invited to attend the council meetings!

Like Pakistan, India opted for a parliamentary form of government. The Indian National Security Council is chaired by the Prime Minister and is an entirely civilian body. Why not adopt the Indian model if we must have a National Security Council? Why must we follow the Turkish example? The problem is symptomatic of a deep confusion about the nature of the Pakistan state and society and the role of the armed forces. It is axiomatic that army has no political role in any democratic country, whatever its form of government. But, for

historical reasons, it has acquired this role in Pakistan which President Musharraf now wants to formalize through the NSC before he takes off his uniform. If the army role is formalized, as is proposed, it will expose it to criticism both at home and abroad. It will be accused of exercising power without responsibility, and usurpation of the functions of parliament and Bonapartism. The center of gravity, the locus of ultimate power, will shift to the National Security Council, an un-elected body dominated by armed forces answerable to none. It will result in Constitutional anarchy because the proposed National Security Council is foreign to the Parliamentary form of government and is inconsistent with the supremacy of the Constitution and the role of parliament as the "great inquest" of the nation. The system of checks and balances and separation of powers – two overarching concepts of the Americans presidential system advocated by President Musharraf for adoption in Pakistan, are foreign to parliamentary form of government and are inapplicable to our case. There can't be two suns in the sky. There should be only one authority in any government, in any state, in any country. There can't be a second center of power in a Parliamentary form of government. If you create a second center of power, conflict between the two will develop, confusion and chaos will follow. The Indian parliamentary system, in which all power is concentrated in the Prime Minister, has kept the Indian union together. It has allowed Indian democracy to flourish and has kept the armed forces at bay. If it can work in India, why can't it work in Pakistan?

The engine of history is moving Pakistan backwards. If we are not vigilant, our fledging democracy may, after all, turn out to have been a historical accident and a parenthesis that is closing before our eyes. Today Pakistan has no choice: It is condemned either to be part of the democratic world or not to be at all. Pakistan will never be all it can be, let alone all it need to be, if army is not taken out of the arena of political conflict and civil administration. With the passing of the National Security Council bill, parliament will be committing harakiri. It will be perpetuating army rule and reducing it self to the level of a debating society. Cabinet ministers would then convene for implementation of decisions taken elsewhere. In a functioning democracy, parliament must be an effective partner in the process of government, and not simply an ineffectual appendage employed to make noises of approval or discontent.

I search my memory in vain, and find nothing sadder or more pitiable than that which is happening before our eyes these days. We are drifting away from the democratic path. Everything we care about is vanishing and I feel as if, I were in a car that had lost its steering. A weak political system allowed the Pakistan military to manipulate events, and, ultimately, highjack the State. I believe that President Musharraf has not levelled with the people and is leading the country to a perilous place, aided and abetted by political turncoats and opportunists.

Marx once said: "neither a nation nor a woman is forgiven for an unguarded hour in which the first adventurer who comes along can sweep them off their feet and possess them". October 7, 1958 was our unguarded hour when democracy was expunged from the politics of Pakistan with scarcely a protest. The result is the mess we are in now.

## Another Day of Infamy

When the history of our benighted times comes to be written, Thursday, December 30, 2004 will be remembered as a day of infamy. On that day President Musharraf reneged on his promise and told a docile nation that he had decided not to give up his post as Army Chief and doff his uniform. A year ago, he had given his word of honour on national television that he would relinquish the post of Army Chief and take off his uniform before December 31, 2004. On that date, I believed him and felt that his word was his bond. Like many fellow Pakistanis, I had no doubt in my mind that he would stand to his obligations. Alas! All our hopeful assumptions were soon to be falsified. The MMA had been taken for a ride and had underwritten a fraudulent prospectus when Qazi Hussain Ahmed (or was it Maulana Fazal ur Rehman) put his signature to an infamous agreement which the other side had no intention of carrying out. How wrong can one be? How flawed human judgment can be? It reminds me of an old adage: "Never trust a man who must put on a disguise to establish his authority – be he a judge, a priest or an army officer".

So where do we stand today? The days of civilian supremacy are over. A rubber stamp parliament has put the seal of ratification on a fraudulent referendum. To add insult to injury, to sharpen the shame and national humiliation, President Musharraf will, unless Fate Ordains otherwise, remain the Chief of Army Staff until 2007. Like Pooh – Bah (Lord High Everything Else) a character in W. S. Gilbert's Mikado – a ponderous aggregation of conflicts of interests, and a holder of many offices at once – President Musharraf too will hold many powerful offices and rule Pakistan unchallenged. An authoritarian regime, far from being temporary, has succeeded in acquiring the mantle of legality and permanence. The country is slowly but surely, settling into a form of government with a democratic façade and a hard inner core of authoritarianism – an iron hand wrapped in a velvet glove. The people of Pakistan did not deserve this government because they had no choice in the matter.

An iron curtain has descended upon Pakistan. 57 years after independence, are we really free? Are we masters in our own house. Are our sovereignty and independence untrammelled? The nation has been forced against its will to accept a totalitarian democracy? I am deliberately putting the case with all its bluntness to highlight what is at stake. Today "say Pakistan" and what comes to mind – military coups, sham democracy, an 'elected', all powerful President in uniform, who is also the Chief of Army Staff, a non-sovereign rubber-stamp parliament, a figurehead Prime Minister and a pliant judiciary. Not surprisingly, the latest Freedom in the World Report, prepared by the Human Rights Group,

Freedom House, lists Pakistan in the “Not Free” category. It is not included among the countries that grant political rights and civil liberties to their citizens. Pakistan has been named in the list which also includes Afghanistan, Angola, Algeria, Azerbaijan, Bhutan, Cambodia, Central African Republic, Chad, Egypt, Guinea, Kazakhstan, Mauritania, Krygyzstan, Lebanon, The Maldives, Oman, Qatar, Russia, Rwanda, Tajikistan, Togo and Tunisia. Pakistan has not even been included in the list of 117 “Electoral Democracies” in which besides India and Bangladesh, Mongolia, Nigeria, Belize, Benin and even Albania, and Kiribati have been included! This is what the world really thinks of today’s Pakistan. Every Pakistani must hang his head in shame.

Isn’t it ironical that while authoritarian governments are collapsing all around us and the world has gotten better in many ways, Pakistan, which started as a modern, progressive, democratic state 57 years ago, is drifting away from the democratic path and sliding into a thinly veiled military dictatorship. The engine of history is moving Pakistan backwards. Our fledgling democracy may, after all, turn out to have been a historical accident and a parenthesis that is closing before our eyes.

The irony is that all this is happening to us in a democratic age. Today there are no longer any respectable alternatives to democracy. Today the whole world is bent on being democratic. Every nation and every individual in the present - day world feels bound to lay claim to being democratic. To disclaim this would be tantamount to confessing that one was wilfully putting one self outside the pale of civilization and was deliberately choosing to sit in utter darkness. That is why after World War II, even the USSR set up semi-independent satellite governments in Eastern Europe and designated them as “peoples democracies”. In Pakistan, a Cromwellian - type regime, headed by General Musharraf, in which the army has ousted the politicians and has replaced them by Lieutenant Generals, insists that it too is democratic! The factual position belies this assertion. 57 years after independence, General Musharraf has imposed a disjointed, lopsided, topsy-turvy, hybrid political system - a non-sovereign rubber stamp parliament, a General in uniform masquerading as President, and a figurehead Prime Minister - he calls pure democracy. People call it sham or totalitarian democracy. Ostensibly, we have all the trappings of democracy - elections, National and Provincial Assemblies, political parties, elected governments etc. but all these play no role in determining major policy decisions, and have for all practical purposes become irrelevant.

Today some countries in the world are illiberal democracies. Others are liberal autocracies. Pakistan is neither liberal nor democratic. Democracy means first and foremost, the rule of the people. The people of Pakistan had no say in the election of their President. They were denied the right to elect their President in

accordance with the procedure laid down in the Constitution. Elections, open, free and fair are the essence of democracy, the inescapable sine qua non. Today elections are rigged. Ballot boxes are tampered with. Results are manipulated. No wonder, people have lost faith in the sanctity of the ballot box and the independence of the Election Commission and the superior judiciary.

What does it mean to live in a sham and a totalitarian democracy? What happens to a people who don't feel that their opinions matter at all? A general languor has seized the nation. People have just stopped trying; they have stopped caring? They have become passive. They let the government do as it pleases. Either way, the thinking goes, the government gets its way. If they do express an opinion, disagree or protest loudly, the consequences can be very unpleasant as was witnessed by the press at the Islamabad Airport not long ago. The merciless, physical beating of PPP workers was only the first sip of the cup, a foretaste of what is to follow in the days to come. No wonder, people don't try to right a wrong. They let the government make the decisions, even if it runs against the common good. Today, fear is deeply ingrained in the psyche of the people of Pakistan. There is fear to speak, fear to write, fear to read, or even hear truth. Fear hangs in the air.

The good news is that history is against General Musharraf. He is fighting both history and experience. The days of military rule, direct or indirect, with or without a civilian façade, are gone. Politics and military do not mix. There can be no politics under military rule. There can be no freedom under military rule. There can be no democracy under military rule. A democratic General? The idea sounds preposterous, like a democratic Ayatullah, a black Ku Klux Klansman, a Jewish Nazi or an intellectual member of the Bush family.

General Musharraf has robbed us of everything – our past, our present, our future. He has broken his pledge. He has not leveled with the people of Pakistan. His five-year rule has been a catastrophic failure. Now is the time to hold him to account. "With primacy in power", Churchill once said, "is also joined an awe-inspiring accountability".

How can we be so comatose as a nation when all our political institutions are crumbling before our eyes? What is it that has robbed us of our freedom of action, our freedom to speak our mind, our freedom to stand up straight? Unfortunately, we have such a heavy load on our back. How can we straighten up? Too long have we been passive spectators of events. Today our Fate is in our hands, but soon it may pass beyond control. "If we do not speak, who will speak? If we do not act who will act"? A shout in the mountains has been known to start an avalanche. We must call things by their names and shout louder. A single independent voice, a voice that has credibility as the voice of the anger of the

people and its will to be free, can break through the conspiracy of silence, the atmosphere of fear, and the solitude of feeling politically impotent. Let Pakistan be Pakistan again. Let it be the dream it used to be – a dream that is almost dead today.

President Musharraf is taking Pakistan to a perilous place. His calls to stay the course are fatuous. The course he is on leads downhill. I am reminded of some lines from an unknown writer about a railway accident:

Who is in charge of the clattering train,  
And the pace is hot, and the points are near,  
And Sleep has deadened the driver's ear,  
And the signals flash through the night in vain,  
For Death is in charge of the clattering train.

Ultimately, it is the people who hold Pakistan's Destiny in their hands. "To march at their head and lead them? Or to stand opposite them and oppose them"? That is the question. Every Pakistani is free to choose among these two, but by force of circumstances you are fated to make the choice quickly.

## Toward Confrontation

In a television interview on January 4, General Musharraf issued a stern warning to the Baluch nationalists. "Don't push us. It is not the 70s, when you can hit and run, and hide in the mountains", he said, alluding to the military operation to quell the insurgency in Baluchistan in the 1970s. "This time, you won't even know what hit you". "Oh God"! I said to myself. "Not again". Unfortunately, Generals do not learn from history because they do not read history. They make history. The current crisis in Baluchistan is a throwback to the 1970's insurgency that resulted from Z.A Bhutto's dismissal of the National Awami Party government and the detention, on conspiracy charges, of 55 nationalist politicians and student leaders. Nearly three divisions were deployed to crush the insurgency and restore normalcy in that troubled province.

On July 5, 1977, the Bhutto government was toppled in a military coup led by General Zia, I was asked to take over as Secretary Ministry of Interior. Within days, I met General Zia in the GHQ in the presence of Ghulam Ishaq Khan, Secretary General-in-Chief. Zia, impressively clad in the dashing cavalry uniform, with his jet-black hair, eyebrows and moustache, and his steely eyes, radiated strength and self-confidence and appeared to be in total command.

The Hyderabad Conspiracy case came up for discussion. Mr. Bhutto had earlier banned the National Awami Party. Top Pakhtun and Baluch leaders were arrested and detained in Hyderabad jail and put on trial under the Criminal Law (Amendment) Special Courts Act of 1976. Mr. Bhutto's administration was in a state of armed confrontation with the people of Baluchistan. The army had been deployed to crush what was officially described as an insurgency. Both sides had suffered heavy casualties. Both of us, Ghulam Ishaq Khan and I, told General Zia that Mr. Bhutto had launched the army operation in Baluchistan, not because there was an insurgency, but because he could not reconcile himself to a non-PPP government in Baluchistan, which he had sacked without any justification whatsoever. We told him that Mr. Bhutto was using the army to punish his political opponents and advised him to call off the operation, drop the conspiracy case, release the Baluch and Pakhtun leaders and defuse the situation. We assured Zia that he would never regret this decision. He said he agreed with us but would have to discuss the matter with his colleagues. When we met him again, he told us that his colleagues did not agree. We pressed him again to ask his colleagues to reconsider the matter dispassionately. This time Zia had better luck. He had secured their agreement. He went to Hyderabad, met all the Baluch and Pakhtun leaders in jail, and had lunch with them. He called off the army operation, dropped the Hyderabad conspiracy case and what is more, sent

Ataullah Mengal, a heart patient, to the United Kingdom for medical treatment. All this had a dramatic effect. In no time, the situation returned to normal. All military operations in Baluchistan were ended and troops were withdrawn; a general amnesty was granted to all those who had taken up arms against the government; all sentences were remitted; properties confiscated were returned to their owners.

Baluchistan never gave any trouble to General Zia and remained peaceful throughout. If Zia had continued the policy of confrontation, the consequences would have been disastrous for the country. With one masterly stroke, Zia turned confrontation into reconciliation and won the hearts of the people of Baluchistan. Of all the decisions Zia-ul-Haq took, extrication from the Baluchistan insurgency was the most decisive. It was his masterpiece in the skilled exercise of power.

Whoever is advising President Musharraf to take on the Baluch, is no friend of his and is certainly no friend of Pakistan. Instead of extricating the army from Waziristan where the so-called American-led war against terrorists has resulted in the killing of innocent men women and children and the permanent alienation of Wazir and Mahsud tribesmen, Musharraf is now jumping into the Baluch quicksand and is about to open a second Front against his own people. The trouble with Musharraf is that he listens too much to generals and flatterers around him. He doesn't realize that he is flying against history and the wind of public opinion. What he needs more than anything else is civilian input - people who would tell him not what he wants to hear, but what he ought to hear. Musharraf may be a good soldier but he possesses nothing of the vision required of a statesman. Essentially a risk-taker, Musharraf is emerging as one of the most audacious Presidents in Pakistan. Whether he is also wise is a question that will preoccupy us for quite some time.

How will this crisis end? No one knows. But, never, never, believe that confrontation in Baluchistan will be smooth and easy. No one can measure the tides or hurricanes General Musharraf is sure to encounter if he embarks on this perilous adventure. The use of force against the people did not succeed in East Pakistan and led to tragic consequences. How can it succeed in Baluchistan? Why use force to resolve what is essentially a political problem? Why rock the boat? But those who do not learn from history are doomed to repeat it.

There is an old Russian saying: "once you let your feet get caught in a quagmire your whole body will be sucked in". That is what happened to us in East Pakistan. Why repeat the same mistakes in Baluchistan? Einstein once said, "To keep trying the same thing over and over with the expectation of a different result is the definition of insanity". Is there no one to keep this insanity at bay? It

is looking more and more like amateur hour in the one place that is supposed to provide leadership in these perilous times - the Presidency.

## **“I Fear For Thee, My Country”**

“What would General Washington Do”, the King, George III, asked Benjamin West, the artist. General Washington had won his historic victory at Yorktown over the British in the American War of Independence. West said he believed Washington would take off his uniform and retire to Mount Vernon. “If he does that”, the monarch replied, “He will be the greatest man in the world”. That is exactly what General Washington did. When he was urged by his officers not to take off his uniform and become America’s King at the conclusion of the War of Independence, he replied in the most acrimonious language that he found such an idea preposterous and repugnant. Instead, he drew out from his bosom his army commission, delivered it up to the President of Congress and laid down his weapon. This was his finest hour. General Washington won the affection of the American people and that of the world by taking off his uniform and relinquishing power. He told Congress that he was a citizen – soldier who fervently believed in the supremacy of civilian rule. A grateful nation elected him as the First President of Independent America.

General George Marshall, Chief of Staff of the United States Army, was the Organizer of Victory in World War II. He saved western civilization. Marshall was an honourable man who never told a lie and never broke his promise. After six years as Chief of Staff of the United States Army and after winning the war against the Germans and the Japanese, General Marshall thought it was time to leave. Aware of the wear and tear of the job. General Marshall, Chief of Staff of the United States Army, told Truman it would be in national interest to make a change. His professional career was over.

Fast – forward to today’s Pakistan. General Musharraf, Chief of Staff of the Pakistan Army, toppled an elected government, arrested the Prime Minister and appointed himself as President of Pakistan. In May 2002, he held a dubious Referendum that allowed him to remain in power for another five years. “Power”, Churchill once said, “Is heady wine”. Not content with the awesome powers of the Presidency, General Musharraf decided to take the fateful plunge, and in violation of the solemn commitment he had made on National television, reneged on his promise. He told a baffled nation that he had decided not to give up his post as Army Chief and doff his uniform. With that, General Musharraf crossed his personal Rubicon. The die was cast. Long ago, Trotsky wrote, “No Devil cuts off his claws voluntarily”. A person who possesses supreme power seldom gives it away peacefully and voluntarily. God save Pakistan. I have never prayed, “God save Pakistan”, with more heartfelt fervour. You can feel the deep apprehension brooding over all. The proverbial little cloud no longer than a

man's hand has already formed over the Pakistani scene. The country is in the grip of a grave political and constitutional crisis. General Musharraf is leading the country to a perilous place. There is no one to restrain him. It makes you weep. Grinding our teeth, we have been reduced to the role of spectators while honour and duty beckoned.

History shows that concentration of too much power in one person is an invitation to tyranny. "Power corrupts. Absolute power corrupts absolutely". Liberty is best served if power is distributed. That is why the American Presidency adhered to two overarching concepts: the separation of powers and checks and balances. President Musharraf talks about these concepts but only when it suits him. Today he has conveniently forgotten these concepts and has reneged on his promise to give up the post of Army Chief.

At this time, all those who see the perils of the future must draw together and take resolute measures to secure our country. "Everything seems", as Goethe said, "to be following its normal course because even in terrible moments in which everything is at stake people go on living as if nothing were happening". This is true of present day Pakistan. But the straws in the wind are there. Time will show whether there are enough of them to make a bale of hay. In Pakistan, as in geology, things can look perfectly stable on the surface - until the tectonic plates shift underneath. Today all the symptoms which one had ever met within history prior to great changes exist in Pakistan. The country appears to be adrift. No body knows where it was headed without wise and mature leadership to guide or direct it. We are on the verge of a political collapse. The social contract between the government and the people has collapsed. The dialogue between the rulers and the ruled has broken down. Government without consent is called tyranny because no man is good enough to govern another without the other's consent.

"I know that I can save this country and no one else can", Chatham once famously remarked. Musharraf's exhilaration comes from a similar conviction. Alas, the verdict of history will be that he was part of the problem. 57 years after independence, "Say Pakistan", and what comes to mind? Sham democracy, an 'elected', all powerful President in uniform, who is also the Chief of Army Staff, a non-sovereign rubber-stamp parliament, a figurehead Prime Minister and a pliant judiciary. On General Musharraf's watch today, Pakistan is saddled with a disjointed lopsided, hybrid political system. The latest fraud practised on the people of Pakistan - the 'election' and appointment of Prime Minister - offers ample proof of how far Pakistan has fallen from Jinnah's grand vision of a democratic country. One by one, all the arguments for the dismissal of an elected government and imposition of military rule have tumbled. They are falling like skittles in a bowling alley. Bit by bit, the intellectual foundations of this regime

are crumbling. Some of the most corrupt politicians are now Musharraf's political allies. Corruption is rampant. Life is raw outside Islamabad. Jobs are scarce. Pay is pitifully low. Electricity comes and - mostly - goes. People are tired of waiting for a better life. Pakistan is drifting away from the democratic path and sliding into darkness. The irony is that Musharraf calls it the Renaissance, the rebirth, the renewal of Pakistan. "Pakistan", he said recently, "Has woken up". How I wish it were true. Unfortunately, Musharraf has an unparalleled ability to insulate himself from inconvenient facts and reality. A President directing a State from a seat in the crater of a volcano can hardly be expected to think clearly. Time and again history invited Musharraf to play a democratic and patriotic role, and time and again he chose the wrong course.

Heavens won't fall if Musharraf were to retire as Army Chief and take off his uniform. The Pakistan Army is quite capable of producing an equally competent and patriotic army chief. Nobody is indispensable. The graves of the world, Mr. President, are filled with the bones of indispensable people. The Pakistan army is a people's army, in the sense that it belongs to the people of Pakistan who take a jealous and proprietary interest in it. It is not so much an arm of the Executive branch as it is an arm of the people of Pakistan. It is the only shield we have against foreign aggression. In the absence of authentic political institutions, it is the only glue that is keeping our fragile federation together. Today the Presidency has become highly controversial. Why politicize the army? Why expose it to the rough and tumble of politics? Why use it as an instrument for grabbing and retaining political power?

Little nations like Pakistan cannot afford the luxury of unrest. I think of Pakistan as crossing an ocean in a canoe. People on an aircraft carrier can jump around, even play football and the boat will not rock. In a canoe, all the passengers have to paddle in unison facing the same direction or there will be disaster. Why rock the canoe? Isn't it tragic that the people on the canoe have resigned themselves to their fate in mid ocean, have stopped paddling and have given up all hope? "These are times that try men's souls. The best lack all conviction while the worst are full of passionate intensity. The summer soldier and sunshine patriot will in this crisis shrink from the service of his country, but he who serves it now deserves the love and thanks of man and woman".

The constitution gives the responsibility of the Supreme Commander to a civilian, the President of Pakistan. It did not intend that he would discharge this responsibility by following blindly the recommendations of the Service Chiefs. So, you must assume that under the constitution it was recognized that the President would act contrary to the advice of his Generals at times. It recognizes that other factors than the narrow military factors must be taken account of by the Supreme Commander in making vital decisions of national importance. With

such a plan, the constitution mandated the subordination of the military forces to the civilian authority. This being so, how can the Supreme Commander discharge his responsibilities in accordance with the spirit of the constitution if he is also the Chief of Army Staff? Who will be the Supreme Commander's principal advisor in army matters if the Supreme Commander himself is the Chief of Army Staff? It is an absurd situation.

Once I passionately believed in General Musharraf. Here was a man I admired. But in the end, I regret to say, he has left us with nothing to believe in, nothing to fight for, nothing to die for, nothing to be proud of, and all too much to hold in contempt.

## Why America is not winning the War on Terrorism?

Robert McNamara, the brilliant Secretary of defense for Presidents Kennedy and Johnson, helped lead America into Vietnam. McNamara believed that the fight against communism in Asia was worth the sacrifice of American lives, and yet he eventually came to believe that America had stumbled into a war - in which it had lost over 58,000 men and women - that was, infact, unnecessary and unwinnable. "I want", McNamara wrote, "Americans to understand why we made the mistakes we did, and learn from them..."

Summing up the major causes for the American disaster in Vietnam, McNamara wrote: "We failed then - as we have since - to recognize the limitations of modern, high-technology military equipment, forces and doctrine in confronting unconventional, highly motivated people's movements. We failed as well to adapt our military tactics to the task of winning the hearts and minds of people from a totally different culture. Where our own security is not directly at stake, our judgment of what is in another people's or country's best interest should be put to the test of open discussion in international forums. We do not have the God - given right to shape every nation in our own image or as we choose. We did not hold to the principle that US military action - other than in response to direct threats to our own security - should be carried out only in conjunction with multi-national forces supported fully (and not merely cosmetically) by the international community. Finally we must recognize that the consequences of large - scale military operations - particularly in this age of highly sophisticated and destructive weapons - are inherently difficult to predict and to control. Therefore, they must be avoided, excepting only when our nation's security is clearly and directly threatened. These are the lessons of Vietnam. Pray God we learn them"! McNamara's warning went unheeded. The lessons of Vietnam were forgotten.

Those who do not learn from history are doomed to repeat them. Recently, in a memorandum, addressed to the Chairman Science Board, Paul Wolfowitz, Deputy Secretary of Defense wrote, "Our military expedition to Afghanistan and Iraq are unlikely to be the last such excursion in the global war on terrorism. We may need to support an ally under attack by terrorists determined to replace the legitimate government; we may need to effect change in the governance of a country that is blatantly sustaining support for terrorism; or we may need to assist an ally who is unable to govern areas of his own country - where terrorists may recruit, train and plan without interference by the legitimate government"! Iraq was but a breakfast. Where will Americans dine? Iran is now in gunsights. America seems intent on using the September 11 attacks to impose what is called

a 'civilization of fear'. John Quincy Adams's caution to America not to go abroad to slay dragons they do not understand in the name of spreading democracy has been thrown to the winds. Neither Washington, Madison nor Jefferson saw America as the world's avenging angel. Any notion of going abroad seeking demons to destroy concerned them above all else.

Today the United States is once again in an expansionist mood, moved by the lure of oil in the Middle East and the notion of Manifest Destiny to export democracy and Western civilization to the Islamic world. In pursuance of this objective, Bush trumped up evidence against the Saddam regime to justify the invasion in the eyes of the American people and went to war against Iraq – the first preemptive war in the history of the United States – on the “wings of a lie”. He saw it as a chance not only to “remove the veil”, as they say, “but also to appropriate the lady”. He decided to go it alone, reckoning that the operation would not last long and American soldiers would be welcomed as liberators by jubilant crowds and garlanded. All that those oppressed Iraqis, he thought, wanted was to be rid of Saddam so that they could live happily ever after in a “democratic country” under the benign rule of an American stooge. Some people in Washington seem to live on a different planet. All their plans, all their hopes, and all their fantasies now seem lost in the dust.

Iraq, a secular, socialist state, was not involved in 9/11. It had no links with Al-Qaeda. Baghdad presented no clear and present danger to its neighbours, and none to the US or Britain. The truth is that what is at stake is not an imminent military or terrorist threat but the economic imperatives of US growth. Iraq has 112 billion barrels of proven resources, or roughly 11% of the world's proven supply. That is more oil than the resources of Europe and South America put together, and more than Africa and the Asia-Pacific region combined. That oil has global strategic, political and economic significance. The temptation to grab it must have been irresistible. Iraq must suffer because it has oil and it has Israel. And what is worse, it is Muslim. North Korea has admitted it has nuclear capability but it is not invaded as Iraq is. If Saddam didn't have oil, he could torture his citizens to his heart's content. Other leaders in the Islamic world do it everyday with the blessings of George W. Bush.

“They hate our freedoms, our freedom of religion, our freedom of speech, our freedom to vote and assemble and disagree with each other”, Bush said in his address to a Joint Session of Congress after the September 11 attacks when he described the motives of militant Islamic groups. This, Mr. President, is a mistaken view. Muslims do not hate your freedoms. They have no quarrel with the American people or their way of life. They hate your policies. They hate your blind support of Israel in its war of aggression against the oppressed people of Palestine. They hate the killing of innocent men, women and children in

Afghanistan and Iraq now under American military occupation. They hate your support of usurpers, hereditary monarchs, military dictators, un-elected, corrupt and effete rulers in the Islamic world. One of the greatest dangers for Americans in deciding how to confront militant Islam lies in continuing to believe that Muslims hate and attack them for what they are and think, rather than what they do.

Americans must begin by listening to the Muslim world, because if they do not understand what resonates with them, what fuels their anger, they have no chance of succeeding. The United States will lose the war if Americans don't make the effort to know how others think. Americans don't understand that their war on terrorism is not a global struggle about ideas. It is not a continuation of the 20th century conflict between tolerance and totalitarianism. It is a strategic mistake to compare Muslim masses to those oppressed under Soviet rule. There is no yearning - to - be - liberated by - the US soldiers among Muslim societies. They regard the American war on terrorism as a distraction from more pressing issues of the age: Poverty, unemployment, crime, disease, drugs, and last but not least, absence of democratic institutions in the Islamic world.

The Islamic world contains the world's greatest concentration of un-elected monarchs, military dictators, and usurpers, all supported by America. None would survive without American help. Where, then, is the symbol of hope in a Muslim world ruled by charlatans and US protected and coddled despots? We in Pakistan have suffered four military coups, all supported by United States of America. The result is what we have now: Moving from misery to poverty and a General in uniform sitting on top of a sham democracy. Not surprisingly, US support of tyrannies in the Muslim world has turned millions of Muslim against the United States. In the past, there was some rationale for acceptance of authoritarian regimes in the Muslim world as long as they were anti-communist. What is the justification for acceptance of un-elected, corrupt, authoritarian regimes today?

"One day President Roosevelt told me", Mr. Churchill wrote, "that he was asking publicly for suggestions about what the war, (World War II) should be called. I said at once, 'the unnecessary war'. There never was a war more easy to stop than that which has just wrecked what was left of the world from the previous struggle. The human tragedy reaches its climax in the fact that after all the exertions and sacrifices of hundreds of millions of peoples and victory of the Righteous Cause we have still not found Peace or Security, and that we lie in the grip of even worse perils than those we have surmounted". If World War II was an 'unnecessary war', I wonder how Mr. Churchill would have described the totally unjust and unprovoked American - led war in Iraq?

How long is it going to take for America to recognize that the war it so foolishly started is a fiasco – tragic, deeply dehumanizing and ultimately un-winnable? How much more time, how much more money and how many more wasted lives is it going to take? One thing is clear. Peace and stability will never resume as long as aggression continues and American soldiers remain on Afghan and Iraqi soil. Instead of enacting a charade, America should turn the country over to a genuine international coalition headed by the United Nations and get out. America has dug itself into a deep, deep hole. The least it can do in its own national interest is to follow the first rule of holes and stop digging. Playing the world's policeman is not the answer to the catastrophe in New York. Playing the world's policeman is what led to it.

Not long ago, American officials were claiming a decisive victory and the Bush administration was trumpeting the liberation of Afghan women from the clutches of Talibans. But the proclamations of success were premature. Osama and Mullah Omar, are nowhere to be found. Warlords and insurgents are in control of much of the country. Opium trade is the growth industry in Afghanistan these days. Medecins Sans Frontieres has packed its bags and withdrawn from Afghanistan after 24 years because five of its staff members were murdered and the government will not bring the killers to justice. The US government recently warned its citizens against travelling to Afghanistan because of the fear of being kidnapped or killed. Some victory! Both Afghanistan and Iraq are on life support. Bush's justification for the invasion of Afghanistan and Iraq that it was promoting democracy is enough to make one die laughing. Democracy in Afghanistan and Iraq is a self-made illusion. It is a western imposed farce that will be swept away if America and its allies stop propping it up with their bayonets.

Bush has placed America on the wrong side of history. Today US foreign policy finds itself at the bottom of a slippery slope. It has assumed many of the very features of the 'rogue nations' against which it has rhetorically and sometimes literally done battle over the years. The legitimacy of US action in Afghanistan and Iraq has vanished. Its war on terrorism has no support in the Islamic world. There is an old Russian saying: Once you let your feet get caught in a quagmire, your whole body will be sucked in. Today the United States seems trapped in a bad story, with no way to change the script.

The enemy has no country, no address and no flag, wears no uniform, stages no parades, marches to his own martial music. He could be on the next treadmill at the gym, or the next table at the sports bar. He requires no tanks or submarines. He does not fear death. He can operate with a rental car and a box cutter. He may be in Iran, Iraq, Pakistan, Afghanistan, Germany, or the next motel room anywhere in the United States. He is not in any hurry. For him the soup of

revenge is best served cold. Therein lies the dilemma of the world's only superpower: how to cope with the enemy that is physically weak but endowed with a fanatical motivation. Unless the sources of motivation are diluted, attempts to thwart and eliminate the enemy will be to no avail. The fanatically weak have the power to make the lives of the dominant increasingly miserable.

If America wants to make headway against Muslim rage, it will have to relieve the suffering of the Palestinian people. It will have to vacate its aggression in Afghanistan and Iraq, and withdraw its support of tyrannies in the Muslim world.

**Open Letter to Doctor Condoleezza Rice**  
**Secretary of State (Designate)**  
**United States of America**

Dear Dr. Rice,

I am a retired civil servant. My association with America goes back to 1940 when I joined Forman Christian College Lahore run by the American Presbyterian Church. Its liberal, tolerant and progressive environment has left a deep imprint on my life. I developed great respect for my American professors who introduced me to Washington, Jefferson and Adams who set the world ablaze, not with guns but with the timeless values and ideals America stood for in those days. That is the face of America I would always like to remember.

No aspect of American society struck me more vividly during my stay in your beautiful country than the friendliness and warmth of the American people. I was in Washington on September 11. On return from an early morning walk, I was shocked to see, on television, the terrible human tragedy in which thousands of innocent men and women lost their lives. Nobody can justify or condone a crime of such unparalleled magnitude. We understand America's anger and we share its grief and pain but on September 20, as we listened to President George W. Bush's wartime rhetoric and wild west allegories, we held our breath. When he finished, the spontaneous reaction of all those present was that President Bush had virtually declared war on the entire Islamic world. Sadly, subsequent events have confirmed our worst fears. Afghanistan and Iraq are under American military occupation and have ceased to be sovereign, independent countries. America must not let its need for revenge blur its judgment, for the rage of a wounded giant can be irrational, its direction unpredictable.

Two hundred years ago, the United States was militarily weak and economically poor, but to millions of people in other countries, America was the hope of the world because of the timeless values America stood for. From the beginning, America has been more than a place. It represented the values and ideals of a humane civilization. Two hundred years ago, America caught the imagination of the world because of the ideals it stood for. Today its example is tarnished with military adventurism and conflicts abroad.

Woodrow Wilson sought to make the world safe for democracy. Today America is punishing its enemies with its particular brand of democracy and rewarding its authoritarian friends with silence on democratization. "For a nation that

honors democracy and freedom”, the New York Times wrote in its editorial, “the United States has a nasty habit of embracing foreign dictators when they seem to serve US interest. It is one of the least appealing traits of US foreign policy. Like his predecessors, President G. W. Bush is falling for the illusion that tyrants make good allies...when Washington preaches democracy while tolerating the tyranny of allies, America looks double-faced”.

The Islamic world contains the world’s greatest concentration of un-elected monarchs, military dictators, and usurpers, all supported by America. None, I assure you, would survive without American help. No wonder, America has become the object of global hatred. Where, then is the symbol of hope in a Muslim world ruled by charlatans and US protected and coddled despots? We in Pakistan have suffered four military coups, all supported by United States of America. The result is what we have now: Moving from misery to poverty and a General in uniform sitting on top of a sham democracy.

In the past, some envied America, some liked America, some hated America but almost all respected her. And all knew that without the United States peace and freedom would not have survived. Today President Bush appears to believe in a kind of unilateral civilization. The United Nations is an afterthought; treaties are not considered binding. The war on terror is used to topple weak Muslim regimes. Today Washington’s main message to the world seems to be, Take dictation. No wonder, very few respect America these days. The poor and the weak are scared to death and fear the world’s only super power. In the eyes of millions of Muslims throughout the world, America is perceived today as the greatest threat to the world of Islam since the 13th century.

Americans seem to have forgotten America as an idea, as a source of optimism and as a beacon of liberty. For more than two centuries, America was the cradle of liberty, the destination point for those who seek to live in freedom, and the source of inspiration for those who want to make their own countries as free as America itself. Today America is like a fortress on the hill. It can only stand alone, casting a menacing shadow over all beneath. Americans have stopped talking about who they are and are only talking now about who they are going to invade, oust or sanction. These days nobody would think of appealing to the United States for support for upholding a human rights case - may be to Canada, to Norway or to Sweden, but not to the United States. Before there were three faces of America in the world - the face of the Peace corps, America that helps others, the face of multi nationals and the face of US military power. The balance has gone wrong lately and the only face of America we see now is the one of military power.

“My greatest complaint”, Tocqueville wrote almost two hundred years ago, “against democratic government, as organized in the United States, is not, as many Europeans make out, its weakness, but rather its irresistible strength. What I find most repulsive in America is not the extreme freedom reigning there but the shortage of guarantees against tyranny”. What many friends of America find hard to understand is how America, upholder of the Rights of Man and the beacon of liberty, could be transformed so quickly into a semi-police state. The Bush administration’s post - September 11 assault on civil liberties, its refusal to release the names and locations of detainees, and its insistence on secret hearings, conjures up Kafka novels. The US constitution guarantees that those suspected of crimes must be informed of the charges against them, be able to confront their accusers, consult with a lawyer, and have a speedy and open trial. But all that means very little in America today because the government can revoke all these rights merely by labelling someone a combatant. Jefferson once said: “the tyranny of legislature (in the United States) is the most formidable dread at present and will be for many years. That of the executive will come in its turn, but it will be at a remote period”. Is Jefferson’s grim forecast coming true?

The biggest headache for the United States stems not from the invasion and conquest of Iraq, but from the aftermath – the old conundrum of military history – what to do with the loser? Now that the country has been conquered and Saddam’s regime driven from power, the US is left “owning” an ethnically divided country of 22 million people ravaged by more than two decades of war. Saddam is gone. Iraq is “liberated” but Iraqis have lost everything – security of person, property, honour and jobs. More than 100,000 civilians have died as a direct or indirect consequence of the US-led invasion in Iraq. More than half of the deaths caused by the occupation forces were women and children, the so-called ‘collateral damage’ of this totally unjust, unprovoked war. When Iraqis resist, American soldiers pounce on them shooting unarmed civilians, setting their houses on fire. And all these Christian acts are accompanied by outcries against the savage Iraqis who dare to lift a hand against civilized Americans. Democracy is a great idea, Dr. Rice, but it is not going to grow in a garden trod upon by American boots. Dreams of democracy taking roots in the garden of Baghdad and then spreading like the flowers of spring throughout the Middle East have given way to the awful reality of bombing, kidnappings and beheadings.

Until Bush arrived on the world stage, it was axiomatic that the “habits of democracy are the habits of peace”; that democratic states abide by norms of behavior in the conduct of their foreign policy. Both Paine and Jefferson felt that the new nation could and should make a sharp break with the past and conduct a foreign policy guided by law and reason, not power politics. Jefferson claimed that “war and coercion were legitimate principles in the dark ages, but that in the

new era of democracy and law, relations between nations should be guided by “but one code of morality”. Bush has reversed all that and, echoing what you wrote in the Journal Foreign Affairs 2000, is intent on reinstating the old imperial logic of power that ‘might makes right’.

Today America presents an alarming spectacle. It is no more symbolized in the statue of Liberty but with the naked black hooded Iraqi man connected with wires for electrocution set up on a box by his American perpetrators. Today in the eyes of millions of Muslims in the Islamic world America is identified with Abu Ghraib where detainees were handcuffed naked and forced to crawl on their stomachs as US soldiers urinated and spat on them; later they were sodomized. In some cases, US military personnel held an un-muzzled dog within inches of two naked and screaming teenage Iraqis and discussed among themselves whether the prisoners could be terrified into losing control of their bowels. The tragedy is that too many Americans are prepared to look in the other direction or actively support such abuses.

You, Dr. Rice, are known as smart, diligent, honest and intellectually head and shoulders above the men who surround President Bush. You would be closer to the President than any Secretary of State since Henry Kissinger under Richard Nixon, and probably closer than any Cabinet member since Robert Kennedy as Attorney General under his brother. You have the President’s ear in ways few others do. I have therefore taken the liberty of addressing you in the hope that this letter will reach you, and you will find the time to ponder over some of my observations and suggestions. Today the hope of the world lies not only in the strength and Will of the United States but in its sense of justice and fairness. America will never win the battle against terrorism if it persists in its blind support of Israel. And it can never win over hearts and minds if it does not identify itself with democratic forces in the Islamic world and continues to support military dictators, hereditary monarchs, corrupt and effete rulers.

With best wishes and profound regards,

Yours truly,

Roedad Khan

## **The Kashmir Dispute**

### **[ This is no time for a permanent settlement ]**

Richard Nixon once said that there were two kinds of men who run for the Presidency: those who want to do big things, and those who want to be big. Musharraf is the first kind of man in the Nixon formulation. Of all the military rulers I have known, I have found President Musharraf the most self-confident and the most articulate. I think it is fair to say that General Musharraf did not aspire to be great. Greatness was thrust upon him when he was high up in the air. He was literally pushed into history. He knows why he is in the Presidency and what he wants to do. Among other things, he wants to fulfill some sense of personal destiny and receive self-validation as America's staunchest ally in the so-called war against terrorism. The problem with Musharraf is that he genuinely believes that Destiny had placed upon his shoulders the awesome responsibility to address all the intractable problems of Pakistan because he alone knows how to solve them. His problem is that his ambitions surpass his capacities.

Analyzing the differences in the national styles of diplomacy, Kissinger explains how various societies produce special ways of conducting foreign policy. The absolute nature of Musharraf's power enables him to run the country, and its foreign policy, arbitrarily and Idiosyncratically. None of the obstacles that restrain or thwart democratic rulers - a genuinely elected parliament, accountability, separation of powers, divided responsibility, constitutional forms, a fiercely independent judiciary, a vibrant and free press... exists for Musharraf. No wonder, he is conducting a unique kind of foreign policy. On October 25 addressing an Iftar reception hosted by his Information Minister, Musharraf called for a National debate on possible ways to resolve the Kashmir dispute - Independence, Condominium or joint control of the Himalayan state. He proposed identifying different regions in Jammu and Kashmir, demilitarizing them and changing their status before looking for possible options to resolve the dispute. The regions on both sides of the Kashmir divide, Musharraf said, would need to be analyzed with reference to local culture and demographic composition. After identifying these regions, there could be gradual demilitarization following which the two sides could discuss whose control these areas should be under. Pakistan and India could also have joint control of these areas or the United Nations could be asked to play a role. "I strongly believe there are options and there is a solution", he said. "For the first time", in full glare of national and international television networks and press, he said, "we see light at the end of the tunnel"! Everybody was taken aback. I am told the Foreign Minister who was present at the Iftar party heard about it for the first

time. Foreign office came to know about it from the morning newspapers. Anyone who knows anything about the art and practice of diplomacy knows that such pronouncements are not made at Iftar parties. Foreign policy should never be secret in the sense that the citizens of a free country should never be committed to treaties without their previous knowledge and consent. Diplomacy, on the other hand, must always be confidential. Even the management of the Islamabad club would not consider the possibility of framing their rules or electing new members in the presence of a tape recorder or in front of a microphone or a television camera.

The irony is that, unknown to Pakistanis, President Musharraf had already shared his views on this highly sensitive subject with Kuldip Nayar, a well-known Indian journalist. "The problem with Musharraf", Kuldip writes (DAWN October 23), "is that he has a solution to every problem. All that a ruler has to do is to 'show courage' and people will follow him. Musharraf does not see much of a problem in Pakistan". His announcement, he tells Kuldip, will be adequate! "Democracies, I am afraid", Kuldip writes, "function on the basis of consensus, not dictation, however courageous the ruler may be... after meeting Musharraf, I felt that he should know more about the ground realities in India. There is no political party - the ruling congress - the BJP or any other - that can risk disturbing the Line of Control. Softening borders or giving more autonomy to Jammu and Kashmir is achievable. Even demilitarization of the valley is possible provided militancy within and without Kashmir ends. Any other formula seems difficult in a democratic and secular India to sell". The situation in Pakistan is quite different. What Musharraf dreams of at night, he can carry out in the morning. He runs this country as if there was no tomorrow.

"Any people which has been united with another people", Lenin wrote, "not by the voluntary desire of its majority but by the decision of a Tsar or government is an annexed people, a captive people". This sums up the essence of the Kashmir dispute. It reminds me of a couple who for years have suffered through a bad marriage. They separated long ago but the divorce lawyers are still working on the Divorce deed. And the only unresolved question is: who gets the custody of the child? For us, this is the most inappropriate time for a permanent settlement of the dispute. Today Pakistan has a dysfunctional political system that people describe as sham democracy with a dictator sitting on top. The substance of power vests in the President who is also the Chief of Army Staff. He is not elected in accordance with the constitution, is not accountable to the parliament or any other organ of state, refuses to vacate his office as Army Chief and doff his uniform. Democracy is in limbo, parliament is paralyzed. Prime Minister is a figurehead. Who has the mandate to resolve the Kashmir dispute? Who can speak for Pakistan? This is no time for a final settlement of the Kashmir dispute.

Talking about Taiwan, Mao told Kissinger, "We can wait for hundred years". Why can't we wait? We can live for a long time on a diet of hope. What is the hurry? What is the compulsion? Is it foreign pressure? Are we following the American road map outlined in the FY 2005 plan for regional stability? Our first priority should be to set our own house in order and secure the restoration of the nation's core values: Sovereignty of the people, inviolability of the agreed constitution of 1973, supremacy of civilian rule, a fiercely independent judiciary, ruthless accountability of past and present rulers, above all, national interest above self, and national needs above personal survival. Permanent settlement of the Kashmir dispute should be left to a democratically elected government accountable only to a freely elected, sovereign parliament representing the will of the people.

Never before has public faith in the country's leadership sunk so low. Today Pakistan is dangerously at war with it self. Politically we are too weak to secure a fair and just settlement of the Kashmir dispute in accordance with the wishes and aspirations of our own people and the people of Kashmir. This is no time for a settlement of the Kashmir dispute. We have lived with the statusquo in Kashmir for 57 years and can live with it a little longer in the hope of a change in geopolitical landscape. At least the statusquo does not call for the sacrifice of our vital interest in the strategic and highly sensitive Northern Areas adjoining China's Province of Zinjiang and in close proximity to Tibet. Why disturb it? Some disputes, they say, had better be left to history. Kashmir is one of them. History creates the opportunity. We must be patient.

## The Court and Civil Liberties

To enjoy the protection of law and to be treated in accordance with law is the inalienable right of every citizen of Pakistan, in uniform or out of uniform, wherever he may be. Is this right available to army officers detained at the US Air Base at Jacobabad? The Lahore High Court had dismissed their petition challenging their detention and transfer to Jacobabad, on the ground the Section 2-D of the army Act 1952 had taken away the jurisdiction of the court to proceed with the petitions. The case has now made its way to the Supreme Court. At issue are important questions of law and constitution governing the competence of civil courts and the rights and duties of soldiers.

A soldier, whether an officer or a Jawan, stands in a two-fold relation: the one is his relation toward his fellow citizens outside the army; the other is his relation toward the members of the army, and specially his military superiors. Any man, subject to military law, has duties and rights as a citizen as well as duties and rights as a soldier. His position in each respect is under our law determined by definite principles. A soldier, though a member of a standing army, is subject to all the duties and liabilities of an ordinary citizen. He is subject to the same criminal liability as a civilian. He may be put on trial before any competent 'civil' (that is non - military) court for any offense for which he would be triable if he were not subject to military law. There are certain offences, such as murder, for which he must in general be tried by a civil court. Thus if a soldier murders a companion, his military character will not save him from standing in the dock in a 'civil court' on the charge of murder. A soldier cannot escape from civil liabilities just because he is a soldier. In all conflicts of jurisdiction between a military and a civil court the authority of the civil court prevails. Thus if a soldier is acquitted or convicted of an offence by a competent civil court, he cannot be tried for the same offence by a court - martial, but, an acquittal or conviction by a court-martial is no plea to an indictment for the same offence before a competent civil court.

When a soldier is put on trial on a charge of crime, obedience to superior orders is not of itself a defense. On the other hand, a soldier is bound to obey any lawful order which he receives from his military superiors. But a soldier cannot, anymore than a civilian, avoid responsibilities for breach of the law by pleading that he broke the law in bona fide obedience to the orders (say) of the Chief of the Army Staff. Hence the position of a soldier is in theory and may also be in practice, a difficult one. He may, as it has been well said, be liable to be shot by a court-martial if he disobeys the orders of his military superior and to be hanged by a Judge if he obeys it. If an officer orders his soldiers to arrest (say) the Prime

Minister of the country or a Judge of the Supreme Court or shoot them, there is, in such a case, no doubt that the soldier who obeys, no less than the officer who gives the command, is guilty of unlawful confinement, or murder, as the case may be and liable to be hanged for it when convicted in due course of law. In such an extreme case as this, the duty of a soldier is, even at the risk of disobeying his superiors, to obey the law of the land. The doctrine that a soldier is bound under all circumstances, whatever, to obey his superior officer would be fatal to military discipline itself, for it would justify the soldier in shooting the Colonel by the orders of the major, or in deserting to the enemy on the field of battle on the order of his immediate superior. The inconvenience of being subject to two jurisdictions is an inevitable consequence of preserving on the one hand the supremacy of the law, and on the other the discipline of the army.

On entering the army, a soldier becomes liable to special duties as being a person subject to military law. He therefore, in his military character of a soldier, occupies a position totally different from that of a civilian; he has not the same freedom, and in addition to his duties as a citizen is subject to all the liabilities imposed by military law; but though this is so, it is not to be supposed that, even as regards a soldier's own position as a military man, the rule of the ordinary law is excluded from the army. The general principle of law is quite clear. The civil courts have jurisdiction to determine whether the person is subject to military law and, if he is detained, whether his detention is legal, and whether a given proceeding, alleged to depend upon military law, is really justified by the rules of law which governs the army. Hence flow the following consequences. The civil courts determine whether a given person is or is not, "a person subject to military law", and whether his detention is legal or not. If a court-martial exceeds its jurisdiction or an officer, whether acting as a member of a court-martial or not, does any act not authorized by law, the action of the court, or of the officer, is subject to the supervision of the superior court. A writ of Habeas Corpus may be directed to "any officer, or governor of a prison", who has in his custody any citizen, in uniform or otherwise, alleged to be improperly detained under colour of military law. In sum, nothing contained in any law shall extend or be construed to exempt any officer or soldier from the "ordinary process of law", or deprive him of his fundamental rights as a citizen just because he is in uniform.

Are the army officers detained at the US Airbase at Jacobabad, beyond the Rule of Law? Are they beyond the jurisdiction of our courts? Is their detention legal? Are we not meant to know how they are being treated? Why were they spirited off to the US Airbase in the first instance? And on what authority? The answer is not far to seek. The purpose of holding them at the Jacobabad US Airbase is to put them beyond the Rule of Law, beyond the protection of both Pakistani and US courts and place them at the mercy of FBI and CIA interrogators. At present, they have no access to the writ of Habeas Corpus to determine whether their

detention is even arguably justified. The military will act as prosecutors, defense counsel and judges. The trial will be held in secret. None of the basic guarantees of a fair trial need be observed. The jurisdiction of our courts is excluded from the US airbase. The US military controls everything there. Would our courts refuse to hear a prisoner held at Jacobabad even if he produced evidence that he has been or is being tortured? Would they refuse to hear prisoners who assert that they are illegally detained at a foreign airbase set up on Pakistan soil? Would they refuse to hear their complaints on the ground that they have no jurisdiction? As a citizen of Pakistan I would regard that as totally unacceptable and a monstrous failure of Justice. The US Supreme Court has recently held that Guantanamo detainees have a right to challenge the basis of their detention. How can this right be denied to our own citizens held at Jacobabad? Unfortunately, the constitution, the laws of Pakistan even our courts lie prostrate at the US base at Jacobabad. Is there any remedy for this state of things? None. Because the executive of the Republic of Pakistan is in league with the United States.

Yeats tells us that all states depend for their health upon a right balance between the One, the Few and the Many. The maintenance of that balance is peculiarly the task of the Supreme Court since, following the famous Hughes Aphorism, the Constitution is essentially what the Supreme Court says it is. It is its unique function to serve as guardian and watchdog of the liberties of the citizen. To enable it to do so effectively, and to interpose the shield of Law in the defense of liberties of the citizens, Supreme Court is armed with the awesome authority to nullify any law, any governmental act deemed by it in conflict with any provision of the Constitution.

“The President may slip”, Tocqueville wrote in 1837, “without the state suffering, for his duties are limited. Congress may slip without the Union perishing, for above the Congress there is the electoral body which can change its spirit by changing its members. But if ever the Supreme Court came to be composed of corrupt or rash persons, the Confederation would be threatened by anarchy or civil war”. So long as there is a judiciary marked by rugged independence, the citizen’s liberties are safe even in the absence of cast iron guarantees in the constitution. If freedom under law survives in Pakistan, it will be only because of the sturdy independence of the Supreme Court. But once the judiciary becomes subservient to the executive and to the philosophy of the party for the time being in power, no enumeration of fundamental rights in the constitution can be of any avail to the citizen, because the courts of justice would then be replaced by government courts. When that happens, the dykes of law and justice break and revolutions begin.

## **Pakistan on Right Track! Says Colin Powell**

“Liberty”, Bush said recently, “is on the march... Democracy is spreading in the Islamic world”. Poor Americans! They are so unselfishly Christian and yet they are so hated in the Islamic world and unjustly attacked by Iraqis and Afghans they want to liberate and democratize!

In pursuance of this objective President Bush is scouting around for ‘enlightened’ Muslim rulers who will carry out the American agenda and sell a version of Islam that fits into the American scheme of things. He is even prepared to sup with the Devil. Muslim throughout the Islamic world have been angered by blind US support for these collaborators – hereditary monarchs, civilian and military dictators, self-appointed Presidents and others of that ilk. They all have one thing in common. They are totally subservient to their handlers, have no compunction in sacrificing national interest, no pricking of the conscience and make deals with Americans to ensure their survival. Against this background, people feel indignant, powerless, manipulated and deceived. To the people, America’s commitment to idealism, democracy and liberty, worldwide, sounds hollow, hypocritical and makes them laugh.

In an interview with USA Today, Sectary Colin Powell said: “A little bit of understanding is necessary as you watch somebody like President Musharraf go through this process, as you watch him deal with his economic problems, he has to re-do the madrassah system, fix his educational system, yet bombs are going off on a regular basis”. Responding to a question about President Musharraf’s role and his imminent decision not to take off the uniform, Powell stressed: “in the case of Pakistan over the last several years, we have seen a parliament start to function again, a Prime Minister, legislative action reflecting a more effective legislature, not quite what we would have wanted and we see a nation that is still in danger”. He said in case of a country like Pakistan, “you also have to keep some perspective about where they are now and where they may be where you hope they are heading in the future”. It is such hypocritical statements, such blatant and crude attempts to justify and defend a thinly veiled authoritarian regime that makes most Pakistanis hate America.

“Our commitment to democracy”, Bush said in a speech on November 6 last year, “is tested in Cuba, Burma, North Korea, Zimbabwe, China and the Middle East”. For people in Pakistan, living under a thinly veiled military dictatorship, the speech was a bucket of iced water in the face. Why did Bush make no reference to Pakistan which started as a modern, progressive democratic state 57 years ago but is drifting away from the democratic path and sliding into darkness? Today

it has a dysfunctional political system that people describe as sham democracy with a dictator sitting on top. The substance of power vests in the President who is also the Chief of Army Staff. He is not elected in accordance with the constitution, is not accountable to the parliament or any other organ of state, refuses to vacate his office as Army Chief and doff his uniform. Democracy is in limbo, parliament is paralyzed. The constitution is a figment. Bush's democracy agenda must not begin with Afghanistan and end with Iraq which he invaded on the "wings of a lie". If Bush is truly interested in promoting democracy in the Islamic world, why doesn't he make a beginning with Pakistan? Why can't the United States identify itself with democratic forces in Pakistan and free this country's democracy from usurpation by a mafia? Why has Bush turned a blind eye to the mafiosos who have found in the twisted, hybrid, sham "democracy" of Pakistan, the perfect Trojan horse for attaining and preserving the substance of power? Instead of searching for new lands to "democratize" and new places to hold election, why not roll back the military which has ruled Pakistan for more than half its life with disastrous consequences.

America does not care for democracy in the Islamic world and has no intention of bringing about radical, political, social and economic changes in the region. The American diplomat Richard Holbrooke pondered this problem on the eve of the September 1996 election in Bosnia. "Suppose the election was declared free and fair and those elected are racists, fascists, separatists or religious zealots. That is the dilemma". Indeed it is, not just in Bosnia or Algeria or Turkey or Pakistan but in the entire Islamic world. On the rare occasion when he has been asked, Bush has never answered the question of how he would react if Iraq or Afghanistan or Pakistan held free, fair and impartial elections – and freely chose fundamentalist Islamic governments. No wonder, America didn't accept the result of a free, fair and impartial election in Algeria. When FIS (Islamic Salvation Front) appeared likely to win two-thirds of the seats, enough to fulfill its campaign promise of replacing Bendjedid's constitution with the framework of an Islamic state, the army scrapped the election result with American approval. After meeting General Zeroual, the coup leader, US Ambassador Ronald Neumann declared: "my government and I personally wish him every success as he seeks to move forward on the path he has publicly chosen". That was Washington's reply to democracy in Algeria. With the world's greatest democracy and sole surviving super power against it, what chance can democracy have in Pakistan or anywhere else in the Islamic world?

The recent election held in Lukashenko's Belarus has been subjected to severe criticism by the Bush Administration. People wonder why America attacks Lukashenko's authoritarian regime but praises the military regime in Pakistan? In order to punish Lukashenko, the US House of Representatives recently passed the Belarus Democracy Act which, among other things, authorizes the President

to support opposition groups and independent media. Why single out Belarus alone for this treatment? According to objective observers of the Belarus situation, Lukashenko is popular at least in the ruler areas. In a free vote, he would receive about 40% of the total vote. He has maintained stability in his country, and has kept the streets clean and safe. Nobody credits the military regime in Pakistan with such achievements. America criticizes the Referendum in Belarus but takes a charitable view of the fraudulent Referendum held in Pakistan. Why punish Lukashenko, people ask, and reward the military regime in Pakistan?

In an off the cuff comment on the constitutional changes made by President Musharraf, Bush conveyed a sense that democracy in Pakistan wasn't all that important and was an afterthought for him! "For a nation that honours democracy and freedom", the New York Times wrote in its editorial, "the United States has a nasty habit of embracing foreign dictators when they seem to serve US interest. It is one of the least appealing traits of US foreign policy. Like his predecessors, Bush is falling for the illusion that tyrants make good allies. When Washington preaches democracy, while tolerating the tyranny of allies, America looks double-faced". "Liberty is on the march", Bush tells the American people. Not in Pakistan. "Democracy is spreading", Bush tells his voters Not in Pakistan. Here democracy is retreating, moving backward. Thanks to America, Pakistan is sliding into darkness.

## Great Promise, Unfulfilled

To no country has Fate been more malignant than to Pakistan. Five years ago a democratically elected government was toppled and replaced by the regime headed by General Pervez Musharraf. With that Pakistan came under military rule for the fourth time. We are back to square one like Sisyphus, the Greek errand in mythology whose punishment in Hades was to push uphill a huge boulder only to have it tumble down again.

Sometimes, once in a long while, you get a chance to serve your country. Musharraf got that chance on October 12, 1999, when he was pushed into history. He started with a blank cheque of goodwill and popular enthusiasm given to him by the people of Pakistan. Boundless hopes and expectations were pinned on the young, unsullied soldier. He had a unique opportunity to design and build a new structure on the ruins of the old in fulfillment of the dreams and aspirations of the people of Pakistan who looked forward to a fresh beginning and a better future for themselves and their children in a genuinely democratic Pakistan.

On October 12 people thought the past was dead. They were shocked when they realized that it was not even past. The euphoria following the dismissal of Nawaz Sharif soon gave way to the sobriety of the morning after. The change we all expected and which seemed so certain at the time did not take place. Musharraf slipped on one banana peel after another. Is Pakistan back on the rails? Are we on the democratic path once again? Has Musharraf redeemed the pledge he gave to the nation five years ago? Is our long nightmare over and is it morning once again in Pakistan? Is this the promised dawn of a bright future for Pakistan? Is Pakistan experiencing a Renaissance, a rebirth, a new refinement of spirit, a liberation from extremism, dogmas and authority and are people enjoying the fruits of 'true democracy', as Musharraf would like the world to believe? My short answer is in the negative. There will of course be more to say later.

Around three years ago, Musharraf was annoyed by some tough questioning at a press conference in New York about the return of democracy. He shot back, in effect: "Ok. So you want the façade of democracy? I will give it to you". He wasted no time. First, in violation of the condition imposed by the Supreme Court, the constitution was defaced, disfigured, defiled, decimated and change beyond all recognition. Second, the two mainstream political parties were decapitated and their leaders prevented from taking part in the election process. Third, instead of holding free, fair and impartial election and allowing the people

to choose their representatives – the essence of democracy, the inescapable sine qua non – elections were rigged, ballot boxes were tampered with and results manipulated in many cases. Today, after five years of absolute rule Musharraf has ended with a bankruptcy of moral and political support, leaving the country in worse condition than he found it in. No wonder, 57 years after independence Pakistan has a disjointed, lop-sided, hybrid political system – a non-sovereign, rubber stamp, cowed, timid and paralytic parliament, a powerful President in uniform, a weak and ineffective Prime Minister appointed by the President.

On law and order, the primary responsibility of every organized government, General Musharraf said, “It could not be improved by issuing mere statements. For improving law and order situation, we need to improve the law enforcement agency. We have chalked out a strategy to improve the police force but it needs Rs. 40 billions. We will have it done and demand of them to deliver”. He said nothing would work without the revival of the economy, which alone was a battle winning factor. It is true that there can be no peace and stability without economic progress; but equally, economic progress is not possible and will never be sustainable if the government fails to protect the person, property, and honor of its citizens. Isn’t it ironic that a military government has to spend an additional sum of Rs. 40 billions to enable the police force to maintain law and order and control crime! The irony is that despite huge expenditure, law and order situation is going from back to worse and showing no sign of improvement. As many as 70 people have been killed in sectarian attacks in mosques in the space of 10 days in Sialkot, Multan and Lahore. In the Islamic Republic of Pakistan, On Musharraf’s watch devout Muslims dread going to mosques for offering prayers. Can such a State, which fails to discharge this basic responsibility, no matter what its achievements on other fronts, have a legitimate claim on the loyalty of its citizens?

A year ago, ruthless accountability of corrupt holders of public office was on top of General Musharraf’s agenda. Today the accountability process has run out of steam. Known corrupt holders of public office are his political allies. What prevented him from making good on his promise to arrange for expeditious and ruthless accountability of all those who bartered away the nation’s trust and plundered the country’s wealth? Why are so many known corrupt holders of public office still at large? Is it too difficult to prove that they had abused their power or had betrayed the trust reposed in them by their constituents? Because the people’s representatives were not strictly called to account, sent to prison, disqualified and prevented from recapturing the Parliament and provincial assemblies, the entire democratic process has been reduced to a farce once again. Year ago, General Musharraf said, “Though the process was slow, will Pakistan collapse, if the process of accountability is not fast”? Pakistan will certainly not collapse but General Musharraf’s credibility has definitely suffered because it

does raise serious doubts in the minds of the people when some known corrupt politicians, judges and generals go untouched, raising serious concerns that some are more equal than others and the entire accountability process is a farce.

Poverty has deepened. While life at the top gets cushier, millions of educated, unemployed, the flower of our nation, and those at the bottom of the social ladder, are fleeing the country and desperately trying to escape to the false paradises of the Middle East and the West. The rich are getting richer, while the poor are getting more and more impoverished. The middle classes seem defeated. There was a time when they were the key to prosperity and national stability. Now they appear submissive in the face of a drastic drop in the quality of their life. All these years, the people organized their lives in terms of a better future for themselves and their children. Today the future has quite literally shrunk and the present has stretched out.

What is the situation on the ground today? And how is the common man coping? Anyone who is not tied to his desk in Islamabad, would know that it is people at the lowest rung of the economic ladder - the poor, the middle class and the young educated unemployed who have been hit hardest and struck most savagely by the economic crunch. I have seen hundreds of these defeated, demoralized, hopeless men and women cringing, fawning and pleading for help. I have also seen respectable people murder their pride, descend from security and self-sufficiency to uncertainty, dependency and shame. Recently, a woman came to see me in my village. She had ten children and is about to have another. She had so many that she did not call them by their names; but referred to them as 'this little girl' and 'that little boy'. Two small boys sans shoes were running about without a stitch on save some ragged piece of clothing. Their feet were purple with cold - half-starved children struggling in competition for less to eat than dogs get in well-to-do houses in Karachi and Islamabad, living in hovels that are infinitely less comfortable than the kennel. A sort of nameless dread pervades their atmosphere and hangs over their heads. This, is the stuff that revolutions are made of.

Contrary to what Musharraf says, our woes are primarily political, not economic. One thing is clear. Economic progress will never be sustainable without peace and political stability. 57 years after its creation Pakistan's quest for a stable political order remains elusive. Since 1947, Pakistan has been racked by instability and subjected to recurrent cycles of army rule, political turmoil, civil strife and commotion. This is the root cause of all our problems. Economic tribulations are only a manifestation of the loss of faith by the people in their political institutions and the future of the country. The absence of an agreed and effective law of political succession inevitably leads to uncertainty, instability and wars of succession etc. What is needed is a stable political system, based on

the supremacy of civilian rule that actually brings genuine leaders to power. Pakistan will only come into its own when it has a corruption-free, popularly elected stable government; a fiercely independent and clean judiciary; rule of law, not rule of man, sanctity of contract and a de-politicized, highly professional civil service. Once such a system is in place, economic progress and sustainable development will follow. Ayub Khan did not lose on the economic front. In fact, his achievements on this front were quite impressive. He lost because he misjudged the political crisis facing him and failed to respond to the democratic aspirations of the people. In the long, no economic agenda has any chance of success unless fundamental political issues are first resolved.

The country appears to be adrift, lacking confidence about its future. Never before has public faith in the country's future sunk so low. Nobody knows where the country is headed and very few care. Traditionally proud, Pakistanis have begun to despair. Talk today is of vanished dignity, of a nation diminished in ways not previously imaginable. It is almost as if no one wants to acknowledge a sad end to what once seemed a beautiful dream. Is it our Karma? Is it our destiny? Is there some evil spirit that hangs over Pakistan? Are we on a phantom train that is gaining momentum and we can't get off? Surely, this can't be our signature now that we have entered a new millenium.

How will history remember General Musharraf? That he was no crusader; no Tribune of the people; no enemy of those who looted and plunder the country; that he joined hands with corrupt and discredited politicians to acquire political support; that he circumvented the constitution; that he held a dubious Referendum so that he could rule another five years; that he allowed blatant, flagrant use of the administration and official machinery in support of the King's party; that he turned the Parliament, the embodiment of Will of the people, into a rubber stamp; that he broke faith with the people; that he denied them their constitutional right to elect their President; that he defaced, disfigured and mutilated the constitution in order to perpetuate his rule; that he failed to honour his public commitment to doff his uniform; that he promised a great deal and delivered very little. The contrast between the current tide of public disenchantment and enthusiasm five years ago is indeed quite stark. Five years ago he was widely heralded as the people's champion. Today he risks being dismissed as the latest in a long line of easily forgotten rulers.

## Renaissance or the Age of Decline?

One thing you have to say about President Musharraf. He has a great sense of humour. Pakistan, he said recently, was experiencing a "Renaissance" on his watch! Speaking in a one-hour interview with the New York Times on Monday, September 20, Musharraf said: His leadership is freeing his country from the menace of extremism and that the national "Renaissance" might be lost if he kept his pledge to step down as army Chief at the end of this year! "This was a culture, a society which was moving toward extremism and fundamentalism, and I am trying to reverse this trend and give voice to the vast majority of Pakistanis who are moderates". "I am sorry, I don't want to boast about myself", he said, "but there is a "Renaissance", there is a big change we are trying to bring about!" He also asserted that Pakistan was already enjoying the fruit of democracy with local elections, functioning legislatures, freedom of speech and empowerment of women.

"Renaissance", a term commonly used in European history denotes a rebirth or revival of learning, arts and is supposed to separate the Middle Ages and the Modern Period. Italy, the last country Musharraf recently visited before returning home, was the first country in Europe to experience the "Renaissance" - the rebirth or revival of classical Latin and Greek. It was the first milestone along the primrose path to be marked out subsequently by the voyages of Discovery, by the Reformation, by the Scientific Revolution of Copernicus, Kepler, Galileo and Newton, by the Industrial Revolution, the French Revolution, by Parliamentary Reforms in Great Britain and by Imperialist Expansion in Asia and Africa. With "Renaissance" came a new refinement of spirit, a delight in beauty, artistic activity and invention.

Now that Pakistan has entered the age of "Renaissance" - an age of hope and freedom - as Musharraf would like the world to believe, are we about to feel the awakening of the modern mind and will Pakistan now cease to be ruled by dogmas and authorities? Will Pakistan now advance in wealth and art and thought as it did in Italy in the 14th century and later in France, Germany, Holland, England and Spain? All this is day dreaming and pure fantasy. No such change is in the offing. All indicators point in a different direction. Reality is different. Today Pakistan has leaders who manipulate reality to their liking. 57 years after its creation, Pakistan is under army rule. Its quest for a stable political order remains elusive. We have had four military coups in our history. The result is what we have now: Moving from misery to poverty and uncertainty, not knowing if the country will survive at all. Isn't it ironical that while authoritarian governments are collapsing all around us, Pakistan which started as a modern,

progressive, democratic state, is drifting away from the democratic path in the 21st century and sliding into darkness.

The country is in deep trouble. The failed assassination attempts targeting President Musharraf in Rawalpindi are a reminder once again of a very real threat the country faces. In the absence of a genuinely democratic political order and a binding law of political succession and transfer of power, who would take over as President? Much more important, who would takeover as army chief? Who would appoint the army chief? The entire political structure would come tumbling down and collapse like a house of cards. This was and continues to be the principle cause of instability of the state of Pakistan ever since its creation 57 years ago.

As he left the constitutional convention of 1787, Benjamin Franklin was asked by an admirer, "Dr. Franklin what have you given us". Franklin turned to the questioner and replied, "A Republic, if you can keep it". Today America dominates the entire world. None dare challenge it. Not too long ago, we too possessed a great country earned for us by the sweat of the brow and iron will of one person. Where giants walked midgets pose now. Today Pakistan is a shadow of what it used to be. Our past is unthinkable; our future unimaginable. Our rulers, elected and un-elected, have done to Pakistan what the successors of Lenin did to Soviet Union. "Lenin founded our State, Stalin said, after a stormy session with Marshal Zhukov. The German army was at the gate of Moscow. "And we have ...it up. Lenin left us a great heritage and we, his successors, have shitted it all up".

We have been through many difficult times in the past. The only difference is in the past we more or less knew what our goal was; through which tunnel we were trying to move and what kind of light we expected to see. Today we don't even know if we are in a tunnel. We are in a mess. Disaster roams the country's political landscape. 57 years ago times were ebullient and yeast was in the air. "Bliss was it in that dawn to be alive. But to be young was very heaven". On that day we dreamed of a shining city on the hill and distant bright stars. Today Pakistan is a nightmare of corruption, crime and despair. We thought in those days, we had found freedom but it has turned out to be just another kind of slavery.

"Every country has its own constitution", one Russian is said to have remarked in the 19th century. "Ours is absolutism moderated by occasional assassinations". In Pakistan constitution doesn't really matter. We have a written constitution but nobody takes it seriously. It is abrogated, suspended or held in abeyance whenever army strikes and topples an elected government. Successive military rulers have defaced, disfigured and decimated the constitution and changed it

beyond recognition. One of the most serious injuries that any state can inflict on its subjects is to strip the body politic of its constitution and commit the people to lives of perpetual uncertainty. This kind of existence, as we in Pakistan know very well, is like a journey full of dangerous obstacles and risks undertaken in total darkness.

The last 57 years have made all of us in Pakistan into deep historical pessimists. As individuals we can, of course, be optimistic about our personal prospects for good life. But when we come to larger questions, the verdict is decidedly different. It is becoming increasingly clear that Pakistan is moving away from what the West considers decent and humane political institutions. As time passes it may be harder to sustain optimism. Pakistan has long been saddled with poor, even malevolent, leadership: predatory kleptocrats, military – installed dictators, political illiterates and carpet-baggers. Such leaders use power as an end in itself; rather than for the public good. Under the stewardship of these leaders, ordinary life has become beleaguered; general security has deteriorated, crime and corruption have increased. 57 years after independence, Pakistan is torn between its past and present and dangerously at war with itself. A general languor has seized the nation. It has a disjointed, dysfunctional, lopsided, hybrid, artificial, political system – a non-sovereign rubber stamp parliament, a weak and ineffective Prime Minister, appointed by a powerful President in military uniform. As we look back at all the squandered decades, it is sad to think that for Pakistan it has been a period of unrelieved decline and the dream has turned sour.

The rulers of ancient Rome and Greece sent their dissidents off to distant colonies. Socrates chose death over the torment of exile from Athens. The poet Ovid was exiled to a fetid port on the Black sea. Georgian Britain sent its pickpockets and thieves to Australia. 19th century France sent convicted criminals to Guyana. Portugal sent its undesirable to Mozambique. The Czar used to send subversive revolutionaries like Lenin to Siberia. Musharraf sends his political opponents to Saudi Arabia and prevents them from returning home. Why doesn't he follow the noble example set by Indonesian President – elect (Retired General) Susilo Bambang Yudhoyono, doff his uniform and face his political opponents in a free, fair and impartial election?

This depressing picture is brought into even sharper relief by the striking example of effective Indian leadership and its remarkable achievements. Asked about Indian's future, young Indians interviewed by foreign journalists agreed on one thing: they expected India to develop into a leading economic power in their life time. India, some said, will be the world's most powerful nation. "50 years, we will be No. 1". We in Pakistan live in a society where the few have privileges and the many are without a kernel of hope. Today most youngsters

graduate directly from colleges into joblessness. They are the future of the country, political leaders keep telling them, but it is hard to know what that means. A great divide, a yawning chasm - some call it a new Iron Curtain - separates the poor from the rich. In fact they live on two different planets. While life at the top gets cushier, millions of jobless young people and those at the bottom of the social ladder are forced to resort to crime, drugs and vagrancy merely to survive.

Does a state so shamelessly plundered by a succession of rulers have any legitimate claim on the loyalty of its citizenry. No wonder the social contract between the rulers and the ruled has collapsed. We are back to the state of nature 'red in tooth and claw'. The better sort of the nation are silent. The scum comes to the top and rules. Was it not Edmund Burke who said that all that is necessary for the triumph of evil is that the good men do nothing? We have lost the 20th century. Are we bent on seeing our children also lose the 21st. Somewhere in a Raymond Carver story, a character asks: "We started out such good people. What happened to us"? If Pakistan were to decline, it will not be because it could not maintain itself against the resurging power of India. The judgment of history would be that the causes of its decay were, as in the case of the Mughals or the Ottomans, much more internal than external. Pakistan is not a case of failed state. It is a case of failed leadership.

Today the political landscape of Pakistan is dotted with Potemkin villages. All the trappings of democracy are there, albeit in anemic form. Parliamentarians go through the motions of attending parliamentary sessions, question hour, privilege motions, etc, endless debates which everybody knows are sterile and totally unrelated to the real problems of the people. Everybody knows where real power resides. Everybody knows where vital decisions are made. A new class, whose education and philosophy of life is different from ours, has taken the wheel of history in its hands once again. It is alone on the bridge, blissfully unaware of the dangers ahead.

How can this thralldom be called the age of "Renaissance"? How can the mullah - military alliance be called the age of Reformation? How can this darkness which engulfs the country be called the age of Enlightenment? There can be no liberation from dogmas and authority under military rule. There can be no "Renaissance" under military rule? There can be no Reformation under military rule? There can be no Enlightenment under military rule?

The greatest threat to Pakistan, in fact the entire Islamic world, stems not from religious militancy and secretarianism but from (a) the absence of a genuinely democratic political order and (b) surging American imperialism. Religious extremism and secretarianism are symptoms of a chronic malady which has

afflicted the Islamic world since the demise of the Holy Prophet. It is not a new phenomenon. It is an internal dispute with liberalizers or secularists within our religion. American imperialism, on the other hand, poses an altogether different and much more dangerous threat. Today the United States and Britain are conducting a virtual crusade against the Islamic world to steal its oil and capture its resources. Afghanistan and Iraq are already under American military occupation and have ceased to be sovereign, independent countries. Iran, Syria, and Pakistan are next on the hit list. It is now abundantly clear that Pakistan, the only nuclear power in the Islamic world, will soon be denuclearized and emasculated. A systematic campaign to discredit and humiliate eminent scientists who worked day and night to arm Pakistan with a nuclear deterrence is in full swing. I wonder why we have allowed such indignities to be visited upon our nation – and for so long. The answer is that we no longer own our country. If this is the land of the pure and the brave, give me slavery.

The very word terrorism is a nonsense designed for propaganda effect, a damning label applied by the Bush administration to groups or states in the Islamic world opposing US imperialism and quisling regimes. The so-called war on terrorism and extremism is a hoax used to mask and justify the long-planned expansion of US military power in the Islamic world to steal its oil and capture its resources. People who fight American or Israeli imperialism, refuse to accept foreign conquest and occupation of their country, refuse to collaborate with the enemy or its surrogates, defy the occupation forces, respond to the call to honour, risk everything they possess, and go on fighting with whatever they have until the enemy is thrown out and the national stain is wiped clean, are not terrorists. They are not thugs. They are not bandits. They are not extremists. They are called freedom fighters. Moderation in the pursuit of liberty is no virtue; extremism is the pursuit of justice is no vice.

Today Musharraf is fighting a totally unnecessary proxy war in Waziristan against his own people with long term implications for the security of our Western boarder. For the first time since independence Waziristan is on fire. Our guns are pointing in the wrong direction. The blaze will soon spread to other areas and may engulf the entire country. Musharraf, like all his military predecessors, believes he alone is the answer to the country's problems. The verdict of history would be that he was part of the problem. Musharraf is tempting Fate. Let destiny then take its course.

## The Winter of our Discontent

One trait specially developed by Pakistanis is the capacity to become inured to the worst possible condition of existence without perceiving that anything is wrong. The country is going down the tubes but “everything seems”, as Goethe said, “to be following its normal course because even in terrible moments in which everything is at stake, people go on living as if nothing were happening”. These are sad days for Pakistan, dominated by the sense of being in a blind alley, the perception of our collective guilt, the knowledge of all that has been irrevocably lost.

To no nation has fate been more malignant than to Pakistan. Born at midnight as a sovereign, independent, democratic country, today it is under military rule for the fourth time, and in the grip of a grave political and constitutional crisis. 57 years after independence, the kind of Pakistan we have today has lost its manhood and is a ghost of its former self. Our entire political system has been pulled into a black hole caused by periodic army intervention and prolonged army rule. We are back to square one like Sisyphus, the errant in Greek mythology, whose punishment in Hades was to push uphill a huge boulder only to have it tumble down again.

Many nations in the past have attempted to develop democratic institutions, only to lose them when they took their liberties and political institutions for granted, and failed to comprehend the threat posed by a powerful military establishment. Pakistan is a classic example. In Singapore you’ve got everything: good hospitals, good traffic, very honest people, but no democracy. In Indonesia, they have got democracy but nothing else. “Say Pakistan”, and what comes to mind? Sham democracy, an ‘elected’, all powerful President in uniform, who is also the Chief of Army Staff, a non-sovereign rubber-stamp parliament, a figurehead Prime Minister, a pliant judiciary, Rule of man, not Rule of law.

“Every country has its own constitution”, one Russian is alleged to have remarked in the 19th century. “Ours is absolutism moderated by occasional assassination”. The situation is not so very different in Pakistan. If you want to know what happens when Constitution, the Fundamental Law of Land, is periodically decimated, disfigured, defiled with impunity and treated with contempt; when a General in uniform gets himself elected as the President of the country in a dubious Referendum; when the Supreme Court, the guardian of the constitution, validates its abrogation and confers legitimacy on the usurper, well – visit Pakistan.

“Military coups”, Tocqueville warned more than 200 years ago, “are always to be feared in democracies. They should be reckoned among the most threatening of the perils which face their future existence. Statesmen must never relax their efforts to find a remedy for this evil”. Eternal vigilance, they say, is the price of liberty. Marx once said: “Neither a nation nor a woman is forgiven for an unguarded hour in which the first adventurer who comes along can sweep them off their feet and possess them”. October 7, 1958 was our unguarded hour when democracy was expunged from the politics of Pakistan with scarcely a protest. The result is the mess we are in today. As a direct consequence of military intervention in October 1958, we lost half the country in 1971. Our Bengali compatriots parted company with us when we drifted away from the democratic path. They saw no future for themselves in a military - dominated Pakistan and broke the country in two. “Man learns nothing from history”, Hegel once said, “except that man learns nothing from history”.

Pakistanis know something about military coups and are intimately familiar with both the euphoria that follows immediately and the “grey winter” of reality that comes after that. Why did Pakistan get into this clinch with ignominy? It all started with admitting Ayub Khan, the C-in-C, into the Cabinet, a step tantamount, everyone realized, to letting a man-eating tiger into the family living room. What followed was the direst consequence of that fateful misstep. Ayub set a bad precedent. Others merely followed his example.

52 years after independence and three military coups, General Musharraf appeared on the scene like a *deus ex machina*. When he seized power on October 12, millions of my compatriots, welcomed the change and heaved a sigh of relief. Our long nightmare was over or so we thought. It was morning again in Pakistan. Pakistan had found its saviour in General Musharraf. After the trauma of Nawaz Sharif, the emergence of General Musharraf was widely regarded as an opportunity for a new start. Boundless hopes and expectations were invested in the unsullied young military general. We thought the past was dead and gone on October 12. Tragically, it is not even past. Many known corrupt people - who had looted and plundered the country - are back in power as political allies of President Musharraf.

Today there is a strong sense of alienation between the uniformed leadership and the civilians. A great divide, a yawning chasm, separates the two. The civil bureaucracy, the backbone of the state, as Mr. Jinnah described it, is sidelined, feels threatened, insecure and uncertain of its future. Paradoxically, there is no martial law in the country and yet it is the regime of President Musharraf which is the first truly military regime in Pakistan.

Today a new uniformed class, with a philosophy different from ours, presides over a vast military – industrial complex and has taken the wheel of history in its hands. It is alone on the bridge, blissfully unaware of the hurricanes and violent storms ahead. Today freedom from army rule, in the eyes of the people, trumps everything. For every Pakistani, the major issue today is freedom from army rule. “Who is serving whom”? Khrushchev growled at Malinovsky and Grechko. “The army, the people? Or the people the army”? Who has the right to rule Pakistan? The people through their elected representatives or the Generals? The time is now near at hand which must determine whether Pakistan is to be ruled by the elected representatives of the people or the whim and caprice of one single, solitary, individual in uniform.

Today all the symptoms which one had ever met within history prior to great changes exist in Pakistan. The country appears to be adrift. No body knows where it was headed without wise and mature leadership to guide or direct it. We are on the verge of a political collapse. The social contract between the government and the people has collapsed. The dialogue between the rulers and the ruled has broken down. Government without consent is called tyranny because no man is good enough to govern another without the other’s consent.

The vices of those who govern and the weaknesses of the governed will soon bring this country to ruin. Then the people, tired of its representatives and of itself, will either create freer institutions or soon fall back at the feet of a single master. No doubt, it will be an uphill struggle to reclaim our democracy and fashion it once again into a vessel to be proud of. We Pakistanis can, after all, cast the money – changers out of the temple of democracy if we so resolve. If an aroused populace seizes on this potential, there is no telling what miracles might occur.

All for the nation, all for Pakistan. Such is my motto. But “In the history of the world, no one has ever washed a rented car”. It is true of countries as well. Until the people of Pakistan are given a real ownership stake in their country – a real voice in how it is run – they will never wash it, they will never improve it, they will never defend it, as they should. “Long live the army”, as Clemenceou said at the time of the Dreyfus Affair, “of course. But submissive to Civil power”.

Where are the voices of public outrage against army rule? Where is the leadership willing to stand up and say: Enough! Enough! We have sullied ourselves enough. From my perspective, this is a dark moment in our history. What would happen to Pakistan with a General striding on the stage?

## The Margallah Tunnel

The Margallah Hill, a gift of nature and an irreplaceable asset, is threatened by a new danger - a road tunnel through the hills to link Haripur to Islamabad. This strange project, floated by some powerful real estate agents, apart from being a menace to the ecology and environment of the region, raises many other questions which need answers. But let me first provide some background information for the benefit of readers of this column.

Unfortunately, although the entire area was declared a National Park by the Federal Government in 1980, it has been disfigured, decimated and defiled as a result of activities which are prejudicial to its preservation, environmentally hazardous and incompatible with the objectives of a National Park. A cement factory was established in 1984 in the green area. Its requirement of raw materials i.e. lime stone is quarried in the National Park. Consequently, the park's features, its rock, soil, fauna and flora are being destroyed. Besides, the factory is creating serious pollution. Hundreds of stone-crushers were installed in some of the most beautiful valleys in the National Park and rock-mining allowed. This has totally destroyed the landscape, the natural geographical formations, archaeological features and native plant communities. An industrial atmosphere has been created in an otherwise pristine environment by the noise of motors and machinery, dynamite-blasting, heavy truck traffic, workers camps and polluted streams. Even Rawal Lake, a part of the National Park and the main source of drinking water for Rawalpindi, has not been spared and is threatened by pollution caused by human habitations in the catchment area and all around the lake.

The Margallah Hill Society has been campaigning, in the teeth of opposition from powerful political elements and vested interests against this deliberate degradation and decimation of the environment of the National Park. At my request, Prime Minister Nawaz Sharif issued a comprehensive Directive on preservation of the Margallah Hill National Park. "I have received", the Directive reads, "disturbing reports that the Margallah Hill National Park has been exposed to activities prejudicial to its preservation and are environmentally hazardous for Islamabad". The Directive remains unimplemented. In desperation, I filed a writ petition in the High Court in the hope that activities incompatible with the objectives of the Park would be declared illegal. Nothing happened. The writ petition was dismissed. Who wants to antagonize the rich and the powerful in this country? The wonder is how we achieved some success, however limited, in the teeth of opposition from a powerful Mafia. We succeeded

in stopping quarrying in Shahdarra, Kalinjar, Sinyari and Shah Allah Ditta valleys.

The Capital Development Authority was set up to develop the city of Islamabad and the rural environs. Its responsibilities and authority are strictly limited to the area demarcated for the Federal territory and to specified functions. It never had the resources or the authority to develop transport links between the capital and other parts of the country. The Lahore - Islamabad motorway is part of the National Highway network, built and managed by the Highway Authority of the Federal Government. The Islamabad Murree road was widened and improved by the Punjab Government. How can suddenly and inexplicably, the CDA decide that development of road links with adjoining areas in the NWFP is its responsibility. The tunnel project is clearly beyond its charter and a deviation from its proper tasks.

The press report states that, on the directive of President Musharraf, technical details are being worked out and that construction will begin shortly. The country has a long established system, where procedures are laid down for appraisal of projects and which specify bodies empowered to sanction major projects. The system is intended to ensure that optimum use is made of public funds. The tunnel project does not appear to have been processed with the Planning Commission or sanctioned by ECNEC or approved by any higher authority including the Environment Division and the Environment Protection Agency. What emergency or dire necessity justifies CDA appropriating to itself powers that vest in higher inter-governmental bodies?

Even for a small project, and much more so for a project likely to cost billions Rupees, it is essential to work out and compare the cost and benefits. Clearly, this has not been done in this case. The cost would certainly be in billions of rupees.

What would be the benefits? It is obvious that the benefits to the ordinary residents of Islamabad would be infinitesimal. Of course, real states agents and landowners along the route and at the Haripur end of the tunnel would reap huge windfall gains if open season is declared for construction in the Margallah Wildlife Reserve and other adjoining areas. It may be noted that the proposed tunnel would not be opening a new area since Haripur is already connected by good roads to Islamabad via the Nicholson Monument. There would be some savings in time and money for some residents of Haripur who find the new route shorter. As traffic flows have not been worked out, it is not possible to specify exactly the size of benefits. However, even a superficial scrutiny shows that the disparity between the high cost and meagre benefits would be enormous.

Who will finance the project and meet the capital and recurring costs. At present, the recurring cost of managing Islamabad city is being largely met from a tax on property holders. The tax rates are the highest in the country but this is acceptable as the municipal services provided in Islamabad are better than elsewhere. There would a substantial increase in tax rates if CDA throws even part of the burden of managing the tunnel on the local taxpayers. If the net cost of the tunnel is met by The Federal budget or in other words by the general taxpayer, should not the exact burden be brought out for public information.

Even if the project is justified as contributing to the welfare of a backward area, the question is whether this is the best use of public funds. Haripur has a population of about 6,92,000. This is 3.9 % of the population of NWFP. While development indicators show that Haripur is better off than most districts of NWFP, it is still a poor area with vast unmet needs. Surely, the people of Haripur would benefit more from expansion of social services and development of agriculture, industry and power availability, benefitting the public at large rather an additional road link with Islamabad.

Given the dangerous implications for the ecology and environment of the region and the enormous disparity between costs and benefits, the undertaking of the project goes beyond stupidity and borders on lunacy. Who would keep this insanity at bay?

## The Freedom Speech

As he left the constitutional convention of 1787, Benjamin Franklin was asked by an admirer, "Dr. Franklin, what have you given us"? Franklin turned to the questioner and replied, "A Republic, if you can keep it". Today America dominates the entire world. None dare challenge it. On August 14, 1947, Mr. Jinnah gave us a great country - a sovereign, independent, democratic republic. 25 years later, we lost half the country. The residual half is ruled by a General in uniform and is a ghost of its former self. If Pakistan were to look into a mirror right now, it wouldn't recognize itself.

There is no greater curse for the human soul than the loss of personal freedom just as there is no greater curse than the loss of national independence. As someone said: "No one loves freedom more than those who had it and lost it. No one prizes it more than those who lost it and regained it". 58 years after independence, are we really free? Are we masters in our own house? Are our sovereignty and independence untrammelled? Is Pakistan governed by Rule of Law? My short answer is a resounding No. "What we obtain too cheap, we esteem too lightly". We lost our liberties, perhaps forever, on October 7, 1958 when a civilian government was toppled and democracy was expunged from the politics of Pakistan in a military coup led by General Ayub Khan, the C-in-C of the Pakistan army. An iron curtain descended upon Pakistan. A weak political system allowed the military to manipulate events and, ultimately, hijack the state.

47 years later, we also lost our independence and sovereignty when General Musharraf capitulated, said yes to all the seven demands presented to him, at gunpoint, in the form of an ultimatum, by Colin Powell, the US Secretary of State. "It looks like you got it all", a surprised Bush told a triumphant Colin Powell. No self-respecting, sovereign, independent country, no matter how small or weak, could have accepted such humiliating demands with such alacrity. General Musharraf executed a U-turn, disowned the Talibans and promised "unstinted" cooperation to President Bush in his war against Afghanistan. Pakistan joined the "coalition of the coerced". There were no cheering crowds in the streets of Pakistan to applaud Musharraf's decision to facilitate American bombing of Afghanistan from US bases on Pakistan soil. Musharraf had to choose between saying No to the American Dictat and shame. He chose the latter and opted for collaboration. We would have suffered if we had said No. But that is a little matter. We would have retained something which is to me of great value. We would have walked about the world with our heads erect. Prime Minister Nawaz Sharif defied President Clinton and carried out a nuclear explosion. The Turks said No to the Americans and refused to allow them transit facilities. The Iranian

are under tremendous American pressure, but are courageously guarding their nuclear facilities. In stark contrast, under American pressure, we stripped Qadeer Khan, the founder of Pakistan's nuclear weapons program, of everything – his freedom, his honour, his dignity, his self-respect, his name, his fame, his unprecedented services to Pakistan; and, to sharpen his humiliation, made him appear on national television to confess to his crime!

The lesson of history is that nations which went down fighting rose again, but those which succumbed to pressure, sold their honour, surrendered tamely, and capitulated, were finished. Not surprisingly, the latest 'Freedom in the World Report' lists Pakistan in the "un-Free" category. It is also not included among the countries that grant political rights and civil liberties to their citizens! No wonder, today the people of Pakistan think of themselves, not as citizens, but as subjects, indifferent to the fate of the country they live in. Governments come and governments go. Elected governments are toppled. Politicians are replaced by Lieutenant Generals without their consent. Government without consent is called tyranny because no one is good enough to rule another without the other's consent. People seem unconcerned with the fortunes of the country they live in. They enjoy whatever little the state has to offer but as tenants, without a sense of ownership. Even when national security is threatened, they do not seek to avert the danger but cross their arms and wait for a miracle. If this is the land of the free and home of the brave give me slavery.

On travelling from a country that is ruled by chosen representatives of the people, elected in a free, fair and impartial election, to another that is not, one is struck by the extra-ordinary contrast between the two: in the former political bustle and activity are everywhere, whereas in the latter everything seems deathly silent. In the one, people are involved in decision-making at all levels; improvement and progress are on everyone's mind, whereas in the other, people seem defeated, subdued, helpless and resigned to their fate. To set foot on the soil of a truly free and democratic country, is to find oneself in tumultuous surroundings. A confused clamour proceeds from every quarter. A thousands voices assail the ear simultaneously, each giving expression to some political or social need. Everywhere things are in an uproar. Citizens hold their rulers accountable and meet for the sole purpose of announcing that they disapprove of the policies of the government and are listened to because they are the ultimate sovereign. Not so in Pakistan. Here they just grind their teeth in impotent rage.

In free countries, patriotic sentiment is all pervasive. The public interest is a matter of concern to everybody. People care about their country and its interests as though they were their own. They glory in the nation's glory. In its successes they see their own work and are exalted by it. They rejoice in the general prosperity, from which they profit. They feel for their homeland, a feeling

analogous to what a man feels for his own family. They suffer and weep when their country is in trouble. Not so in Pakistan. Here there is a palpable feeling that we have not hit the bottom yet, and that the Maoist prescription - "things have to get worse before they can get better" - is being tested.

In her confirmation hearings, Condoleezza Rice, the new Secretary of State, described Iran and Zimbabwe as "outposts of tyranny". Pakistan, she said, was in a state of transition to a moderate and democratic future. Contrary to what Dr. Rice believes, Pakistanis know that their democratic future is not in front of them. It is behind them. Isn't it ironic that Pakistan, which had been forced against its will to accept a totalitarian, sham democracy; which has an "elected" all-powerful President in uniform, who is also the Chief of Army Staff; which has a non-sovereign parliament, a figurehead Prime Minister, and a pliant judiciary, which is not the bulwark of liberty but a shameful link in the chain of despotism in the Islamic world, was not listed by Dr. Rice in the category of "out posts of despotism"?

According to "The Oxford Companion to Politics of the World", "democracy" refers to a form of government in which, in contradistinction to monarchies and aristocracies, the people rule. This is not the case now in Pakistan and is not likely to be the case soon. The only meaning "Freedom" can have in Pakistan right now is freedom from army rule. Therefore, when I heard Bush speak of freedom and declare that, "all those who live in tyranny and hopelessness, can know the United States will not ignore your oppression or excuse your oppressors", I didn't know whether to laugh or cry. He issued his challenge to the Iranian opposition to stand up to its government. He said to the Iranian people, "As you stand for your own liberty, America stands with you". He had nothing to say to the people of Pakistan.

The most remarkable development of the last quarter of the 20th century, according to Fukuyama, has been the collapse of dictatorships of all kinds. It is his brilliantly argued theme that, overtime, the motor of History will drive societies toward establishing liberal democracies. Isn't it ironical that while authoritarian governments are collapsing all around us and the world has gotten better in many ways, Pakistan, which started as a modern, progressive, democratic state 58 years ago, is drifting away from the democratic path and sliding into darkness. Thanks to the United States of America, the engine of history is moving Pakistan backwards.

Democracy, freedom of choice, rule of law and human rights, are highly desirable American goals but their priority has obviously diminished since September 11. In an off the - cuff comment on the series of constitutional changes announced by President Musharraf, President Bush conveyed a sense that

democracy in Pakistan wasn't all that important and was an afterthought for him. Many Pakistanis are wondering: why is America pushing democracy only in Afghanistan, Iraq, Iran and Zimbabwe? Why is the Bush team advocating democracy only in authoritarian regimes that oppose America and not in authoritarian regimes that are pro-America? In contrast to its defense of a manipulated vote, a fraudulent referendum and a General in uniform as the President of Pakistan, America leaped to the defense of Ukrainians demanding honest elections, accountability and transfer of power to the opposition leader Victor Yushchenko. In an unusually tough statement on November 24 last year, Secretary of State Colin Powell warned that the voting in Ukraine's Presidential election was riddled with fraud and that the US could not accept a victory by Victor Yanukovich as legitimate. He also warned that there would be "serious consequences" in US - Ukrainian relationship if allegations of fraud were not cleared up. Why does America turn a blind eye to despotism and electoral fraud in Pakistan? Why this double standard? Why this doublespeak? Why is Washington's response to despotic rule in Pakistan so tepid?

There is no disguising the fact that America has been indifferent to democracy in Pakistan for years. It supported all military dictators who toppled elected governments in Pakistan. But for this support, the political history of Pakistan might have been different. America should now redeem itself by identifying itself with the people of Pakistan and support their democratic aspirations as it did in Ukraine.

## **Open Letter to Doctor Condoleezza Rice, Secretary of State, United States of America**

Dear Dr. Rice,

Welcome to Pakistan.

In your confirmation hearings, you described Iran and Zimbabwe as “outposts of tyranny”. Pakistan, you said, was a state in transition to a moderate and democratic future. I wish it were so. Isn't it ironic, Dr. Rice, that Pakistan which had been forced to accept a totalitarian sham democracy; which has an “elected” all powerful President in uniform, who is also the Chief of Army Staff; which has a non-sovereign parliament; a figurehead Prime Minister and a pliant judiciary; which is not the bulwark of liberty but a shameful link in the chain of despotism in the Islamic world, was not included by you in the category of “outposts of despotism”?

According to the Oxford Companion of politics in the world, “democracy refers to a form of government in which, in contradistinction to monarchies and aristocracies, the people rule”. This, Dr. Rice, is not the case in Pakistan today and is not likely to be the case soon. The people of Pakistan had no say in the “election” of General Musharraf. They were denied their right to elect their President in accordance with the constitution. General Musharraf literally appointed himself as the President of Pakistan! No man, Dr. Rice, is good enough to rule another without the other's consent. Government without consent, Dr. Rice, is called tyranny.

The only meaning, Dr. Rice, “Freedom” can have in Pakistan right now is “Freedom” from Army Rule. Therefore, when I heard President Bush speak of freedom and declare that, “all those who live in tyranny and hopelessness, can know the United States will not ignore your oppression or excuse your oppressors”, I didn't know whether to laugh or cry. “Liberty”, President Bush said recently, “is on the march. Democracy is spreading in the Islamic world”. Not in Pakistan. In an off the cuff comment on the constitutional changes made by President Musharraf, Bush conveyed a sense that democracy in Pakistan wasn't all that important and was an afterthought for him!

“For a nation that honours democracy and freedom”, the New York Times wrote in its editorial, “the United States has a nasty habit of embracing foreign dictators when they seem to serve US interest. It is one of the least appealing traits of US foreign policy. Like his predecessors, Bush is falling for the illusion that tyrants

make good allies. When Washington preaches democracy, while tolerating the tyranny of allies, America looks double-faced”.

Pakistan which started as a modern, progressive democratic state 58 years ago, is drifting away from the democratic path and sliding into darkness. Thanks to the United States, the engine of history is moving Pakistan backwards. There is no denying the fact that America has been indifferent to democracy in Pakistan for years. It supported, and continues to support, all military dictators who toppled elected governments in Pakistan. But for this support, the political history of Pakistan might have been different. America should now redeem itself by withdrawing its support of the military regime, identify itself with the people of Pakistan and support their democratic aspirations as it did in Ukraine.

I hope you received my last letter.

Yours,

Roedad Khan

## Pakistan - A Dream Gone Sour

47 years after the first military coup, we are back to square one. The country is under military rule for the fourth time and going down the tubes. When I heard Secretary Rice, I didn't know whether to laugh or cry. "It is not the Pakistan of September 11, 2001", she said and, "not even the Pakistan of September 11, 2002". It is a ghost of its former self. If Pakistan were to look into a mirror, it won't recognize itself. Today say: "Pakistan" and what comes to mind: sham democracy, fraudulent referendum, rigged elections, a General in uniform masquerading as the President of this sad country, a rubber stamp parliament, a pliant judiciary and a figurehead Prime Minister. "Pakistan", Dr. Rice said, "Is in transition to a democratic future". Sadly, our democratic future is not in front of us. It is far behind us. Democracy in the west means a political system marked not only by free, fair and impartial elections, but also by Rule of Law, a strong, independent judiciary and an independent Election Commission. All these institutions are non-existent in Pakistan today. Since the days of Herodotus democracy has meant, first and foremost, rule of the people. In Pakistan, the people do not rule. The sovereign power of the State does not reside with the people.

"Where ought the sovereign power of the State to reside"? Asked Aristotle. "With the people? With the propertied classes? With the good? With one man, the best of all, the good? With one man, the tyrant"? One thing is clear. The sovereignty of the people is a myth. To apply the adjective Sovereign to the people in Pakistan is a tragic farce. Whatever the constitutional position, in the final analysis defacto sovereignty in Pakistan (*Majestas est summa in civas ac subditos legibusque soluta potestas* i.e. 'highest power over citizens and subjects unrestrained by law in the words of French Jurist Jean Bodin') resides neither in the electorate, nor the Parliament, nor the judiciary, nor even the constitution which has superiority over all the institutions it creates. It resides, where the coercive power resides. It is the 'pouvoir occulte' which is the ultimate authority in the decision making process in Pakistan. Even when an elected government is in power, it is the Chief of Army Staff who is the ultimate authority in decision-making. He decides when to abrogate the constitution, when it should be held in abeyance, when an elected government should be sacked and when democracy should be given a chance. Behind the scenes, it is he who decides whether an elected Prime Minister shall live or die. No wonder, General Musharraf is clinging to the post of Chief of Army Staff and refuses to doff his uniform.

“Ruin comes”, Plato said in 347 BC, “When the General uses his army to establish a military dictatorship”. The army of Pakistan struck Pakistan’s nascent democracy four times and has been in power for nearly half the country’s existence. It has cast a long shadow over politics in Pakistan even during the period of civilian rule. Repeated army intervention in the politics of Pakistan has been a recipe for disaster. It has thwarted the growth and development of parliamentary democracy and destroyed whatever little faith people had in their political institutions. What is worse, it has eroded people’s faith in themselves as citizens of a sovereign, independent, democratic country. The country is in a mess. Today Pakistan presents an image of a country plagued by political, ethnic and sectarian conflicts. The country appears to be adrift, lacking confidence about its future. Never before has public confidence in the country’s future sunk so low.

The army has shown a greater willingness to grasp power than to give it up. None of the first three army chiefs who ruled Pakistan - Ayub Khan, Yahya Khan and Zia ul Haq - gave up power voluntarily. There is no reason to believe that General Musharraf will act differently. A few days after the 1999 coup, his spokesman insisted that: ‘while others may have tried to hang on to power, we will not. We will make history’. General Musharraf agreed: ‘All I can say’, he assured a television interviewer in January 2000, ‘Is that I am not going to perpetuate myself... I can’t give any certificate on it but my word of honour. I will not perpetuate myself’. Later in 2000, Musharraf went a stage further and said, he would respect a Supreme Court judgment that stated he would remain in office for just three years. In June 2001, Musharraf performed a complete U-turn. Following the examples of Ayub, Yahya and Zia, he made himself President. And in May 2002, he held a dubious referendum that is the basis of his rule today.

It is not morning in Pakistan. It will take us more than faith to get us through this dark night. All the trappings of democracy are there but everyone knows where vital decisions are made. All the pillars of state have collapsed. One of the most serious injuries the state can inflict on its subjects is to strip the country of its constitution, aptly described as a “transparent garment clinging to the body politic”, and commit the people to lives of perpetual uncertainty. This kind of existence, as we know very well, is like a journey full of dangerous obstacles and risks undertaken in total darkness. General Musharraf, following the example of his military predecessors, has defaced, disfigured and decimated the constitution. The result is what we have today. One doesn’t have to be a great constitutional expert to realize that we are back to pre-independence Government of India Act 1935 with a powerful President, a non-sovereign parliament and a puppet Prime Minister.

Parliament is one of the chief instruments of our democracy. Is it consistent with the principle of parliamentary democracy to empower the President at the expense of the Prime Minister? And is it consistent with the principle of parliamentary democracy to divest the parliament and pass on its functions to an un-elected body like the National Security Council dominated by the armed forces. Not surprisingly, the parliament is cowed, timid, a virtual paralytic, over paid and under employed. In Pakistan political principle is a flexible commodity. Pragmatism and artful dodging are not seen as flip-flopping. They are savored far more than loyalty, consistency and steadfastness. Parliamentary membership is the key to material success, a passport and a license to loot and plunder. No wonder, it is not a check on the arbitrariness of the executive and nobody takes it seriously.

Today judiciary is the weakest of the three pillars of state. It has suffered a steady diminution of power and prestige. Its image is tarnished. Things have been downhill ever since the infamous Munir judgment. Regrettably, judiciary has been turned into a fig-leaf for unconstitutional and illegal practices. It is a matter of great regret that Judges have been collusive in the erosion of the constitution and the Rule of Law in this country. Mr. Jinnah did not realize that one day judges of the superior courts would be appointed not because of their ability and sterling character but loyalty to the executive and their political affiliations. Today nothing prevents the executive from court-packing and appointing party loyalists with limited knowledge and experience. If the idea was to degrade the superior courts and to find the worst men, some of our governments succeeded brilliantly in doing so. "The President may slip", Tocqueville wrote in 1837, "without the state suffering, for his duties are limited. Congress may slip without the Union perishing, for above the Congress there is the electoral body which can change its spirit by changing its members. But if ever the Supreme Court came to be composed of corrupt or weak or rash persons, the Confederation would be threatened by anarchy or civil war". One of the lessons of history is that when judiciary functions at the behest of authority and allows itself to be used against the citizens, the dykes of law and justice break and revolution begins. The history of Pakistan might have been different if judges of the superior courts had stood their ground and refused to collaborate with the usurper. Pakistan will be Pakistan again the day a judge of the superior court, in exercise of his awesome powers, interposes the shield of law in defense of the constitution.

General Musharraf's authoritarian regime, far from being temporary, is acquiring the mantle of permanence. Unless checked, the country will settle into a form of government with a democratic façade and a hard inner core of authoritarianism - an iron hand with a velvet glove. This is not what Mr. Jinnah envisaged for Pakistan. If anybody in this country or abroad thinks that General Musharraf will hold free, fair and impartial elections in this country in 2007 and

retire; that a genuine transfer of power to a civilian government will follow the election and the army will return to the barracks, he must think again and have his head examined. The lesson of history is that a person who possesses supreme power, seldom gives it away voluntarily. "No devil", Trotsky wrote long ago, "has ever cut its claws voluntarily". "No man", President Roosevelt once remarked, "ever willingly gives up public life - no man who has ever tasted it".

As the public mood shifts from fearful to defiant, the 1999 coup seems more of a farce than a tragedy. Our window of opportunity is getting narrower by the day. I believe that if only all the intellectuals could get together and blow their trumpets, the walls of 'Jericho' would crumble. The walls of autocracy in Pakistan will not crumble with just one good push. The present order will not go quietly. It will be an uphill struggle to redeem our democracy and fashion it once again into a vessel to be proud of.

If democracy is good for Georgia, Ukraine and now Krygyzstan, why is it not good for Pakistan? Why is Secretary Rice asking the people of Pakistan to be patient and wait for elections in 2007? America gave its full support to pro-democracy Orange and Velvet revolutions in Georgia and Ukraine. Why is it perpetuating authoritarianism in Pakistan? Why this double-talk? Why this double standard? Isn't it shrieking hypocrisy? Isn't it just Realpolitik? Isn't it sacrificing democracy, freedom, supremacy of civilian rule on the alter of self-interest? Isn't it a repudiation of everything America claims to stand for?

**“Freedom is on the march everywhere - Democracy is on the ascendant everywhere”, says Bush. Not in Pakistan**

“Nothing is so powerful”, Victor Hugo once said, “as an idea whose time had come”. We live in a democratic age. Today democracy or freedom of choice is not a luxury, it is intrinsic to human development. Military dictatorships are anachronisms in a world of global markets, information and media. There are no longer any respectable alternatives to democracy. Today it is the fashionable attire of modernity. The days of military dictators are gone. Does anyone think that democracy, having destroyed Feudalism and vanquished kings and fascist dictators will be daunted by tinpot military dictators? Will it stop now that it has become strong and its adversaries so weak?

The country is going down the tubes but “everything seems”, as Goethe said, “to be following its normal course because even in terrible moments in which everything is at stake, people go on living as if nothing were happening”. In geology, things can look perfectly stable on the surface – until the tectonic plates shift underneath. In politics as in physics, the detonation of a particle in places unknown can set off a chain reaction felt in half the world. In the past year and a half, a decade after the demise of Soviet Union, popular uprisings, triggered by rigged elections, have claimed the leaders of three former republics of the Soviet Union – in Georgia in November 2003, In Ukraine a year later, and now in Krygyzstan. These uprisings accomplished, what not long ago seemed improbable: the peaceful overthrow of self-appointed Presidents and authoritarian rulers who had imposed themselves by force on their people. What is most surprising is how quickly these rulers collapsed when faced by unarmed protestors, demanding their democratic right to elect their rulers. On Thursday, March 24, the President of Krygyzstan, Askar Akayev, fled with his family just before protestors swarmed into the Presidential compound in the Capital city of Bishkek. The election fraud, in parliamentary voting, set off the protest that sent President Akayev running. Krygyzstan has now followed the example of Georgia and Ukraine. They all fell like skittles in a bowling alley one by one. With the fall of these rulers, it is now safe to predict that the rest, wherever they may be, would go over very quickly like a “row of dominoes”. What is significant is that the change of regime in Krygyzstan took place as a result of a popular uprising and without the support of the United States. The State Department voiced only mild criticism of the election fraud and malpractices in Krygyzstan, as it had done earlier in the case of Pakistan. The reason? After the September 11, 2001, terrorist attacks, the Bush administration began courting despotic rulers in these countries, and minimizing their dictatorial abuses to secure air bases near Afghanistan.

The events that began in Georgia with the toppling of Eduard Shevardnadze, followed by the extra ordinary challenge to a fraudulent election in Ukraine, and now Krygyzstan, have come like a Tsunami, spreading in fast and unpredictable ways, striking terror in the hearts of military dictators and unelected rulers in distant lands. This is a problem that has plagued despotic rulers throughout history all over the world. Talking about the legitimacy problem of dictators and unelected rulers, Rousseau once said, "however strong a man is, he is never strong enough to remain master always unless he transforms his might into right and obedience into duty". Ayub Khan created 80,000 Basic democrats to sanctify his rule. Zia ul Haq held a fraudulent referendum on Islamization to secure a vote of confidence. General Musharraf faces the same dilemma. How is his rule to acquire legitimacy? First, he secured a Supreme Court Judgment that stated he could remain in office for three years. In May 2002, he held a fraudulent Referendum to validate his dictatorial rule. Aware of the hollowness of his title to rule, he even amended the constitution; changed the procedure for the election of the President and got himself "elected" without having to face a contender. Not surprisingly, his election as the President of Pakistan still sticks in the craw of the people of Pakistan. The lesson of history is that such gimmickry does not work; that no court, no American President and no Referendum can legitimate an act of usurpation. It is the Will of the people and the Will of the people alone, expressed in a free, fair and impartial election, that can confer legitimacy upon a ruler. Today General Musharraf wields absolute power. What he lacks is authority because he has failed to convert his might into right and obedience into duty. Unless he does that, he will remain vulnerable and insecure like his military predecessors and the Central Asian autocrats.

The most remarkable development of the last quarter of the 20th century, according to Fukuyama, has been the collapse of dictatorships of all kinds. It is his brilliantly argued theme that, overtime, the motor of History will drive societies toward establishing liberal democracies. Isn't it ironical that while authoritarian governments are collapsing all around us and the world has gotten better in many ways, Pakistan, which started as a modern, progressive, democratic state 57 years ago, is drifting away from the democratic path and sliding into a thinly veiled military dictatorship. Thanks to the United States, the engine of history is moving Pakistan backwards. If we don't wake up, our fledgling democracy may, after all, turn out to have been a historical accident and a parenthesis that is closing before our eyes.

Isn't it a matter of shame that 58 years after independence, Pakistan is under military rule for the fourth time. A General in uniform presides over the destinies of millions. Politicians have been replaced by Lieutenant Generals. Prime Minister Shaukat Aziz is the velvet glove on the iron fist of an authoritarian

regime. Today we have a government in Islamabad that has taken away all our liberties. It steals from the poor to feed the rich. All the symptoms which one had ever met within history previous to great changes and revolutions exist in Pakistan. The country appears to be adrift. Nobody knows where it was headed without popular leadership to guide or direct it. The social contract between the rulers and the ruled has collapsed. Fundamental issues of far - reaching significance are churning beneath the placid surface of life. I know that at the present moment an unusual agitation is pervading the people, but what it will exactly result in, I am unable to say. "I can detect the near approach of the storm. I can hear the moaning of the hurricane, but I can't say when or where it will break forth".

Today, democracy is in the ascendant everywhere, except in Pakistan. Freedom is on the march everywhere except in Pakistan. But no country is an island today. No country can exist in isolation. Pakistan cannot remain unaffected by the turbulence swirling around it. Pakistan cannot be impervious to the earth - shaking events taking place in its neighbourhood. The Tsunami which started in Georgia and engulfed Ukraine and Krygyzstan is bound to hit Pakistan one of these days. It is a mathematical certainty.

Even the Americans are beginning to sense the danger that looms ahead. In a tough new report released recently, the United States called on the Pakistan military to refrain from interference in domestic politics and to open the way for the establishment of genuine democracy in the country. Americans are slowly beginning to realize, or so we hope, that the course Musharraf is on leads downhill; that freedom for Pakistanis means freedom from military rule; that by supporting military dictators, they had placed themselves on the wrong side of history in Pakistan; that in doing so they had lost the battle for the hearts and minds of the people of Pakistan and a change of course was necessary. Americans are slowly beginning to see in the people of Pakistan a thirst for - and a determination to fight for freedom and democracy. If these assumptions are correct, there is hope for freedom and democracy in Pakistan. Be that as it may, the time is now near at hand which must determine whether Pakistan is to be ruled by the constitution or the whim and caprice of one single, solitary person in uniform. At this time, all those who see the perils of the future must draw together and take resolute measures to put Pakistan back on the democratic path before Tsunami catches up and hits us all. The longer we allow the waters to rise, the greater the catastrophe that will follow the bursting of the dam.

## Quaid-e-Azam's Historic Visit to Staff College Quetta

Every time General Musharraf speaks, he makes things worse for himself. As I read his incredible address at the Command and Staff College, Quetta, I could only shake my head in disbelief. Involving the army in politics is bad enough, but denying it with a straight face is tantamount to insulting the intelligence of the audience. "I am involved", he said, "to the extent of maintaining a check and providing guidance and support in the light of my five-year experience in government; otherwise I have nothing to do with day to day governance or legislation, which is happening entirely through the cabinet and other legislative bodies". He went on to say: Legislation is being done and the government is functioning well. The Prime Minister is fully exercising his powers but there are some people who claim that he has no command and powers. Power is the authority to govern and the Prime Minister has the power to run Pakistan and he is running the country very well! Does anyone in Pakistan or abroad believe this? I doubt. Does General Musharraf himself believe this? I wonder.

The supreme irony is that General Musharraf chose to deliver this hard to believe address at the Staff College. Exactly 57 years ago, Quaid-e-Azam Muhammad Ali Jinnah, Founder of Pakistan and Father of the Nation, visited the same institution and, with uncanny prescience, warned senior Army officers against involvement in the affairs of government. He expressed his alarm at the casual attitude of "one or two very high-ranking officers", and warned the assembled officers that some of them were not aware of the implications of their oath to Pakistan and promptly read it out to them. And he added: "I should like you to study the constitution which is in force in Pakistan at present and understand its true constitutional and legal implications when you say that you will be faithful to the constitution of the Dominion".

Earlier, on the day of Pakistan's independence, August 14, 1947, Mr. Jinnah, who had just become Governor General, scolded one young Pakistani army officer. The officer had complained that: "instead of giving us the opportunity to serve our country in positions where our natural talents and native genius could be used to the greatest advantage, important posts are being entrusted, as had been done in the past, to foreigners. British officers have been appointed to head the three fighting services, and a number of other foreigners are in key senior appointments. This was not our understanding of how Pakistan should be run".

Mr. Jinnah, it appears, had a presentiment of sorts and was deliberate in his answer. He warned the officer concerned: "not to forget that the armed forces were the servants of the people and you do not make national policy; it is we, the

civilians, who decide these issues and it is your duty to carry out these tasks with which you are entrusted”.

Isn't it ironical that, 57 years after Mr. Jinnah's visit to the Staff College and the policy statement he made on the role of the army in the affairs of government, Pakistan is under army rule for the fourth time in its life and is headed by a President in uniform! Ironies multiply. General Musharraf has imposed a disjointed, lopsided, topsy-turvy, hybrid political system – a non-sovereign rubber stamp parliament, a General in uniform masquerading as President, and a figurehead Prime Minister – he calls pure democracy. People call it sham or totalitarian democracy. Ostensibly, we have all the trappings of democracy but these play no role in determining major policy decisions, and have for all practical purposes become irrelevant. This fraud on the people offers ample proof of how far Pakistan has fallen from Jinnah's grand vision of a democratic Pakistan.

In the farcical system Musharraf has imposed on Pakistan, things are not what they appear to be. The constitution says one thing. What happens on the ground is something quite different. Behind the constitution, there is an unwritten constitution which governs the state. The President does not derive his authority from the constitution, the Fundamental law of the land. He derives it from the barrel of the gun. In theory, the Prime Minister is the Chief Executive. The Chief of Army Staff is one of his many subordinates and is answerable to him. Reality is quite different. Everyone knows that Prime Minister is a puppet. He exercises only residual or delegated authority and holds his office at the pleasure of the Chief of Army Staff. An appointee, however great his brilliance, as Max Frankel once wrote of McNamara, “is not a sun but only a reflecting planet”. Everyone in the Executive branch of the government, from Prime Minister downward, is an agent of General Musharraf who appointed them. They take an oath to uphold the constitution and laws of Pakistan, but that is a mere formality, a requirement of law that nobody takes seriously. What the appointment really entails is an obligation of loyalty, not to the country, not to the constitution, not even to the President as President, not even as leader of a team, but as a benefactor. As a loyal appointee, you are expected to forswear commitment to country and conscience. Your duty is to please the President, not to help him. Nobody “speaks truth to power” in this country. Loyalty is given to the President not as a leader but as a benefactor, in exchange for benefits received.

Is there a historical precedent for this crafty system in antiquity? While uncovering the hidden causes of decay of the Roman Empire, Gibbon wrote, “the masters of the Roman world, surrounded their throne with darkness, concealed their irresistible strength, and humbly professed themselves the accountable ministers of the Senate, whose supreme decrees, they themselves dictated and

obeyed". The system of the Imperial government, Gibbon described as a dictatorship disguised by the forms of a Commonwealth. "Every barrier of the Roman constitution has been levelled by the vast ambition of the dictator; every fence had been extirpated by his cruel hand". Of the architect of this artful system, Gibbon wrote, "the tender respect of Augustus for a free constitution which he had destroyed, can only be explained by an attentive consideration of the character of that subtle tyrant. A cool head, an unfeeling heart, and a cowardly disposition, prompted him, at the age of 19, to assume the mask of hypocrisy which he never laid aside. His virtues and even his vices, were artificial and according to the various dictates of his interest, he was at the first the enemy, and at last the Father of the Roman world. When he framed the artful system of the Imperial authority, his moderation was inspired by his fears. He wished to deceive the people by an image of civil liberty and the armies of Rome by an image of civil government". General Musharraf's thinly veiled dictatorship bears close resemblance to the Roman model. The similarities are quite striking.

Today Pakistan has a leader who manipulates reality to his liking and has an unparalleled ability to distort inconvenient facts. If army is not involved in politics, as he says, why is the President of Pakistan in uniform? If army is not involved in politics, why is the Chief of Army Staff, who controls and commands the army, also the President of Pakistan? If army is not involved in politics, why does the Chief of Army Staff address, in uniform, public meetings organized by a political party? Why has the Chief of Army Staff openly identified himself with one political party? The Pakistan army is a people's army, in the sense that it belongs to the people of Pakistan who take a jealous and proprietary interest in it. It is not so much an arm of the Executive branch as it is an arm of the people of Pakistan. It is the only shield we have against foreign aggression. In the absence of authentic political institutions, it is the only glue that is keeping our fragile federation together. Why politicize it? Why expose it to the rough and tumble of politics? Why use it as an instrument for grabbing and retaining political power? Today the biggest single burning issue before the country is this: How to reclaim the army from its abuse by a power-hungry junta who want to use it as an instrument for retaining political power. Heavens won't fall if General Musharraf were to give up his office as Chief of Army Staff and doff his uniform. The Pakistan army is quite capable of producing an equally good and patriotic Chief to protect the Frontiers of Pakistan and defend its political Sovereignty. Nobody is indispensable. The graves of the world are filled with the bones of indispensable people.

## **Military Rule Can't be Legitimized**

President General Musharraf said on Saturday, April 9, that there will be no military takeover in the country in future owing to various corrective measures taken by the government. During a question – answer session at a student's convention, he said that corrective measures had been taken to avoid martial law in future. "We have introduced all the required checks and balances to ensure that the martial law is never imposed again in the country". He said martial laws were imposed by the late General Ayub Khan, General Yahya Khan and General Zia ul Haq. "But the question is why they had taken over and how can they be stopped now", he said, adding that people should also keep in mind the circumstances in which martial laws had been imposed.

It all started 47 years ago. The year was 1958, I was Deputy Commissioner Dera Ismail Khan. On October 8, I heard over the radio that martial law had been imposed and constitution abrogated by President Mirza in collusion with General Ayub Khan, the Commander-in-Chief. He dismissed the central and provincial governments, dissolved the national and provincial assemblies and abolished all political parties. The partnership between Mirza and Ayub did not last long. Three weeks later, at a meeting with his Generals (Azam Khan, Burki and Sheikh), Ayub decided to rid himself of Mirza and assumed complete control over the affairs of the state. Mirza was arrested and sent into exile. This was the beginning of the recurring periods of martial law in Pakistan.

The first question, therefore, that arises is as to whether President Mirza acted legally in declaring martial law and abrogating the constitution? And more important, was it justified? The President could proclaim an emergency if the security or economic life of Pakistan was threatened by internal disturbance beyond the power of a provincial government to control. The country faced no such threat in October 1958. I, therefore, found it difficult to appreciate under what authority the President could proclaim martial law and appoint General Ayub Khan as the Chief Martial Law Administrator. How could martial law be imposed when the civil courts were sitting and civil authorities functioning throughout the country? Was the country at war? Was the civil power unable to assert itself in the maintenance of law and order? Was there civil commotion in the country preventing the judges from going to court? The short answer is NO. If the answer is in the negative, how could the imposition of martial law be validated by the courts? The doctrine of *inter armes leges* applies only where a situation has arisen in which it has become impossible for the courts to function. On the other hand, it is an equally well established principle that where the civil

courts are sitting and civil authorities are functioning, the establishment of martial law cannot be justified.

A distinction has to be made between martial law as a machinery for the enforcement of internal order and martial law as a system of military rule of a conquered or invaded alien country. Martial law of the first category is normally brought in by a Proclamation issued under the authority of the civil government. It can displace the civil administration only (and that too temporarily) where a situation has arisen in which it becomes impossible for the civil courts and other civil authorities to function. As soon as the necessity for the exercise of the military power is over, the civil administration must, of necessity, be restored and assume its normal role.

Martial law of the second category means the power of a military commander in war time in enemy territory. In this sense, as the Duke of Wellington once said in the House of Lords, "it is neither more nor less than the Will of the General who commands the army". In fact, martial law is no law. Martial law in this form cannot be exercised by any military commander within the country. But this is exactly what happened in Pakistan on October 7, 1958. The country was not a foreign country which had been invaded by a foreign army with General Ayub at its head nor was it an alien territory which had been occupied by the Pakistan army. The only form of martial law, therefore, that could possibly have been imposed in this country on October 7, 1958, assuming that such a state of large scale disorder had come to prevail in the country, was a martial law of the kind which could be imposed under the English Common Law and was imposed by the British from time to time in 1919 in Amritsar, Lahore and Gujrawala, in 1921 in the areas inhabited by the Moplas, in 1930 in Sholapur, in 1922 in areas occupied by Hurs in Sindh and in 1953 in Lahore. Under these martial laws, there was, of course, no question of abrogation of any constitution or of the introduction of military rule in super session of the civil administration functioning in other parts of the country. The various actions taken by General Ayub Khan, however, proved that in practice the martial law enforced by him fell in the second category i.e. a law which is imposed by an invading army on a conquered territory.

Looked at, therefore, either from the constitutional point of view or the martial law point of view, whatever was done on October 1958 was entirely without any legal foundation and totally illegal. In this view of events, from October 7, 1958 onwards, the entire structure of all institutions in Pakistan, including the superior courts, was merely an expression of one man's will, which a victorious military commander imposes on an alien territory and subjugated populace.

General Ayub Khan committed the original sin. It was he who inducted the army into the politics of Pakistan. It was he who set a bad precedent. Yahya, Zia, and Musharraf merely followed his example and imposed military rule on flimsy grounds. In the process, they did incalculable harm to the country and to the army. Not surprisingly, 58 years after independence, Pakistan is under military rule for the fourth time. The verdict of history is that military intervention in the politics of Pakistan has been a recipe for disaster.

What is the situation in India which President Musharraf visited recently? The Indian army remains bound by tight constitutional and political constraints. There has been no coup, no Colonel's or Brigadier's conspiracy to seize power. The Indian army has not intervened in politics. De Tocqueville and other theorists have argued that democracy and a large standing army were incompatible, but India has managed both. Indian democracy has stood the test of time. The constitution has kept the country united, allowed its democracy to survive and kept the armed forces at bay. The structure of the Indian civil-military relationship is still intact largely because the legitimacy of the political system remains high. The British tradition of separate spheres of military and civil authority has carried over. Indian officers like to boast that politics and military do not mix; that the two are immutably different and separate. Junior officers are taught to be political illiterates. What a contrast?

"We have martial law today", I told Morarji Desai. "You will have it tomorrow. We share the same weaknesses. Indians are as good and as bad as we are". Morarji reacted sharply. "No General dare impose military rule in India", he retorted. "And if he does, Morarji will be the first to face the Indian bullet". Morarji was visiting Pakistan as a guest of the Government of Pakistan. I was escorting him to Utmanzai for a courtesy call on Bacha Khan. 46 years have passed since that thought provoking conversation, but Morarji's words still ring in my ears. Can any parliamentarian face the Pakistani bullet in defence of democratic institutions in this country?

The lesson of history is that the only defence against a military coup in any country is strong political institutions and nothing else. A democratic government can be given to any people, but not every people can maintain it. If people are not prepared to defend democratic institutions; if they are not prepared to make any sacrifice for their sake, democracy will not hold the field, as has happened in Pakistan, and can be snuffed out by the army any time it likes. We lost half the country when we drifted away from the democratic path. We risk losing the residual half if we do not learn from history. As a result of the so-called checks and balances referred to by General Musharraf in his speech, and the establishment of the National Security Council, his authoritarian regime, far from being temporary, is acquiring the mantle of permanence. Unless checked,

the country will settle into a form of government with a democratic façade and a hard inner core of authoritarianism – an iron hand with a velvet glove. When that happens, there will be no need for the imposition of martial law.

A person who destroys the national Legal Order in an illegitimate manner, in the words of Chief Justice Hamoodur Rahman, cannot be legitimized and cannot be regarded as a valid source of law-making. “May be, that on account of his holding the coercive apparatus of the state, the people and the courts are silenced temporarily, but let it be laid down firmly that the order which the usurper imposes will remain illegal and courts will not recognize its rule and act upon them as de jure. As soon as the first opportunity arises, when the coercive apparatus falls from the usurper’s hands, he should be tried for high treason and suitably punished. This would serve as a deterrent to all would-be adventurers”.

## The Role of the Judiciary

The Supreme Court on Wednesday, April 13, dismissed all petitions challenging the 17th Constitutional Amendment and the dual office of President General Musharraf. "If a parliament elected by 140 million people desired to see a President in military uniform, nothing can be done", observed Justice Javed Iqbal, ignoring the stark reality that parliament is cowed, timid, a virtual paralytic and does not represent the Will of the people. In any case, the defence and protection of the constitution is not the responsibility of the parliament. The constitution places that responsibility squarely on the shoulders of the Supreme Court which has the power to strike down any legislation enacted by the parliament. The Supreme Court cannot absolve itself of this responsibility by shifting the burden to a rubber stamp parliament. Be that as it may, the judgment came as no surprise. The Judges were only following well - established traditions of Muslim history and were not innovating.

On the occasion of the deposition of Caliph Qahir, the Qazi, who was sent to attest the documents declaring the former's abdication, was very upset when the Caliph refused to submit. The Qazi said: "What use was it to summon us to a man who had not been forced to submit"? On hearing this, Ali Ibn 'Isa remarked, "his conduct is notorious and therefore he must be deposed". To this, the Qazi replied, "it is not for us to establish dynasties - that is accomplished by the men of the swords, we are only suited and required for attestation". The next morning, the Caliph was found blinded. It is a matter of deep regret that the performance of our judges ever since the creation of Pakistan has been no different and no better.

In Pakistan, as in all Federations, the Supreme Court plays a crucial role. It is the sole and unique tribunal of the nation. It is the guardian of the constitution. The peace, prosperity, and very existence of the Federation rest continually in the hands of the Supreme Court Judges. Without them, the constitution would be a dead letter. The Supreme Court judges must therefore not only be good citizens and men of liberal education, sterling character and unimpeachable integrity; they must also understand the spirit of the age. An awesome responsibility rests on the shoulders of the Supreme Court. "The President may slip", Tocqueville wrote in 1837, "without the state suffering, for his duties are limited. Congress may slip without the Union perishing, for above the Congress there is the electoral body which can change its spirit by changing its members. But if ever the Supreme Court came to be composed of corrupt, weak or rash persons, the Confederation would be threatened by anarchy or civil war". Tocqueville wrote

about the salient features of the American constitution, but his observations are equally applicable to present - day Pakistan.

Democracy and Rule of Law are the basic features of our constitution. It not only makes the Supreme Court the final arbiter, it also gives it the responsibility of ensuring that every institution functions in accordance with the constitution and the law. The judiciary has been expressly empowered to act as a check on the powers of the Executive and Legislature. The court has the power to strike down legislation enacted by parliament and even constitutional amendments. Similarly, if the President is transgressing his powers and running riot, it is the duty of the courts to intervene. The Supreme Court is the guardian of the constitution. The irony is that instead of guarding the constitution, the Judges join hands with the usurper, validate the abrogation of the constitution and legitimate his title to rule. Has any Judge been prosecuted for colluding with the Executive and subverting the constitution?

From the country's first decade, our judges tried to match their constitutional ideals and legal language to the exigencies of current politics. It is our misfortune that judiciary has often functioned at the behest of authority and has been used to further the interests of the state against the citizens. Their judgments have often supported the government of the day. This was their chosen path through the 1950s; during the Martial Law period of the 1960s and 1970s; under the mixed constitutional rule of Zulfikar Ali Bhutto and persists till today.

The slide began with Chief Justice Munir. The judgment of the Federal court in Tamizuddin Khan's case paved the way for future justification by the judiciary of patently arbitrary, malicious, and capricious acts of the Executive on technical grounds or self-serving theories or concepts. Munir is accused of standing by his friend and fellow Kakkezai, Governor - General Ghulam Mohammad in his hour of need and bent the reasoning to justify his act which was patently and palpably malafide. Qudratullah Shahab, who was Principal Secretary to Governor - General at the time, recounts in 'Shahabnama', that one of his assistants used to depart from the office in Karachi without his permission for days together around the time when Tamizuddin Khan's case was being heard by the Federal Court in Lahore. When Shahab called for his explanation for absence without leave or permission, the official submitted his written apology but orally stated that he was going on assignments to Lahore which were required to be kept secret. He used to deliver confidential messages in code words from the Governor - General to Chief Justice Munir!

Years later, the Supreme Court, led once again by Chief Justice Munir, upheld the first martial law imposed by Ayub Khan in October 1958. In the leading judgment, Chief Justice Munir held that a victorious revolution or a successful

coup d'état is an internationally recognized legal method of changing a constitution. His judgment in Dossos's case, like that in Tamizuddin Khan's case, was retrogressive and set the clock back in the history of constitutional development in Pakistan.

In the Asma Jilani case, the Supreme Court traced the history of the events from March 24, 1969, and observed that Ayub had no power under the constitution of 1962 to hand over power to anybody. He could have resigned and the Speaker of the National Assembly could have taken over as Acting President. After making a detailed examination of the events and circumstances leading to the handing over of power to Yahya, the court came to the conclusion that Yahya did not allow the constitutional machinery to come into effect. Instead, he usurped the functions of government and started issuing all kinds of martial law regulations, Presidential orders and even ordinances. The judgment in Asma Jilani's case was certainly a departure from the past, and was widely appreciated. It was also criticized because it was given after the overthrow of the usurper. It was easy for the Justices to vent their decade - long frustration. Yahya could be vilified. He was under detention in Abbotabad.

When Nusrat Bhutto's case against the imposition of martial law and detention of Mr. Bhutto by General Zia came up for hearing, the Supreme Court realized that it had landed itself in a predicament which found appropriate expression in an extract from the judgment of Justice Qaiser Khan in Begum Nusrat Bhutto's case. The extract is reproduced verbatim as under:

If we hold that on the basis of legality, the legal order is no order, then this court would be signing its death warrant for then there could be no government at all. For argument sake, if the judges do not rely on the new norms then what norms are available for them to proceed with? In a revolutionary situation like the present one, they have either to quit or to accept the new norms.

When the Supreme Court reassembled on September 25, Justice Anwarul Haq had taken over as Chief justice. After considering the arguments of the parties, the Chief Justice concluded that the extra - constitutional step taken by the Armed forces of Pakistan was justified by requirements of State necessity and welfare of the people. As a consequence of this judgment, the act of Chief of the Army Staff, General Zia, ousting Bhutto from power was declared to be valid in the name of 'State necessity'. This was undoubtedly the worst period in the judicial history of Pakistan. An unholy alliance between the military and the judiciary had come into being.

In every period of political turmoil, men must have confidence that superior judiciary, the guardian of the constitution, will be fiercely independent and will

resist all attempts to subvert the constitution. This, I regret to say, is not the case in Pakistan today. The credibility of the court is badly impaired. People have lost confidence in the independence and integrity of the court. Of course, “no constitution”, Dicey said long ago, “can be absolutely safe from revolution or from a coup d’etat”, and there is nothing the courts can do about it. What is difficult to understand is why the Judges collaborate with the usurper and validate the act of usurpation? Why do they accept the new norms? Why don’t they follow the honorable course and quit?

It is ironic that the judiciary, manned by people whose appointments have generally been made on considerations other than merit, are called upon to decide basic questions relating to the state structure or the future of the state itself. Today, the independence, integrity and impartiality of the Judges is no longer beyond dispute. The independence of judiciary is a myth. Nobody believes in it. Its role has been relegated from that of a pillar of the state to that of a department of government.

What would have happened had the Supreme Court decisions been different. It is idle to speculate but I have no doubt that the history of Pakistan would have been different. The democratic forces would have been considerably strengthened. Democracy would have taken roots in this country. Looking back, keeping the courts open for business, not as a matter of right but as a privilege, under strict limitations imposed by military rulers, and tailoring judgments for expedience, or simple survival, has done the country or the superior judiciary no good. On the contrary, it has done incalculable harm and undermined the confidence of the people in the independence of the courts.

When the history of our benighted times comes to be written, it will be noted that Supreme Court, the guardian of the Constitution, failed the nation in its hour of greatest need. A timid and spineless judiciary has plunged the country into a constitutional and political black hole from which there is no escape. In the words of Palkhivala, so long as there is a judiciary marked by rugged independence, the citizen’s liberties are safe even in the absence of cast iron guarantees in the constitution. But once the judiciary becomes subservient to the executive and to the philosophy of the party for the time being in power, no enumeration of fundamental rights in the constitution can be of any avail to the citizen, because the courts of justice would then be replaced by government courts. At moments like these, when the dykes of law and justice break, revolutions begin.

## Written in Anguish

For Pakistanis, there are three mysteries in life: When they are going to die, when independent democracy will be established and when army will strike again. There are, in my view, two factors that, above all others, have shaped our history during the last 50 years or so. One is the growing power of the military in running the affairs of state. The other, without doubt, consists in the total failure of the politicians, the intelligentsia, the intellectuals, in fact, the entire civil society to comprehend the threat posed by a powerful army to the country's fragile democracy, and to devise ways and means to thwart it. "Military coups", Alexis De Tocqueville warned more than 200 years ago, "are always to be feared in democracies. They should be reckoned among the most threatening of the perils which face their future existence. Statesmen must never relax their efforts to find a remedy for this evil". Sadly, the warning went unheeded in newly - independent Pakistan. When our descendants, in a century's time, come to look at our age, it is these two phenomena that will, I think, be held to be the determining factors of our history - the most demanding of explanation and analysis.

Not surprisingly, 58 years after independence, a General in uniform rules 140 million Pakistanis without their consent. Government without consent, as every student of political science knows, is called tyranny. This is not what Mr. Jinnah envisioned for Pakistan. Memories come back to me like shards of glass prompting tears, sorrow and anger. 58 years ago, Pakistan symbolized all our wishes and expectations. It was like a dream come true and carried with it a sense of pride, of excitement, and of jubilation. With Mr. Jinnah's death it was as if a great light had gone out, and people were left groping in the dark. The nation donned black. The airwaves resounded to a perpetual lamentation. 57 years after his death, we should be raising a toast to Jinnah, his vision, and his democratic principles. And we should take that opportunity to ask the question: How in the world did we allow ourselves to get from there to here? Today we are back to square one like Sisyphus, the Greek errand in mythology whose punishment in Hades was to push uphill a huge boulder only to have it tumble down again. Tyranny is not abandoned as long as it is served by a modicum of those two enormous and dreadful powers: the ignorance of the people and organized troops. It is going to be an uphill task.

57 years after Jinnah's death, our entire political system has been pulled into a black hole caused by periodic army intervention and prolonged army rule. Today Pakistan is like a nightmare in which you foresee all the horrible things which are going to happen and can't stretch out your hand to prevent them. Such

is the feeling conjured up by army rule in Pakistan. Many questions come to mind. Why did the army get involved in the politics of Pakistan in the first instance? Why did Ayub Khan stab Pakistan's fledgling democracy in the back? Why was he allowed to commit the original sin? Worse still, why did everybody acclaim it? There was no breakdown of law and order to justify imposition of Martial Law. There was also no civil commotion to prevent the judges from attending their courts. The country was abuzz with politics, but that happens in all democracies, especially on the eve of elections.

Why did the superior judiciary, the guardian of the constitution, the protector of the citizens' rights, become subservient to the Executive and to the philosophy of the party in power? Why is it that no one raised his little finger to protect the Supreme Court when it was attacked by thugs unleashed by the government? Why was the court allowed to be desecrated and demeaned? Why did we allow the rule of law to give way to the rule of man? Why must our judges match their constitutional ideas and legal language to the exigencies of current politics? Why did the courts tailor their decisions for reasons of expediency or, at times, for simple survival?

Why did the Parliament, the pillar of our State, the embodiment of the will of the people, become a rubber stamp? Why did it allow itself to be gagged? Why did it surrender its sovereignty to both military and civilian dictators? Why did it acquiesce in the desecration of the Supreme Court?

Why did Pakistan become a land of opportunities for corrupt, unscrupulous, unprincipled politicians; Judges and Generals; corrupt and dishonest civil servants; smugglers and tax evaders who have bank accounts, luxurious villas, mansions, and apartments in the West? Why did Pakistan become a nightmare of corruption, crime and despair? Why? Why?

The army of Pakistan struck Pakistan's nascent democracy four times and has been in power for nearly half the country's existence. It has cast a long shadow over politics in Pakistan even during the period of civilian rule. Repeated army intervention in the politics of Pakistan has been a recipe for disaster. It has thwarted the growth and development of parliamentary democracy and destroyed whatever little faith people had in their political institutions. What is worse, it has eroded people's faith in themselves as citizens of a sovereign, independent, democratic country. The country is in a mess. Today Pakistan presents an image of a country plagued by political, ethnic and sectarian conflicts. The country appears to be adrift, lacking confidence about its future. Never before has public confidence in the country's future sunk so low. Today people are besieged in their own country. Their take-off is held back; their development is blocked, although General Musharraf and his Prime Minister honestly think

we Pakistanis are living in the best of times. The reality is that the country is headed in the wrong direction. Poverty is deepening. Educated unemployment is rising. It shows how far removed Pakistan is from the proverbial rising tide of the global economy that is supposed to be lifting all boats. What is going on? Actually it is quite simple: Musharraf and his cronies talk only to their base – the military and its corporate interests – and are oblivious to everyone else’s concerns.

Where are the voices of public outrage? Where is the leadership willing to stand up and say: Enough! Enough! We have sullied ourselves enough. Why are we so passively mute? How can we be so comatose as a nation when all our political institutions are crumbling before our own eyes? In trying to describe our situation – and our apathy – I often turn to a book title of some years ago: Sleepwalking through history by Haynes Johnson. Pakistanis are like sleepwalkers who think all is well because they are blind to reality; if they saw reality as it truly is, they might go out of their minds.

58 years after independence, are we really free? Are the people masters in their own house? Are our sovereignty and independence untrammelled? The nation has been forced against its will to accept a totalitarian democracy. “Say Pakistan”, and what comes to mind? – Military coups, sham democracy an “elected”, all – powerful President in uniform, who is also the Chief of Army Staff, a non-sovereign parliament, a figurehead Prime Minister and a spineless judiciary. For a demonstration of why the mere act of holding a rigged election is not an adequate path to democracy, look no further than Pakistan. A ritual conducted in the name of democracy but without a democratic process or a democratic outcome devalues real democracy. Such elections only solidify authoritarian rule, they are worse than counter – productive.

Why is Pakistan, under military rule for the fourth time in its life, largely immune to the winds of democracy that have blown everywhere else in the world? Why? That is a pretty important question. And why is it avoided in the United States? Why does America turn a blind eye to the deficit of democracy in Pakistan? It is because Pakistan is not on the bush democracy list. United States basically tells the Generals who rule Pakistan, that all they needed to do was to carry out American agenda, fight the so-called terrorists whom they called freedom fighters not very long ago; in the process kill innocent men, women and children; use the state apparatus against all those who resist American imperialism; withdraw support from freedom fighters in Kashmir; accept LOC as an international boundary, propagate “enlightened moderation” and be nice to India. If they did all that, they could deny their own people the freedom America advocates everywhere else and rule forever.

## Character above all

In these harsh and difficult political times, the question of character is at the center of our national concerns. Of late, in Pakistan, the question of leadership has been to the fore and the quality of governance has been held up to ridicule. What is the secret to long-term success? For a person, party or nation, the element essential to success is character. "Fame is a vapor, popularity an accident", wrote Horace Greeley, "riches take wing, and only character endures". I believe that is especially true in the Presidency. "In a President character is everything", Peggy Noonan writes in her assessment of Ronald Reagan. "A President does not have to be brilliant. Harry Truman was not brilliant and he helped save Western Europe from Stalin. He does not have to be clever, you can hire clever... but you cannot rent a strong moral sense. You can't acquire it in the presidency. You carry it with you". If a President has credibility, if he is believable, nothing else matters. If he has no credibility, if there is a gap between what he says and what he does, nothing else matters and he cannot govern.

Sadly, Pakistan is a nation of teahouse politicians, with no commitment to principles and no values. Here we have pocketbook liberals, pseudo democrats and orthodox religious leaders concerned only with short - term profits and only too eager to do business with the military usurper. A chasm separates them from most Pakistanis who see them as a predatory group, self-enriching and engaged in perpetual intrigue while the country collapses. You look around political Islamabad for a tried and tested public figure who also has moral authority, and you find none. Those in the leadership of the main political parties who have not been dirtied up in their individual scandals and venalities have leapt eagerly to the defence of their leaders, shamelessly justifying every kind of sleaziness committed by them. The result is a landscape teeming with demystified, antiheroic, ethically compromised leaders begrimed with corruption. So, it is not surprising that there is such a shortage of inspiring or even reassuring political figures in Pakistan today.

Compared with the world's courageous, dauntless leaders, Martin Luther King, Nelson Mandela, Vaclav Havel, Pakistan's stunted democracy throws up midgets begrimed with corruption. With the exception of Javed Hashmi, can anyone among them say, in all honesty, that he is in jail or in exile not because of what he is alleged to have done; not because he has looted and plundered his country, but because of his ideals; because of what he stood for; because of what he thought or because of his conscience? Can anyone of them face the court like Nelson Mandela and say, "whatever sentence your worship sees fit to impose upon me, may it rest assured that when my sentence has been completed, I will

still be moved, as men are always moved, by their consciences. And when I come out from serving my sentence, I will take up again, as best I can, the struggle for the rights of my people". Can anyone of our leaders face a judge and declare that he always cherished the ideal of a democratic, corruption - free Pakistan - an ideal which he hoped to live for and to achieve. And like Mandela, "if needs be, it is an ideal for which he is prepared to die".

All we expect our leaders is to keep their hands clean when a poor impoverished electorate puts them in power. Is that too much to expect? Is that too big a sacrifice? Is the temptation to loot and plunder too irresistible? Is it pardonable because it is too widespread? Nobody expects our leaders to die in the service of Pakistan or suffer the crushing effects of prison life, even for a good cause, as Mandela did on Robbin island - clean his toilet bucket in sinks at the far end of a long corridor at 6:35 AM every day, sit cross - legged for hours forbidden to talk, bash away with a 5 - pound hammer at piles of stone in front of him, crushing them into gravel, receive only one visitor in every six months, write and receive only one letter in the same period, work in the lime quarries for about 27 long years on Robbin island with the cold and fierce Atlantic winds sweeping across the island, numbed to the bone hardly able to raise his pick. Mandela suffered all this and more not because he was charged with corruption or that he had looted or plundered the state treasury or that he had betrayed national interest. He suffered because he refused to accept the injustice and inhumanity of a cruel system which a fascist white minority government had imposed on his people. He didn't flinch. He did not waver. He did not run away. He made no deal. He stood his ground and won. That is the stuff that leaders are made of. "An army of rabbits commanded by a lion", Napoleon once observed, "is better than an army of lions commanded by a rabbit". Mr. Jinnah, incorruptible and endowed with a sterling character, was our last and only lion. He roared and almost singlehanded led the nation to victory. Contrary to what some people say, Pakistan is not a case of a failed state. It is a case of failed leadership.

I saw firsthand the manipulation, dishonesty, treachery and self-seeking of politics. I saw ambitious persons climb to the top of the greasy pole (to use Disraeli's metaphor) and then slip. I also saw the mighty fall. I saw aides moving in and out, whispering in the ears of new masters - moths circling the flame of power. I saw the same persons stab their benefactors, switch sides and then join their enemies. What a light it throws upon human nature and friendship? The people who are prone to fall on their knees to do you honor when success is with you will be the first to shun you and throw the stone of malice when failure settles upon your head.

In Pakistan, nothing has so altered the fortunes of so many so suddenly as political power. Here money and power seek each other. No wonder, the

business of politics generally attracts the scum of the community. These practitioners of the art of grand larceny loot and plunder in broad day light with no fear of accountability. Naturally, everybody wants to be on the winning side. Nobody wants to be left out in the cold. That explains why the phenomenon of political turncoats or 'lotas', is a fact of life in Pakistan and no stigma is attached to it. There is a special phrase for 'lotas' in the Serbian language. Such people are known as "tumbling pigeons", after a breed of pigeons that perform dazzling flips and somersaults in flight. The pigeons can't help themselves. They are bred for this kind of behavior over many generations. But when our elected representatives defect and cross the floor, they know exactly what they are doing and why they are doing it. It is disgusting. But where is the ringing outcry of disgust, and where is the sense of moral outrage and loathing that it should evoke? What sort of a nation is this? What sort of a nation is it that permits this? What sort of a nation is this, within which I take my definition? Is it any wonder that democracy in its twisted, uniquely Pakistani incarnation inspires no passion in the Pakistani body politic?

Sometimes, once in a long while, you get a chance to serve your country. Few people had been offered the opportunity that lay open to General Musharraf. He blew it. More than five years after he toppled a democratically elected government and captured political power, is Pakistan back on the rails? Is our long nightmare over? And is it morning once again in Pakistan? Is this the dawn of a bright future for Pakistan? Has general Musharraf redeemed the pledge he gave to the nation more than five years ago? My short answer is in the negative. The country is in a mess. Musharraf's credibility is shattered and lies in ruins. He has lost the high moral ground he once occupied. Power he always had and still has but his bid to acquire authority from the people boomeranged and failed miserably. The contrast between the current tide of public disillusionment and the grassroot enthusiasm five years ago is stark. Five years ago he was widely heralded as a people's champion. Today he risks being dismissed as the latest in a long line of easily forgotten rulers.

How will history remember General Musharraf? That he was no crusader; no Tribune of the people, no enemy of entrenched privileges; that he held a dubious referendum to acquire legitimacy and stay in power; that he denied the people their right to elect their President in accordance with the constitution; that in furtherance of his political ambitions, he defaced, disfigured and mutilated the constitution of Pakistan in violation of the condition imposed by the Supreme Court; that he turned the parliament and the judiciary into a fig-leaf for unconstitutional and illegal practices; that he reneged on his promise to give up the post of Army Chief and doff his uniform; that his ambitions surpassed his capacities; that he promised a great deal and delivered very little.

58 years after independence, Pakistan is under military rule for the fourth time since its creation. A General in uniform rules over 140 million people who had no say in his "election". Why did Pakistan get into this clinch with ignominy? Why? Unfortunately, the whys of history are seldom answered.

## America's Best Friend

The Washington Times' portrayal of Pakistan as America's 'retriever dog' has deeply offended the people of Pakistan and sparked a wave of protest all over the country. The cartoon clearly shows what Americans think of Pakistan and its people. They do not appreciate the value of friendship and the constancy of friendship. They use Pakistan like a condom whenever the need arises, throwing it away when no longer needed.

"People in developing countries", Ayub Khan wrote in 'Friends not Masters', "seek assistance, but on the basis of mutual respect: they want to have "friends not masters". But, as Lord Palmerston, the 19th century British Foreign Secretary said, "Nations do not have friends. They have interests". Regrettably, Pakistanis have an unparalleled ability to isolate themselves from inconvenient facts and reality. If you live in a state of delusion, you will fail, for reality misunderstood – or, worse still, ignored or scorned, will always defeat you in the end. Pakistanis are like sleepwalkers. They are blind to reality and think they are free citizens of a sovereign, independent country. Now that Pakistan has been portrayed as an American retriever dog, reality has hit them hard and they are mad with impotent rage.

At one time, Pakistan was "the most allied" of America's allies. Washington turned to Pakistan in the early 1950s when India chose non-alignment. Pakistan desperate for outside support, eagerly reciprocated. In the early 1960s, the alliance frayed when Pakistan turned to China while America backed India in its war with that country. With the Soviet invasion of Afghanistan, American policy did a complete about – face, when Islamabad provided essential support for anti-Soviet American operations in Afghanistan. A second US – Pakistan alliance then took shape. However, neither Ayub nor Zia compromised National sovereignty in exchange for military and economic aid provided by the United States.

The 9/11 attacks led to a third US – Pakistan alliance. Once again, Pakistan served as a support base for the war in Afghanistan and, later, as a frontline state in the so-called war against terrorism, became actively involved in tracking down Osama in the mountains of Waziristan. This has turned out to be a qualitatively different kind of relationship. When power and leadership come to people incapable of handling either, the result can be disastrous. General Musharraf put his own interest above the national interest; his personal survival above the country's honour. He had to choose between saying No to the American Dictat and shame. He chose the latter and opted for collaboration. We would have suffered if we had said No. But that is a little matter. We would have

retained something which is to me of great value. We would have walked about the world with our heads erect. Prime Minister Nawaz Sharif defied President Clinton and carried out a nuclear explosion. The Turks said No to the Americans and refused to allow them transit facilities. The Iranian are under tremendous American pressure, but are courageously guarding their nuclear facilities. In stark contrast, we allowed Americans the free and unrestricted use of our air bases to bomb a friendly, neighbouring Muslim country and kill its innocent men, women and children who had done us no harm. Under American pressure, we stripped Qadeer Khan, the founder of Pakistan's nuclear weapons program, of everything – his freedom, his honour, his dignity, his self-respect, his name, his fame, his unprecedented services to Pakistan; and, to sharpen his humiliation, made him appear on national television to confess to his crime! Today he is under house arrest in his own country. If this is the land of the free and home of the brave, give me slavery. The lesson of history is that nations which went down fighting, rose again, but those which succumbed to pressure, sold their honour, surrendered tamely and capitulated, were finished. Pakistan and its leaders, I regret to say, will meet the fate they deserves. History makes no exceptions.

“Nothing is more precious”, Ho Chi Minh famously said, “than independence and freedom”. We lost both on General Musharraf's watch when he capitulated, said yes to all the seven demands presented to him at gunpoint by Secretary Colin Powell and joined the “Coalition of the coerced”. To the great surprise of President Bush, General Musharraf committed Pakistan and its 140 million people to support the United States with each of the seven actions in the American war against Afghanistan. “It looks like you got it all”, President Bush told Colin Powell. He thought it was the State Department at its best. It was Secretary Powell's finest hour. But for Pakistan, it was a day of infamy. On that day, Pakistan rented itself out to the United States and became what Stephen Cohen calls a “rentier state”. No self-respecting, sovereign, independent country, no matter how small or weak, could have accepted such humiliating demands with such alacrity. We lost our independence, our fledgling democracy and all our liberties. But General Musharraf, until then a usurper, a pariah and a social out cast in American eyes, became the darling of the United States and its best friend almost overnight. Now he is tied at the hip to the United States. But the lesson of history is that there can be no friendship between the strong and the weak. There can be no friendship between unequals, neither in private life nor in public life. “The strong do what they can”, the Athenians told the intractable Melians, “and the weak must suffer what they must”.

The Farewell address of George Washington will ever remain an important legacy for small nations like Pakistan. In that notable Testament, the Father of the American Republic cautioned that “an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter”. The

strong might have interests and objectives that could be of little real importance to the weak; but once the latter submitted to acting the role of a satellite, it would find it no easy task to avoid being used as a tool by the strong". George Washington highlighted the dangers inherent in an unequal relationship between a very strong nation and a weak nation and the folly of a weak nation succumbing to the belief that "real favours" would flow to it from the strong partner. It is folly in one nation, George Washington observed, to look for disinterested favours from another...it must pay with a portion of its independence for what ever it may accept under that character. No truer words have been spoken on the subject. If you want to know what happens to an ill-led and ill-governed, small country which attaches itself to a powerful country like the United States, visit Pakistan. Nuclear Pakistan has lost its independence. It is now virtually an American satellite and is portrayed in American media as a 'retriever dog'. Pakistan has lost its manhood, its honour, its dignity, and its sense of self-respect. "O what a fall was there my countrymen"!

We must be on guard against people who do not look at their country as it really is and see it through spectacles coloured by their hopes and their wishes, in terms of an idealized model of Pakistan, as they would like it to be, not as it really is. Our people really need to look in a mirror. If what they see is ugly, why blame the mirror. 58 years after independence, are we really free? Are we masters in our own house. Are our sovereignty and independence untrammelled? With the support and approval of the United States, the nation has been forced against its will to accept a totalitarian democracy? Today we have a government that is not grounded in the will of the people and must, therefore, be branded as illegitimate. That presents no problem to the United States. It tells the Generals who rule Pakistan, that all they needed to do was to carry out American agenda, fight the so-called terrorists whom they called freedom fighters not very long ago; in the process kill innocent men, women and children; use the state apparatus against all those who resist American imperialism; allow its citizens to be picked up by American intelligence and security agencies and incarcerated; play the role of a surrogate jailor for America and last but not least, find Osama; If they did all that, United States would look the other way, the Generals could deny their own people the freedom America advocates everywhere else and rule forever.

So, where do we stand today? "The best lack all conviction, while the worst are full of passionate intensity". Few Pakistanis seem ready to die or make any sacrifice for anything. The entire country seems crippled by a naked 'defaillance'. Pakistan no longer exists, but by that I mean the country of our dreams, our hopes and our pride. I am really astonished at the ease with which our people accustom themselves to the life of a herd of sheep and the loss of their independence and liberty. And I wonder why we have allowed such indignities

to be visited upon our nation – and for so long. The answer is that we no longer own our country.

## **We Have Learnt Nothing From History**

Long ago, Karl Marx, famously borrowing from Hegel, said: "Everything happens twice in history, the first time as tragedy, the second as farce". In our case, history has a habit of repeating itself again and again ad nauseum and is nothing more than a series of endless repetitions, each more debased than its predecessor. Our history can be summed up in one sentence. It is, "the sound of heavy boots coming up the stairs and the rustle of satin slippers coming down". Will it ever be possible for Pakistan to break out of this vicious cycle of corrupt, albeit, elected governments followed by equally bad military regimes?

58 years after independence, Pakistan is under army rule once again. In October 1999, General Musharraf, Chief of Staff of the Pakistan Army, toppled an elected government, arrested the Prime Minister and appointed himself as the President of Pakistan. In May 2002, he held a dubious Referendum that 'authorized' him to remain in power for another five years. "Power", Churchill once said, "Is heady wine". Not content with the awesome powers of the Presidency, General Musharraf, in violation of the solemn commitment he had made on national television, reneged on his promise and decided not to give up his post as Army Chief. With that, General Musharraf crossed his personal Rubicon. The die was cast. Long ago, Trotsky wrote, "No Devil cuts off his claws voluntarily". A person who possesses supreme power seldom gives it away peacefully and voluntarily.

History shows that concentration of too much power in one person is an invitation to tyranny. "Power corrupts. Absolute power corrupts absolutely". Liberty is best served if power is distributed. That is why the American Presidency adhered to two overarching concepts: the separation of powers and checks and balances. President Musharraf talks about checks and balances but only when it suits him. Today, he has conveniently forgotten these concepts and has reneged on his promise to give up the post of Army Chief. A few days after the 1999 coup, his spokesman insisted: "While others may have tried to hang on to power, we will not. We will make history". General Musharraf agreed: 'All I can say', he assured a television interviewer in January 2000, is that I am not going to perpetuate myself... I can't give any certificate on it but my word of honor. I will not perpetuate myself'. Now he insists on staying in power both as President and Army Chief almost indefinitely. No wonder, his promises are not trusted. His word is not believed. His credibility is shattered and lies in ruins.

Like Mussolini, our military rulers regard parliamentary democracy as a 'farce' and the idea of sovereignty of the people a "cardboard crown". Today, the issue

before the nation is autocracy against republicanism. Do we wish to remain citizens of a Republic, or do we prefer to live under some form of autocracy? Do we prefer Rule of Law or rule of man? It is true that Nawaz Sharif, the ousted Prime Minister, was no paragon of virtue either but the triumph of Musharraf over Nawaz Sharif was certainly not a victory for democracy or parliamentary system. On the contrary, as subsequent events have amply demonstrated, it was the triumph of Bonapartism over all that Pakistan has ever willed or ever wished. Today democracy is in limbo. Parliament is paralyzed. The opposition languishes in torpid impotence. The constitution is a figment, accountability is a farce. In return for retaining his moth-eaten dictatorship, Musharraf has made compromises with corrupt politicians, fugitives from justice, unprincipled weak-kneed triflers, charlatans and mountebanks begrimed with corruption. Viewed in this backdrop, how can any democratic system strike roots, or mature or even survive in our country.

The army has cast a long shadow over politics in Pakistan even during the period of civilian rule. Repeated army intervention in the politics of Pakistan has been a recipe for disaster. We lost half the country in 1971 under a military dictator, as a direct consequence of the imposition of martial law in 1958. Today we have a government that is not grounded in the will of the people, and must, therefore, be branded as illegitimate. It has thwarted the growth and development of parliamentary democracy and destroyed whatever little faith people had in their political institutions. What is worse, it has corrupted and debased the people and eroded their faith in themselves as citizens of a sovereign, independent, democratic country. The lesson of history is that men are not corrupted by the exercise of power or debased by the habit of obedience, but by the exercise of power which they believe to be illegitimate, and by obedience to a rule which they consider to be usurped and oppressive.

“I know that I can save this country and no one else can”, Chatham once famously remarked. Musharraf’s exhilaration comes from a similar conviction. On his watch today, Pakistan is saddled with a disjointed, lopsided, hybrid political system. The latest fraud practised on the people of Pakistan - the ‘election’ and appointment of the Prime Minister - offers ample proof of how far Pakistan has fallen from Jinnah’s grand vision of a democratic country. One by one, all the arguments for the dismissal of an elected government and imposition of military rule have tumbled and are falling like skittles in a bowling alley. Bit by bit, the intellectual foundations of this regime are crumbling. Some of the most corrupt politicians are now Musharraf’s political allies. Corruption is rampant. Life is raw outside Islamabad. Jobs are scarce. Pay is pitifully low. People are tired of waiting for a better life. He promised the sky when he captured power. That coupled with the public’s hunger for a meaningful change after all these years, is what is making Pakistan a political tinder box.

Pakistan is drifting away from the democratic path and sliding into darkness. The irony is that Musharraf calls it the Renaissance, the rebirth, the renewal of Pakistan. "Pakistan", he said recently, "Has woken up". How I wish it were true. Unfortunately, Musharraf has an unparalleled ability to insulate himself from inconvenient facts and reality. A President directing the State from a seat in the crater of a volcano can hardly be expected to think clearly. Time and again history invited Musharraf to play a democratic and patriotic role, and time and again he chose the wrong course. "I must remain in uniform", General Musharraf said recently, "for the sack of democracy in Pakistan". But, "Democracy", Churchill famously said, "Is not a harlot to be picked up by any person with a Tommy gun". The irony is that, today General Musharraf's uniform is the greatest impediment and the biggest roadblock on the road to democracy in Pakistan. Heavens won't fall if he were to retire as Army Chief and take off his uniform. The Pakistan Army is quite capable of producing an equally competent and patriotic army chief. Nobody is indispensable. The graves of the world, Mr. President, are filled with the bones of indispensable people. The Pakistan army is a people's army, in the sense that it belongs to the people of Pakistan who take a jealous and proprietary interest in it. It is not so much an arm of the Executive branch as it is an arm of the people of Pakistan. It is the only shield we have against foreign aggression. Why politicize it? Why expose it to the rough and tumble of politics? Why use it as an instrument for grabbing and retaining political power?

Five years ago, a democratically elected government was toppled in a military coup and replaced by a regime headed by General Pervez Musharraf. Is Pakistan back on the rails and are we on the democratic path once again? Has General Musharraf redeemed the pledge he gave to the nation five years ago – that he will carry out ruthless accountability, hold free, fair, impartial elections, restore "pure" democracy and having done that, go back to the barracks and resume soldiering? Does Pakistan stand taller today? Is our long nightmare over and is it morning once again in Pakistan? Is this the dawn of a bright future for Pakistan? Are we better off today than we were five years ago?

We have a horrible past, a topsy – turvy present and an uncertain future. The country appears to be adrift, lacking confidence about its future. Nobody knows where it is headed and very few care. Today we have an elected parliament, a civilian government, multiple political parties, a "free" press and all the other trappings of democracy. But all these are mere symbols which hide the reality of the power structure and play no role in determining policy decisions. How meaningful is our democratic order when real decisions are made elsewhere?

The lesson of history is that, by itself, no army, lacking popular support, no matter how strong, has ever rescued a country from internal disorder, social upheaval and chaos or prevented its disintegration. No army was more powerful than the Red Army which, in 1941, faced the full might of the German army - nearly 4 million troops organized in 180 divisions, with 3350 tanks, 7200 guns, supported by 2000 air craft - which it destroyed and chased all the way to Berlin; but this mighty army could not prevent its own demise or the liquidation of Soviet Union, a super power not too long ago, which has now become the laughing stock of the world. The world's largest and arguably the most powerful army melted like the spring ice in Russia's arctic rivers as it breaks up, drifts in floes and slowly disappears. The Soviet army was not destroyed by invading armies. Sitting on the largest nuclear weapons arsenal in the world, it made no attempt to use them. Instead, the Soviet army went uncomplaining but passively into the dustbin of history, to use Trotsky's phrase. Arm - in - arm, the Communist party, the Soviet state, all the Field Marshals and Generals of that great army, went to their demise together. Surely, no patriotic Pakistani wants Pakistan or their army to suffer the same fate.

The tragedy of Pakistan is that, in the face of overwhelming evidence to the contrary, our Generals believe army is the only institution that can fix Pakistan's political problems while defending its borders. They don't seem to realize that ruling Pakistan is not good for the army. In fact, the best way to destroy the army is to involve it in politics or the administration of the country. For many years, the army was free of charges of corruption. In the past, military rulers were hated and despised, but army was held in high esteem. Initially welcomed by many Pakistanis as a relief from corrupt politicians, the army is now seen in a different light. Criticism of the army per se, once rare, has now become widespread. The Generals lack the capability to fix Pakistan's problems but are unwilling to give other state institutions and the political system the opportunity to learn and grow. Their tolerance for the mistakes of politicians is very low; yet their own performance, when in power, in the words of Stephen Cohen, "has usually dug the hole deeper". The capping irony is that we lost half the country under a military dictator, yet the Generals regard themselves as the ultimate saviors of Pakistan!

Today no sane person in Pakistan doubts that, for a Pakistani, freedom means freedom from army rule, that freedom from army rule is a vital and necessary condition for Pakistani renaissance. It is axiomatic that army has no role in any democratic country. If Pakistan is to survive, army must be placed outside the turbulent arena of political conflict. The secession of East Pakistan made it abundantly clear that the federation cannot survive except as a democratic state based on the principle of sovereignty of the people and supremacy of civilian rule. Pakistan cannot survive under military rule direct or indirect, with or

without a civilian façade because military rule is an anachronism, lacks legitimacy and is doomed to failure. The supreme irony is that General Musharraf considers religious extremism – not military rule, not absence of democracy, not absence of an agreed constitution, not absence of Rule of Law, not absence of accountability, and not the ruler’s illegitimacy – as the greatest threat to Pakistan today!

I have seen the rise and fall of army dictators in Pakistan from a ringside seat. When I last met Ayub Khan, the best of them all, his good star had finally deserted him. The Goddess of Destiny had made up her mind. Destiny had dropped him at last. I saw him enter the twilight which saw his departure in tears from the presidency he once bestrode like a colossus. I saw General Yahya Khan in custody after he lost half the country in a disastrous war. Why repeat the same mistakes again? Why go against the current of history? Why involve the army once again in dirty politics? It is our only shield against foreign aggression. Why weaken it? Without demilitarization, Pakistan risks revolution. Why not break with past tradition and follow the straight honest path back to parliamentary democracy? The course Musharraf is on leads downhill. Why follow this tortuous, devious, circuitous road to the abyss and imperil the integrity of the country once again? We have been through the valley of shadows before. Do we have to go through it again? Einstein once said, “To keep trying the same thing over and over with the expectation of a different result is the definition of insanity”. Why not learn from history? But as Hegel said long ago: “Man learns nothing from history except that he learns nothing from history”.

## Her Britannic Majesty's Envoy Speaks

"An Ambassador", Sir Henry Wotton said more than 300 years ago, "Is an honest man sent abroad to lie for his country". Sadly, Sir Henry was promptly fired by King James I for telling the truth. Nations, it has been frequently observed, are judged by their representatives abroad. For this, if for no other reasons, governments generally take special pains in selecting their envoys. Long ago, the Duke of Tuscany complained to the Venetian official that the Venetian Ambassador in Florence was stupid. The official said he was not surprised since there were many fools in Venice. "We have fools in Florence too", the Duke replied. "But we take care not to export them".

Whatever the qualification of a modern diplomat, the art of deceit is certainly not one of them. Moral integrity and intellectual honesty are the essential qualities of an Ambassador. Apart from keeping his government informed of local conditions and advising them as to what policies on their part would be accepted and what the reverse, it is the duty of the diplomat to, "represent his own country". It means that he should convey to the people of the country – not just the small group around the ruler – to which he is accredited, a picture of all that is best in his own country. "He should", in the words of Harold Nicolson, "be simple, straight forward, honest, truthful and trustworthy". Above all, he should be credible, non-partisan, objective and free from bias. This is what we foreigners expect a British representative to be.

According to press reports, the British High Commissioner in Pakistan, Sir Mark Lyall Grant, a very experienced diplomat, said in Peshawar on Wednesday, May 25, 2005, that he did not consider General Pervez Musharraf a dictator. It is difficult to believe that the envoy meant what he said. Surely, he knows where power resides in Pakistan and where vital decisions are made. It is no secret that General Musharraf exercises absolute power without responsibility and is answerable to none. I know that it is part of a diplomat's function to establish and maintain relations of confidence with those in power, elected or unelected, in the country to which he is accredited. I am also aware of the fact that in authoritarian states, in particular, a diplomat has to be very careful while expressing his views on sensitive issues. But is it too much to expect that if he can't call a spade a spade, he should, at least, not call it something which he knows it is not. Isn't it prudent to be circumspect, and not insult the intelligence of the people in the receiving state?

Having said that, let me hasten to add that Britain always posted some of its brightest and best diplomats to Pakistan. As I waded through the river of

documentation flowing from British diplomats in India and Pakistan, charged with watching, monitoring, accessing and evaluating the ever unfolding political drama in the subcontinent after independence, what impressed me most was the high quality of their reporting, the classic requirements of inputs from diplomatic missions, facts, analysis, recommendations being fulfilled with admiral precision. I have, therefore, no hesitation in acknowledging that, generally speaking an outsider's judgment expressed in secret dispatches, not their public statements made on Pakistan soil, might be more objective and thus more accurate than our own. Against this background, the statement made by the High Commissioner in Peshawar was quite disappointing. It shows that Britain doesn't really care about democracy in Pakistan and pays scant regard to the democratic aspirations and sentiments of the people. Like America, Britain too prefers to do business with military dictators in Pakistan as the dramatic events of 1958 would indicate.

A string of secret and confidential dispatches to the Foreign Office in London from the British High Commissioner in Karachi in 1958 suggest that British government, knowing that President Mirza in collusion with General Ayub Khan, the Commander in Chief, was about to carry out a military coup, did little to deter the Ayub - Mirza junta from stabbing Pakistan's fledgling democracy in the back. Instead, it backed the military and bureaucratic combination and gave it the green signal to topple the democratic government. When the matter was brought to the notice of the Prime Minister in London, the High Commissioner was told that, "It would be wholly contrary to long standing Commonwealth practice for one member of the Commonwealth to intervene or advise in any way on an internal situation affecting another Member and this was clearly not a matter on which it would be possible for us to express any view one way or the other"! The High Commissioner, who was in constant touch with the conspirators, was told, "You will appreciate that it is of the utmost importance that there should be no room for any suggestion for any collusion in a matter of this character between you as representing Her Majesty government and the President and you must bear that consideration in mind at all times"!

A tyrant is described in the Oxford dictionary of current English, "as an absolute ruler who seized power without the legal right". Similarly, a dictator is described as, "A ruler with (often usurped) unrestricted authority". "It is sufficiently known", wrote Gibbon long ago, "That the odious appellation of tyrants was often enlarged by the ancients to express the illegal seizure of supreme power, without any reference to abuse of any power". Almost 90% of the German people, freely voted their approval of Adolf Hitler as Hindenburg's successor. In doing so, the German people also sanctioned his program and leadership and propelled him to the top. Hitler attained absolute power by climbing the democratic ladder. He did not carry out a coup. Every student of European

history knows that he captured political power through the ballot box. Yet in the face of such overwhelming evidence to the contrary, the British had no hesitation in branding him as a Dictator long before he triggered World War II with disastrous consequences for people all over the world!

On the other hand, General Musharraf, who captured political power illegally, toppled an elected government in a military coup, appointed himself as the President of Pakistan, held a dubious referendum which “authorized” him to rule Pakistan for five years, reneged on his promise to renounce his army post and doff his uniform, allowed blatant, flagrant use of the administration and official machinery in the election in support of the king’s party, denied the people the right to elect their President in accordance with the constitution, defaced, disfigured and mutilated the constitution, is, in the view of the British envoy, a democrat, not a dictator. This highly selective and arbitrary categorization of dictators reminds me of Sir Henry Wotton and his famous dictum.

Many questions swirl. Doesn’t this amount to interference in our internal affairs? Isn’t interference in domestic politics out of bounds to foreign Ambassadors? Isn’t it covered by article 41 of the Vienna convention which imposes a duty on diplomats, in their personal activities, not to interfere in the internal affairs of the receiving state, or meddle in its domestic affairs? If the impugned statement was made on instruction, it is for consideration of our Foreign Office whether the sending state had locus standi in the matter.

I wonder why we have allowed such indignities to be visited upon our nation – and for so long. The answer is that we no longer own our country. We are now a doormat for wiping mud etc from the shoes.

*“The fault, dear Brutus, is not in our stars,*

*but in ourselves, that we are underlings”.*

## What is Wrong with Ummah?

I was in Washington D.C. on that fateful September day (September 11, 2001) which changed the world forever. President George W. Bush appeared on television and told Americans (and the world) that his campaign against terrorism would not be a war against Islam. Indeed, he hoped to enlist the support of such Muslim States as Iran, Egypt and Syria. It is unfortunate that he called his riposte a Crusade, because he could not have chosen a word more likely to antagonize Muslims all over the world.

Not surprisingly, as soon as the first bomb dropped on Baghdad, the attack was condemned in the Arab world as "Al - Salibiyyah"! "A Crusade"! Arabs trace the war of aggression raging in Iraq back to November 25, 1095, when Pope Urban II summoned the expedition that would become known as the First Crusade. Before the Crusaders arrived in Jerusalem in July 1099 and savagely butchered 40,000 of its Muslim and Jewish inhabitants, Jews, Christians and Muslims had lived together in Jerusalem under Islamic rule in peace and harmony for 460 years - almost half a millenium. The Crusade changed all that. The hatred and suspicion that this expedition unleashed, still reverberates. Already more than 100,000 innocent men, women and children have been killed in Iraq alone. Is America bent on a new crusade against Islam? Judaism and America seem to have teamed up to subjugate and humiliate the Islamic world. Is history going to repeat itself?

Today the Islamic world is a prime target for America, the latest imperial power, virtuoso in the art of smashing Islamic countries and establishing its control over the remains. It has all the requirements to make it the perfect American target. It has enormous natural resources; it has a rotten socio-political system in an advanced stage of decay and decomposition; its rulers are corrupt, despotic, authoritarian, unresponsive to the prime needs of the people, accountable to none; it lacks the will to defend itself because what its rulers represent is not worth defending; it is highly vulnerable to attack; a coup de grâce, or a coup de main, a powerful kick and the entire rotten structure will come crashing down. At relatively little risk and cost, America can gain strategic advantages in the Islamic world and place itself increasingly in position to control the world's resources and life lines. The aim is to gain control of the energy treasure house of the Gulf.

This is the darkest era in the history of Islam since the 13th century when the Mongols ransacked the Islamic world. Those who oppose American aggression are branded anti-American, terrorists and extremists. Afghanistan and Iraq, two

sovereign, independent Muslims countries are under American military occupation. "Anyone can see what happened in Iraq. It was nothing more than a war of colonial conquest fought for oil, dressed up as a crusade for western life and liberty. And its authors were a clique of war - hungry Judeo - Christian geopolitical fantasists who hijacked the media and exploited America's post-September 11 psychopathy". These words are not mine; they are spoken in John le Carre's new novel "Absolute Friends" and all too accurately expose the true nature of the American war of aggression in Iraq. The truth is that it was a crime, not only against Iraqis but also against Americans. Come to think of it, is there any difference between the US invasion of Iraq and the Iraqi invasion of Kuwait? Both were wars of aggression. Today the United States and Britain are conducting a virtual crusade against the Islamic world to steal its oil and capture its resources. Iran, Syria, Saudi Arabia and Pakistan are next on the hit list. It is now abundantly clear that Pakistan, the only nuclear power in the Islamic world, will soon be denuclearized and emasculated.

The Islamic world contains the world's greatest concentration of un-elected monarchs, military dictators, and usurpers, answerable to none, all supported by America. None would survive without American help. They seem more concerned with protecting themselves and their thrones than protecting their countries. Where, then, is the symbol of hope in a Muslim world ruled by charlatans and US protected and coddled despots? About three year ago, these rulers met at Putrajaya to harness the Islamic world's collective brainpower to turn the tide against Islam and seek solutions to the problems of the Ummah! The summit was attended by two Kings, two Sheikhs, a Sultan, a Prince, twenty Presidents and seven Prime Ministers. It featured a surprise address by President Putin. The United States of America dominated the proceedings, despite its absence, and breathed down the neck of every member. What was Islamic about this motley crowd who gathered at Putrajaya? What was their locus standi and what were their credentials? What is Islamic about this incongruous mixture? Islam is against hereditary monarchy and rejects the concept of privilege by descent, by birth, by status, by wealth, or even by race and insists that rank and honour are determined by piety and merit and nothing else. How many of these Heads of state and government are elected? How many represent the will of their people? How many are usurpers who have imposed themselves on their docile subjects? How many are US appointees? How many are on the American payroll? How many would survive without American support? The capping irony is that this motley crowd will soon gather in Mecca to address the problems of the Ummah and re-enact the farce!

General Musharraf, a fervent believer in Ummah, said recently that Pakistan faced the biggest threat to its security from sectarian and religious extremism and terrorism within the country and vowed to eliminate such tendencies.

“Internal chaos, sectarianism, and religious terrorism constitute a bigger threat owing to which the Ummah is suffering and the economy of the Muslim states is being negatively affected”. Contrary to what President Musharraf says, the greatest threat to Pakistan, in fact the entire Ummah, stems not from religious militancy and secretarianism but from absence of legitimacy and a genuinely democratic political order, total lack of accountability and last but not least, surging American imperialism. Religious extremism and secretarianism are symptoms of a chronic malady which has afflicted the Ummah since the demise of the Holy Prophet. It is not a new phenomenon and will disappear with the spread of education and authentic democracy. American imperialism, on the other hand, poses an altogether different and much more dangerous threat. At the 58th session of the UN General Assembly, Musharraf enunciated the strategy of “enlightened moderation” as a means to promote human emancipation. How can anyone, who loves freedom, expect Afghans or Iraqis groaning under American military occupation or Palestinians, driven from their homes 55 years ago, to respond with “enlightened moderation” to the presence of enemy troops on their soil and the loss of their freedom?

Islam attaches highest priority to the accountability of Muslim rulers. That is why, even an ordinary citizen of the Caliphate could challenge and demand account from the highest in the state. It was noon of a Friday. The faithful of Medina had gathered in the Prophet’s Mosque to offer the Friday prayers. Hadrat Umar, the Caliph, arrived to lead the prayers. He said his preliminary prayer and then proceeded to deliver his address to the congregation. He began by reciting some verses from the Holy Quran. Then addressing the congregation, he said, “Now listen”. A young man from the congregation stood up to say, “we will not listen to you, until you give us the explanation that you owe us”. The audience was startled at this audacious interference. Hadrat Umar paused for a moment and then turning to the young man said, “explanation for what”? The young man said, “The other day each one of us obtained a piece of cloth from the Baitul Mal. Today, I find two pieces of cloth on the person of the Caliph. I want to know what right had the Caliph to get a share twice the share of an ordinary Muslim”? Before Hadrat Umar could explain, Abdullah, the son of Umar rose up and said, “Friends, the truth of the matter is that like every other person my father and myself obtained a piece of cloth each from the Baitul Mal. My father is so tall, that the piece of cloth that he got from the Baitul Mal did not suffice him. So I gave him my piece of the cloth”. The explanation satisfied everyone. The young man who had interrupted the Caliph said, “We are satisfied. You can now proceed with your address. We will listen to you and obey your commands”!

Turning to the audience, Hadrat Umar said, “What will you do, my friends, in case I deviate from the truth one day”? Thereupon a man rose up and said, “when you, Umar, wilfully deviate from the truth, we will withdraw our

allegiance to you and I for one would feel it my duty to kill you with my sword. I will straighten your deviation with the blade of my sword". The Caliph said with an apparent show of anger, "Man, do you know to whom you are speaking"? The man said, "Yes, I am talking to Hadrat Umar, the Commander of the Faithful". "Then how dare you threaten him with your sword", said the Caliph. The man said, "You are our Caliph and Commander as long as you follow the truth. When you deliberately deviate from the path of truth, you no longer command our allegiance. Then we have the right to kill you, because you lead us in the wrong way". At this, the face of Hadrat Umar lit up, and a smile of satisfaction played on his lips. Raising his hands towards heaven, Umar said in a voice choked with emotion. "Great Allah, I offer you my thanks that there is no dearth of men among the faithful who have the courage to lift the sword even against the head of Umar when he deviates from the Truth"! The decline of the Islamic world started when people stopped asking such questions and calling their rulers to account. Today people in the Islamic world stand passively mute. They are afraid to call the rulers to account. The spirit of protest is no longer there. People are besieged in their own country. Today apathy in the Islamic world is the real enemy. Silence is its accomplice. Today Muslims are lost for a voice. Who in the Islamic world understands the forces of history and has the capacity to move them in a favourable direction? Who has the capacity to look out from a mountaintop, foresee the trend lines of the future, and bend history to serve the interests of the Ummah? Who has the capacity and will to channelize and guide the Muslim rage and take us on a journey into the future? Who has the courage to say "Kifaya"? "Enough". "We have had enough".

So, where does the Ummah stand today? The short answer is that Ummah ceased to exist long ago and died, unsung and unwept. It died the day Mustafa Kemal abolished the Caliphate and disestablished Islam. The collapse of the Ottoman Empire, the emergence of a secular Turkey, the artificial creation of 21 "independent" Arab states, separated by international borders, each with its own national identity, flag, national anthem and other trappings of sovereignty, broke the sense of Ummah that had existed under the Caliphate.

OIC always reminds me of the League of Nations. When it was formed, Lenin described it as "A Thieves kitchen". "I like the League", Clemenceau famously remarked, "But I do not believe in it". Nobody believes in OIC either, very few like it and is a non-starter. It is in a state of advanced decomposition. Why not give it a decent burial.

## Thus Spake Secretary Rice

When President George W. Bush named Dr. Condoleezza Rice as the new Secretary of State, he told the press that she was America's new face to the world. Before there were three faces of America in the world – the face of Peace Corps, the face of multi-nationals and the face of US military power. The balance has gone wrong lately. And the only face of America the world sees now is the one of military power.

Today America presents an alarming spectacle. It is no more symbolized in the statue of Liberty but with the naked black hooded Iraqi man connected with wires for electrocution set up on a box by his American perpetrators. Today in the eyes of millions of Muslims, America is identified with Abu Ghraib where detainees were handcuffed naked and forced to crawl on their stomachs as US soldiers urinated and spat on them; later they were sodomized. In some cases, US military personnel held an un-muzzled dog within inches of two naked and screaming teenage Iraqis and discussed among themselves whether the prisoners could be terrified into losing control of their bowels. To cap it all, the desecration of the Holy Quran simply to cause psychological torment to the incarcerated Muslims in Guantanamo Bay makes it quite clear what this administration thinks of Muslims.

Against this background, Secretary Rice, swept through the Middle East last week to urge democratic change in the Middle East and improve America's image. In her keynote address at the American university in Cairo, she told 600 scholars and students, tongue – in – cheek: "We are supporting the democratic aspirations of all people"! When Nihal Saad asked her on Nile TV if she found it difficult, "touring the Middle East, touring Arab countries, with that image problem, it is difficult, more difficult, to push for a reform agenda that talks about democracy and human rights", Secretary Rice did not deny that Abu Ghraib was a stain on the United States and admitted that, "bad things do happen even in democracies". "But democracy guarantees that they will be openly debated", she said. When told, "the people do not trust United States about democracy in Iraq because many Egyptians who work in Iraq and have seen bloodshed in the streets, say this is no democracy. For 60 years before you supported dictatorship regime. What is the guarantee you will support a free democratic regime"? In her reply, Secretary Rice said, "for 60 years the United States pursued stability at the expense of democracy in the Middle East – and we achieved neither. Now we are taking a different course"! Not in Pakistan as Secretary Rice knows very well. Here America is staying the course, unashamedly supporting a thinly - disguised military dictatorship.

Secretary Rice countered claims that freedom and democracy lead to civil unrest, violence and the erosion of moral standards, describing both as “the only ideas powerful enough to overcome hatred, division, and violence”. She went on to say, “millions of people are demanding freedom for themselves and democracies for their countries. To these courageous men and women, I say today: all free nations will stand with you as you secure the blessing of your own liberty”. “There was a time”, she said, “not long ago, after all, when liberty was threatened by slavery. There was a time, even more recently, when liberty was threatened by colonialism. It was believed that certain peoples required foreign masters to rule their lands and run their lives. Today liberty is threatened by undemocratic governments. Some believe this is a permanent fact of life. But there are others who know better. Throughout the Middle East, the fear of free choices can no longer justify the denial of liberties. It is time to abandon the excuses that are made to avoid the hard work of democracy”! “In Iran”, she said, “People are losing patience with an oppressive regime that denied them their liberty and their rights. The time has come for the unelected few to release their grip on the aspirations of the proud people of Iran”. The proud people of Iran have since spoken loud and clear. They turned out in large numbers and elected Ahmadinejad, a simple, religious man, a friend of the poor, the son of an ironmonger, as their President!

“A hopeful future”, Secretary Rice said, is within the reach of every citizen in the (Islamic world). The choice is yours to make. But you are not alone. All free nations are your allies. So, together, let us choose liberty and democracy – for our nations, for our children and for our shared future”! A brilliant performance by any standard. A more powerful case for democracy in the Islamic world could not have been made out. But Secretary Rice’s words sound so hollow, so hypocritical, so devoid of meaning, so unconvincing, so jarring. No wonder, her address left the people cold and impressed nobody. “We were shocked at the statements made”, Hany Enan, one of the founders of an Egyptian movement, demanding that President Hosni Mubarak stepped down, said of Ms. Rice’s remarks.

When I read Secretary Rice’s statement, I didn’t know whether to laugh or cry. What she said in Cairo bore no resemblance to what she had said earlier in Pakistan. Her message to the people of Pakistan was: Be patient. Wait for elections in 2007. General Musharraf has come a long way on the road to democracy. Pakistan is a role model for the Islamic world! The only meaning, Dr. Rice, “Freedom” can have for the people of Pakistan right now, is “Freedom” from Army Rule. If democracy is good for Georgia, Ukraine and Krygyzstan, who had never known democracy before, why is it not good for Pakistan whose people lost their democratic institutions and liberties not long ago in a military

coup led by General Musharraf? America gave its full support to pro-democracy Orange and Velvet revolutions in Georgia and Ukraine. Why is it perpetuating authoritarianism in Pakistan? Why is it supporting a General in uniform as the "elected" President of Pakistan? When people heard President Bush speak of freedom and declare that, "all those who live in tyranny and hopelessness, can know the United States will not ignore your oppression or excuse your oppressors", nobody believed him. "Liberty", President Bush said recently, "is on the march. Democracy is spreading in the Islamic world". Not in Pakistan. Thanks to America's support of military dictators, the engine of history is moving Pakistan backward. Why this double-talk? Why this double standard? Isn't it shrieking hypocrisy? Isn't it just Realpolitik? Isn't it sacrificing democracy, freedom, supremacy of civilian rule on the alter of self-interest? Isn't it a repudiation of everything America claims to stand for?

"For a nation that honours democracy and freedom", the New York Times wrote in its editorial, "the United States has a nasty habit of embracing foreign dictators when they seem to serve US interest. It is one of the least appealing traits of US foreign policy. Like his predecessors, Bush is falling for the illusion that tyrants make good allies. When Washington preaches democracy, while tolerating the tyranny of allies, America looks double-faced".

It is now abundantly clear that America has never cared about democracy in Pakistan and prefers to do business with cooperative military dictators. A string of secret and confidential despatches to the State Department from the US embassy in Karachi in 1958 suggests that the US administration did little to deter the Ayub - Mirza junta from stabbing Pakistan's fledgling democracy in the back. Infact, it backed the military and gave it the green signal to topple the civilian government at a time when the country was getting ready for the long-awaited elections under the 1956 constitution.

As early as 1957, President Eisenhower was telling the National Security Council that the US had made a 'terrible error', keeping Pakistan as a military ally while 'doing practically nothing' for its people. But having bet on the military and the bureaucracy in Pakistan, it was now impossible to avoid facing up to the consequences. Suggestions by American diplomats in Pakistan that Washington try and steer Mirza away from his authoritarian tendencies were countered by the argument that this would defeat US purposes by reviving the old slogan 'the real Prime Minister (of Pakistan) is named Hildreth'! The American foreign and defence establishments, however, were agreed on one thing. They would back the military and bureaucratic combination most capable of restoring a semblance of stability in a country in which they had invested so much for so little! This policy persists till today.

Why is Pakistan, under military rule for the fourth time in its life, largely immune to the winds of democracy that have blown everywhere else in the world? That is a pretty good question. And why is it avoided in the United States? Why does America turn a blind eye to the deficit of democracy in Pakistan? It is because Pakistan is not on the Bush democracy list. It is because America prefers to do business with military dictators in Pakistan. It tells the Generals who rule Pakistan, that all they needed to do was to carry out American agenda, fight the so-called terrorists whom they called freedom fighters not very long ago; in the process kill innocent men, women and children; act as a surrogate jailor for America; use the state apparatus against all those who resist American imperialism; withdraw support from freedom fighters in Kashmir; accept LOC as an international boundary and propagate "enlightened moderation". If they did all that, they could deny their own people the freedom America advocates everywhere else and rule forever. "Liberty once lost", Adams told his countrymen, "is lost for ever". We lost our liberty and democratic institutions in October 1999, perhaps forever. But for American support of military dictators, the history of Pakistan might have been different.

So, where does America stand today? The American diplomat, Richard Holbrooke once pondered this problem on the eve of the September 1996 elections in Bosnia, which were meant to restore civic life to that ravaged country. "Suppose the election was free and fair", he said, "those elected are racists, fascists, separatists (or anti-American). That is the American dilemma". Indeed it is, not just in Egypt, Algeria, Iran or Pakistan but in the entire Islamic world. No wonder, while Secretary Rice spent about an hour meeting with some opposition leaders in Cairo, she drew the line at meeting with representatives of Muslim Brotherhood, the largest Opposition Party that has been banned from political activity for five decades. "The Egyptian Government", she said, "has outlawed Islamic parties and she would respect the laws of Egypt"!

After the stunning landslide victory of Mahmoud Ahmadinejad in the Presidential election in Iran, America will never promote free, fair or impartial elections anywhere in the Islamic world. And it will never accept the result of a free and fair election held, anywhere in the Islamic world, because it will almost certainly be anti-American. Thomas Jefferson once said that, "freedom, not stability, is the essence of democracy". Unfortunately, the Bush administration has a different agenda and a different set of priorities in the Islamic world. It cannot afford to "release its grip on the aspirations of the people" in the Islamic world and will, therefore, continue to support corrupt, unaccountable and authoritarian rulers.

## The American Revolution

When America was engaged in the most just of struggles, that of a people escaping from another people's yoke, and when it was a question of creating a new nation in the world, outstanding men came forward to lead the country. Three men more than any others, ended British colonial rule and helped bring the United States in being: George Washington, John Adams and Thomas Jefferson - all conservative men - successful members of the colonial elite turned revolutionaries, set the world ablaze and changed the course of world history. Congress adopted the Declaration of Independence on the evening of July 4. With that, it transformed His Majesty's colonies into a Sovereign, independent country. The future sole Super power was born.

"This was not a revolt over taxation", Thomas Paine wrote. "The survival of liberty was at stake", he wrote. "And if the American Revolution succeeded, generations yet unborn would owe a debt of gratitude to their forbears who struggled to defend - and expand - freedom". Thomas Paine glimpsed the prospect of an America that would become, "an asylum for mankind". Henceforth, Paine wrote, not only would America offer refuge to the world's oppressed, but like a shining beacon, revolutionary America would herald, "the birthday of a new world, the beginning of an epoch in which humankind across the earth could begin the world over again". Years after the colonies had won their independence, John Adams declared that, "the revolution was effected before the war commenced. The revolution was in the minds and hearts of the people".

Early in 1776, there appeared in Philadelphia, a pamphlet from the hand of Thomas Paine which did much to push public opinion in favour of Independence. "There is something very absurd", he insisted, "in supposing a continent to be perpetually governed by an island". In the Declaration of Independence, the colonists announced to mankind why they must separate from the mother country. There were two main parts: first, a brief preamble which asserts that under certain circumstances, revolution is justified. Government must rest upon. "The consent of the governed", for they are setup to protect certain rights - "Life, Liberty and the pursuit of Happiness". And second, a long array of abuses of power from which the Americans felt they had suffered.

The "flames kindled on the 4th of July 1776", Jefferson gloried, had sparked the French Revolution in 1789 and the Greek Revolution that raged in the 1820s. Like the "city on a hill", that Adam's forbearers had set out to erect in New England, the revolutionary United States, Jefferson hoped, would inspire people

everywhere to believe that the “engines of despotism”, could not prevail forever. In the last letter he wrote, Jefferson reiterated his belief that the American Revolution would prove to be “the signal of arousing men to burst the chains under which monkish ignorance and superstition had persuaded them to bind themselves, and to assure the blessings and security of self government”.

Washington, Adams, and Jefferson had come to be seen as the grand triumvirate of the Revolutionary era. Washington, it was believed, “is the clear upper sky”, but Adams and Jefferson, “have now joined the American constellation”. Jefferson was the eloquent “pen” of the American Revolution, Adams the resounding “tongue” of the rebellion and Washington its mighty “sword”.

Adams once remarked that there was, “something very unnatural and odious in a government 1000 leagues off”. Americans deserved a government, “of our own choice, managed by person whom we loved, revere and confide in”, he added. During his retirement, Adams wrote voluminously on the American Revolution, but in one, small passage in an unpublished letter, he came closest to professing how he hoped to be remembered. He told a friend that had

I ... omitted to speak and write ... this country would never have been independent, Washington would not have been Commander of the American Army; 300 millions of acres of land which she now possesses, would have been cut off from her Limits; ... the Constitution of the United States would never have been made; our armies, for a long time at a most critical period, could never have been fed or clothed, ... an American navy would not have existed!

When he was urged by his officers not to take off his uniform and become America’s King at the conclusion of the War of Independence, Washington replied in the most acrimonious language that he found such an idea preposterous and repugnant. Instead, he drew out from his bosom his army commission, delivered it up to the President of Congress and laid down his weapon. This was his finest hour. General Washington won the affection of the American people and that of the world by taking off his uniform and relinquishing power. He told Congress that he was a citizen – soldier who fervently believed in the supremacy of civilian rule. A grateful nation elected him as the First President of Independent America.

October 19th was a memorable day in the American Revolution. At 2 PM, a pleasantly warm, sunny, fall day in Yorktown, the British and their Hessian allies appear on the surrender field. General Cornwallis was absent. He pleaded illness. Washington was present, sitting atop his white horse. As a British band played a popular tune of the day, “the World Turned upside Down”, Washington, betrayed no emotion, watched silently as his foes lay down their arms. The news

of what had occurred at Yorktown reached Europe five weeks after Cornwallis's surrender. When Lord North learned of the debacle, he took the news as if he had been shot in the chest, according to the messenger, exclaiming, "Oh God! It is all over".

Sometimes extreme dangers, instead of elevating a nation, bring it low. This is what happened to America after 9/11. The leaders of modern America seem vastly inferior to those who brought America into being. From the beginning, America was more than a place. It represented the values and ideals of a humane civilization. Two hundred years ago, America caught the imagination of the world because of the ideals which it stood for. Today its example is tarnished with military adventurism and conflicts abroad. In the past, some envied America, some liked America, some hated America but almost all respected her. And all knew that without the United States, peace and freedom would not have survived. Today President Bush appears to believe in a kind of unilateral civilization. The United Nations is an afterthought; treaties are not considered binding. The war on terror is used to topple weak regimes. Today President Bush's main message to the world seems to be, Take dictation. Today America does not chase out an occupier, but occupies; does not push back an invader, but invades; does not repulse an invader, but invades. No wonder, very few respect America these days. The poor and the weak are scared to death and fear the world's only super power. In the eyes of millions of Muslims throughout the world, America is perceived today as the greatest threat to the world of Islam since the 13th century.

Americans seem to have forgotten America as an idea, as a source of optimism and as a beacon of liberty. They have stopped talking about who they are and are only talking about who they are going to invade, oust or sanction. These days nobody would think of appealing to the United States for support for upholding a human rights case - may be to Canada, to Norway or to Sweden, but not to the United States.

Today American troops are scattered around the world from the mountains of Afghanistan to the plains of Iraq in search of a phantom enemy, bombing and killing innocent Afghan and Iraqi men, women and children. Though it rejects imperial pretensions, it is for all its protestations, perceived in the world as peremptory, domineering and Imperial. Its actions in Afghanistan and Iraq are perceived as part of an open-ended empire-building plan with geo-strategic goals. Under this plan, the United States would acquire a permanent military presence in Afghanistan and Iraq for projecting its power in central Asia, South Asia, Middle East and the Persian Gulf.

Are Americans, once again, on the wrong side of history? Doesn't it reflect their profound ignorance of the history, culture and politics of the Islamic world? Are Americans destined to fail, once again, to recognize the futility of trying to wage a modern war on two ancient civilizations that formed their identity by repelling invaders? Are they destined to fail once again to recognize the limitations of modern, high-technology military equipment, in confronting unconventional, highly motivated Islamic nationalist movements? Are Americans so naïve as to believe that the war they are fighting is a war for democracy and freedom when most of their Islamic coalition partners are either military dictators or thoroughly corrupt, discredited civilians despots hated by their people?

Americans claim to be better; they claim to be setting an example for others; they publicly divide the world along an axis of good and evil. And yet they deny even the most basic rights to those they deem their enemies, and fail so manifestly to honour their own professed convictions. Long before September 11, former Secretary of State Madeline Albright, defending the use of cruise missiles against Iraq declared. "If we have to use force, it is because we are America. We are the indispensable nation. We stand tall. We see farther into the future". Hubris and hypocrisy are a deadly combination. Today Muslims, not connected with Bin Laden, consider the US to be on a moral par with Genghis Khan and genuinely believe that the war on terrorism is simply a euphemism for extending US control in the Islamic world and stealing Iraqi oil.

Today the most powerful democracy and upholder of Liberty and Rights of Man is detaining hundreds of suspected Afghans and Iraqis in a legal black hole at the US Naval base at Guantanamo Bay. Since January 2002, about 660 prisoners including children between the ages of 13 and 16 as well as very elderly people are held there without being given prisoner - of - war status. The purpose of holding these prisoners at Guantanamo Bay was and is to put them beyond the Rule of Law, beyond the protection of any court, and at the mercy of the captors. The jurisdiction of US courts is excluded. Trials will be held in secret. None of the basic guarantees for a fair trial need be observed.

As America, mired in two cruel, unjust wars in Afghanistan and Iraq, approaches July 4, President Eisenhower's words in his 1961 farewell address once again demand attention and respect:

"In the councils of government we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military - industrial complex. The potential for the disastrous rise of misplaced power exists and will persist. We must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted. Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial

and military machinery of defence with our peaceful methods and goals so that security and liberty may prosper together”.

## Judith Miller in Chains

Freedom of the press is one of the bulwarks of modern civilization. Newspapers are the cement of democracy. Their freedom from government control, direct or indirect, is essential for a democratic society. Of all the sentries posted by the constitution of a free country to stand guard over its freedoms, the most vigilant is the press. If it is removed, or hoodwinked, or thrown in fetters, arbitrary power and slavery take over. It is then too late to think of preventing or avoiding the impending ruin.

Judith Miller, an investigative reporter for the New York Times, has been jailed after a Federal Judge declared that she was “defying the law” by refusing to divulge the name of a confidential source. Before being taken into custody, Miller said she could not in good conscience violate promises to her confidential sources. “If a journalist, cannot be trusted to guarantee confidentiality”, she told Judge Thomas Hogan in US District Court in Washington, “the journalist cannot function and there cannot be a free press”. “The freest and fairest societies are not only those with independent judiciaries”, Miller told the court, “but those with an independent press that works every day to keep government accountable by publishing what the government might not want the public to know”. After listening to Miller, Judge Hogan said, “I have a person in front of me who is defying the law”.

Judith Miller surrendered her liberty, New York Times wrote, “in defence of a greater liberty, granted to a free press by the Founding Fathers of the United States, so journalists can work on behalf of the public without fear of regulations or retaliation from any branch of government”. Miller’s upright conduct will not only entitle her to the love and esteem of her fellow citizens, but every man who believes in the freedom of the press will honour her for her principled stand.

Any true American must blush to see Judith Miller being marched off to jail and incarcerated for doing nothing more than “defending the right of Americans to get vital information from news organizations that need not fear government retaliation”. When the history of freedom of the press in America comes to be written, Friday, July 8, 2005, will be remembered as a day of infamy. On that day, America declared war on the freedom of the press. Whoever would overthrow the liberty of a nation must begin by subduing the freedom of the press. That is what the world witnessed in US District Court in Washington on July 8, 2005.

500 years before the birth of Christ, the Greek city - state of Athens became the first society in recorded history to embrace the notions of freedom and

democracy. It was an experiment that went horribly wrong. After a short spectacular period of success, the Athenian democracy collapsed. Athens lost her supremacy and with it, many of her freedoms. Why? Under the strains of a debilitating and seemingly endless war, the city fell into a state of collective hysteria which bears an uncanny resemblance to the paranoia which has gripped America today. At the height of the crisis, Athens forced her most famous philosopher to drink hemlock, solely for the crime of expressing his opinion. It was a miscarriage of justice that still fills mankind with baffled fascination. By accepting, "a jail sentence rather than testify before a grand jury about one of her confidential sources, Miller acted in the great tradition of her country that began with its Founding. What many friends of America find hard to understand is how America, upholder of the Rights of Man and the beacon of liberty, could send Judith Miller to jail and how it could be transformed so quickly into a semi-police state.

"My greatest complaint", Tocqueville warned more than 200 years ago, "against democratic government, as organized in the United States, is not, as many Europeans make out, its weakness, but rather its irresistible strength. What I find most repulsive in America is not the extreme freedom reigning there but the shortage of guarantees against tyranny". The Bush administration's post - September 11 assault on civil liberties, its refusal to release the names and locations of detainees, and its insistence on secret hearings, conjures up Kafka novels. The US constitution guarantees that those suspected of crimes must be informed of the charges against them, be able to confront their accusers, consult with a lawyer, and have a speedy and open trial. But all that means very little in America today because the government can revoke all these rights merely by labelling someone a combatant. Jefferson once said: "the tyranny of legislature (in the United States) is the most formidable dread at present and will be for many years. That of the executive will come in its turn, but it will be at a remote period". Is Jefferson's grim forecast coming true? Are we witnessing the beginning of the tyranny of the Executive in the United States?

"Today I know no country in the free world", Tocqueville wrote, "in which, speaking generally, there is less independence of mind or true freedom of discussion than in America. A powerful minority has enclosed thought within a formidable fence. A writer is free inside that area. Woe to the man or woman who goes beyond it. He must face all kinds of unpleasantness and everyday persecution. A career in politics is closed to him, for he has offended the only power who holds the keys. He is denied everything, including renown. Before he goes into print, he believes he has supporters; but he feels that he has them no more once he stands revealed to all, for those who condemn him express their views loudly, while those who think as he does, but without his courage, retreat into silence as if ashamed of having told the truth".

“When a man or a party suffers an injustice in the United States”, Tocqueville wrote, “To whom can he turn? To public opinion? That is what forms the majority. To the legislative body? It represents the majority and obeys it blindly. To the executive power? It is appointed by the majority and serves as its passive instruments. To the police? They are nothing but the majority under arms. A jury? A jury is the majority vested with the right to pronounce judgment; even the judges in certain states are elected by the majority. So, however, iniquitous or unreasonable the measure which hurts you, you must submit”. But Judith Miller refuses to submit. She has taken a principled stand and has decided to accept a jail sentence rather than testify before a grand jury about one of her confidential sources.

The press is, par excellence, the democratic weapon of freedom. News, independently gathered and impartially conveyed, is an indispensable commodity in a society where the people rule themselves. Without the free circulation of news, there could be no free press and without a free press, there can be no free democracy. As Rebecca West put it, people need news for the same reason they need eyes – to see where they are going. “The basis of our government”, Jefferson once famously said, “being the opinion of the people... were it left to me to decide whether we should have government with newspapers or newspapers without a government, I should not hesitate a moment to choose the latter”.

The duty of a journalist, the legendary Delane of the London Times wrote long ago, was to obtain the earliest and most correct intelligence of the events of the times, and instantly, by disclosing them, to make them the common property of the nation. This function was separate, independent and sometimes diametrically opposite to that of the statesmen. The article went on, in words engraved on the heart of every young journalist: The press lives by disclosures. We are bound to tell the truth as we find it, without fear of consequences – to lend no convenient shelter to acts of injustice and oppression, but to consign them at once to the judgment of the world. “What do you intend to do with this information”? A Cabinet minister, who had just revealed a state secret, once asked Delane. “Why, publish it, of course”, Delane replied. The secrets he usually revealed; the sources he always protected. No one could force him to reveal his sources. On the eve of the Crimean War, the Tsar was astonished to read in the Times that the British government was sending him an ultimatum, which owing to some accident to the official courier had not yet reached St. Petersburg. As the political crisis deepened, Queen Victoria was even more furious to read in the Times, a verbatim account of her private audience with Lord Grandville after he had turned down her invitation to become Prime Minister. “Who am I to trust?” The Queen wailed. “These were my very own words”. No one thought of taking

Delane to court or taking any other action against him. The Power of the Fourth Estate! By refusing to disclose her confidential source, by accepting her sentence and going to jail, Judith Miller had joined the battle. Liberty of the press has had no more upright a champion in modern times.

After the row over the publication of the Pentagon papers, the freedom of the press and the rights supposedly enshrined in the First Amendment are, once again, in Jeopardy. "The Congress shall make no law..." The First Amendment lays down, "abridging the freedom of speech, or of the press". The freedom of the press - for from being immune from abridgement - was never as gravely menaced in the United States as it is today. "Our worst danger", Hamilton wrote, "comes from dependent judges and from stifling the press. We ought to resist - resist - resist - till we hurl these tyrants from their imagined thrones".

## Who Will Protect the Constitution?

The history of our Supreme Court is marked by landmark cases which has drastically affected both the country and the court itself. These are watershed cases. Sadly, some were judicial crimes. Others were judicial blunders. If any case deserves to be treated as a watershed case, it is constitution petitions Nos. 13, 14, 39, 40 of 2004 and 2 of 2005 challenging the 17th constitutional amendment and the dual office of President General Musharraf. "If a parliament elected by 140 million people desires to see a President in military uniform, nothing can be done", observed a Judge of the Supreme Court. What burst with such dramatic impact upon the nation was the fact that the highest court in the land ignored the stark reality that parliament is cowed, timid, toothless, a virtual paralytic, not freely elected and does not represent the Will of the people. No wonder, nobody takes it seriously. It is patently unrealistic to expect this parliament to challenge a President in uniform.

In the landmark judgment, the Supreme Court upheld the 17th constitutional amendment as well as another act 2004, which empowers General Musharraf to continue to hold the office of Chief of Army Staff. It also rejected the proposition that any provision of the constitution can be nullified by the court on any ground, including inconsistency with the basic structure of the constitution. "The conclusion that emerges from the above survey", the court observed, "is that prior to Syed Zafar Ali Shah's case, there was almost three decades of settled law to the effect that even though there were certain salient features of the constitution, no constitutional amendment could be struck down by the superior judiciary as being violative of those features. The remedy lay in the political and not the judicial process. The appeal in such cases was to be made to the people not the courts. A constitutional amendment posed a political question which could be resolved only through the normal mechanisms of parliamentary democracy and free elections". The truth is that in Pakistan the highest court has always played a prominent political role in deciding such cases. The judicial descent into the political arena goes back to the early days of Pakistan. It is now too late in the day to hold that political questions should be resolved through the political, not the judicial process.

"There is a significant difference", the court observed, "between taking the position that parliament may not amend salient features of the constitution and between the position that if parliament does amend these salient features, it will then be the duty of the Superior judiciary to strike down such amendments. The superior courts of this country have consistently acknowledged that while there may be a basic structure to the constitution, and while there may also be

limitations on the power of parliament to make amendments to such basic structure, such limitation are to be exercised and enforced not by the judiciary (as in the case of conflict between a statute and article 8), but by the body politic, that i.e. the people of Pakistan. In this context, it may be noted that while Sajjad Ali Shah, C. J., observed that, "there is a basic structure of the constitution which may not be amended by parliament", he nowhere observes that the power to strike down offending amendments, to the constitution can be exercised by the superior judiciary. This court must have due regard for the democratic mandate given to parliament by the people. That requires a degree of restraint when examining the vires of or interpreting statutes. It is not for this court to substitute its views for those expressed by legislatures"!

Earlier, in Syed Zafar Ali Shah's case, the Supreme Court held that, "we have stated in unambiguous terms in the Short Order that the Constitution of Pakistan is the supreme law of the land and its basic features, i.e. independence of judiciary, federalism and parliamentary form of government blended with Islamic provisions cannot be altered even by the parliament". In the Mahmood Khan Achakzai's case, the court held that the parliament did not have the power to amend the basic characteristics of federalism, parliamentary democracy and Islamic provisions as contained in the objective resolution / preamble to the constitution of 1973 which now stands as substantive part of the constitution. The Indian Supreme Court expressed similar views in the Kesavananda vs. State of Kerala case as follows: -

"The true position", it held, "is that every provision of the constitution can be amended provided in the result the basic foundation and structure of the constitution remains the same. The basic structure may be said to consist of the following features:

1. Supremacy of the Constitution;
2. Republican and democratic form of government;
3. Special character of the constitution;
4. Separation of powers between the legislature, the Executive, and the judiciary; and
5. Federal character of the constitution".

The net result is that, in the considered view of the Indian Supreme Court, the Indian parliament cannot alter the basic structure or frame-work of the constitution.

In its latest judgment, the Supreme Court has overruled Achakzai and Zafar Ali Shah cases and disregarded the view held by the Indian Supreme Court. "The government is functioning in accordance with the constitution", the court observed. "If the petition is accepted and 17th amendment struck down, this entire constitutional edifice will collapse. The President, the Prime Minister, the Governors, the Chief Ministers, the Parliamentarians, the Members of the Provincial Assemblies, three Service Chiefs and Judges of the Superior Judiciary appointed by the President, all will cease to hold office at once. The government of the country will cease to function and total anarchy will prevail. The government under the constitution will be undone and a vacuum will be created. This is not the function of the judiciary. In short, accepting the petition and striking down the 17th amendment would invite chaos and create a constitutional crisis. The court must allow the government to function and the institutions to gain strength and mature with time... If the petitioners have a grievance, their remedy lies with parliament and failing that in the court of the people and not with the court"!

This landmark judgment of the Supreme Court gives a rubber-stamp parliament the ultimate power to emasculate the basic elements or fundamental features of our constitution. It would now be free, under the garb of amendment, to change a democratic government into a dictatorship or hereditary monarchy. It could do away with the Islamic provisions of the constitution and change the Federal Constitution of Pakistan into a unitary form. It could even subordinate the superior judiciary to the Executive and make the Supreme Court the Judicial arm of the government. In other words, it could mutilate the constitution and change it beyond all recognition. It is scary. The judgment raises a central question: If the Supreme Court does not intervene and does not strike down such amendments, despite the fact of their inconsistency with the fundamental features of the constitution, who will? The Judges of the Supreme Court are bound by their oath of office to preserve, protect and defend the Constitution. The Constitution places that responsibility squarely on the shoulders of the Supreme Court which has the power, in fact the duty, to strike down any legislation enacted by the parliament which, in its view, is repugnant to the constitution. It cannot absolve itself of this responsibility by shifting the burden to a rubber-stamp parliament or the people of Pakistan. The Supreme Court is more than the usual law court. In its keeping lies the destiny of Pakistan. Its decrees mark the boundaries between the various branches of State. Upon its action, depends the proper functioning of the federation, in fact its very survival. "The President may slip", Tocqueville wrote in 1837, "without the state suffering, for his duties are limited.

Congress may slip without the Union perishing, for above the Congress there is the electoral body which can change its spirit by changing its members. But if ever the Supreme Court came to be composed of corrupt or weak persons, the Confederation would be threatened by anarchy or civil war”.

Yeats tells us that all states depend for their health upon a right balance between the One, the Few and the Many. The maintenance of that balance is the task of the Supreme Court, since following the famous Hughes aphorism, the constitution is essentially what the judges say it is. It is their unique function to serve as guardians of the constitution. To enable them to do so effectively, they are armed with the awesome authority to nullify any government act, any law, any amendment passed by parliament. Failure to exercise this authority on any ground whatsoever would entail disastrous consequences. Judicial restraint in such cases means judicial abdication of the duty to protect the constitution. The Judges must not yield to the temptation, always disastrous, to save the country. That is not their job. Their job is to protect the constitution.

Today we live in a society in which the much dreaded Leviathan has become a reality. The constitution is prostrate; its supremacy a myth. It is a mere thing of wax in the hands of a powerful President which he may twist and shape into any form he likes. The lesson of history is that too much concentration of power in the hands of one person leads to tyranny. Is there any remedy for this state of things? None. Because the Executive is in league with the parliament. Today we have reached the point where the Supreme Court must take action to protect the basic-frame work of the constitution from a rubber-stamp parliament and an omnipotent President. The power to determine constitutionality of amendments made by the parliament is of the very essence of judicial duty. In the midst of civil strife and war, as Burke pointed out in his reflections on the French revolution, “laws are commanded to hold their tongue amongst arms. But in peace time law is supreme and its interpretation is the exclusive prerogative of the civil courts”. Now that “democracy” has been restored and Law is unfettered, and supreme once again, the court must exercise its power to restore the balance between the “One, the Few and the Many”.

## Time to Wakeup

I was born in slavery. On August 14, 1947, I was a free man, proud citizen of a free, independent, and sovereign country which I could call my own, a country I could live for and die for. I was young-twenty four to be precise- full of joie de vive, idealism, hope and ambition. For me and, like me, for all those who belonged to my generation, Pakistan symbolized all our hopes, wishes and expectations. It was like a dream come true, and carried with it a sense of pride, of excitement and of jubilation. All this turned into dust in October 1958, when General Ayub Khan plunged the army into politics and stabbed our fledgling democracy in the back. He set a bad precedent. Others merely followed his example.

47 years after the first military coup, we are back to square one. The country is under military rule for the fourth time and is going down the tubes. The euphoria following the dismissal of Nawaz Sharif's government soon gave way to the sobriety of the morning after. Unrealistically high expectations were awakened on October 12 and when these expectations were disappointed and remained unfulfilled, frustration set in. The revolution we all expected and which seemed so certain at the time, did not take place.

Today, Pakistan is a ghost of its former self. If it were to look into a mirror, it won't recognize itself. Today say: "Pakistan" and what comes to mind: sham democracy, fraudulent referendum, rigged elections, a General in uniform masquerading as the President of this sad country, a rubber stamp parliament, a pliant judiciary and a figurehead Prime Minister. Democracy in the west means a political system marked not only by free, fair and impartial elections, but also by Rule of Law, a strong, independent judiciary and an independent Election Commission. All these institutions are non-existent in Pakistan. Since the days of Herodotus democracy has meant, first and foremost, rule of the people. In Pakistan, the people do not rule. The sovereign power of the State resides elsewhere.

Five years ago, ruthless accountability of corrupt holders of public office was on top of General Musharraf's agenda. What prevented him from making good on his promise to arrange for the expeditious and ruthless accountability of all those who bartered away the nation's trust and plundered the country's wealth? Why are so many known corrupt holders of public office still at large? Why have so many got away? Why were they sworn in as Ministers? And why were corrupt Judges and Generals exempted from accountability?

The contrast between the current tide of public disillusionment with President Musharraf and the grassroots support for him five years ago is stark. Five years ago, he was being widely heralded as a people's champion. Today, he risks being dismissed as the latest in a long line of easily forgotten rulers. To paraphrase Churchill, the last five years of his rule were the years that locusts have eaten. His prospects of changing Pakistan are dimming fast although he continues to mouth the rhetoric of reform. The electorate feels betrayed and is reverting to its customary cynicism and apathy. People are asking; is Musharraf really up to the job? Can we trust him now? Does he know where he wants to go? Do we want to go there? Does he have a central focus? In short, do we like what we see... or suffer from buyer's remorse?

"Ruin comes", Plato said in 347 BC, "when the General uses his army to establish a military dictatorship". Five years after he captured political power, General Musharraf's authoritarian regime, far from being temporary, is acquiring the mantle of permanence. Unless checked, the country will settle into a form of government with a democratic façade and a hard inner core of authoritarianism – an iron hand with a velvet glove. When that happens, there will be no need for the imposition of martial law.

If anybody in this country or abroad thinks that General Musharraf will hold free, fair and impartial elections in this country in 2007 and retire; that a genuine transfer of power to a civilian government will follow the election and army will return to the barracks, he must think again and have his head examined. Today power is concentrated at the tip of the Executive pyramid. The lesson of history is that a person who possesses supreme power, seldom gives it away voluntarily. "No devil", Trotsky wrote long ago, "has ever cut its claws voluntarily". "No man", President Roosevelt once remarked, "ever willingly gives up public life - no man who has ever tasted it".

Today Pakistan is a shadow of what it used to be. What is there to celebrate? The Federation is united only by a 'Rope of Sand'. The constitution is prostrate. 58 years after independence, Pakistan is torn between its past and present and dangerously at war with itself. A general languor has seized the nation. As we look back at all the squandered decades, it is sad to think that for Pakistan it has been a period of unrelieved decline and the dream has turned sour.

Pakistan is drifting away from the democratic path and sliding into darkness. It is like a nightmare in which you foresee all the horrible things which are going to happen and can't stretch out your hand to prevent them. Such is the feeling conjured up by army rule in Pakistan. The irony is that Musharraf calls it the Renaissance, the rebirth, the renewal of Pakistan. "Pakistan", he said recently, "Has woken up". How I wish it were true. Unfortunately, Musharraf has an

unparalleled ability to insulate himself from inconvenient facts and reality. A President directing the State from a seat in the crater of a volcano can hardly be expected to think clearly. Time and again history invited Musharraf to play a democratic and patriotic role, and time and again he chose the wrong course. "I must remain in uniform", General Musharraf said recently, "for the sack of democracy in Pakistan". But, "Democracy", Churchill famously said, "Is not a harlot to be picked up by any person with a Tommy gun". The irony is that, today General Musharraf's uniform is the greatest impediment and the biggest roadblock to democracy in Pakistan. Heavens won't fall if he were to retire as Army Chief and take off his uniform. The Pakistan Army is quite capable of producing an equally competent and patriotic army chief. Nobody is indispensable. The graves of the world are filled with the bones of indispensable people.

The Pakistan army is a people's army, in the sense that it belongs to the people of Pakistan who take a jealous and proprietary interest in it. It is not so much an arm of the Executive branch as it is an arm of the people of Pakistan. It is the only shield we have against foreign aggression. Why politicize it? Why expose it to the rough and tumble of politics? Why use it as an instrument for grabbing and retaining political power?

The military has cast a long shadow over politics in Pakistan even during the period of civilian rule. Repeated army intervention in the politics of Pakistan has been a recipe for disaster. It has thwarted the growth and development of parliamentary democracy and destroyed whatever little faith people had in their political institutions. What is worse, it has eroded people's faith in themselves as citizens of a sovereign, independent, democratic country. Men are not corrupted by the exercise of power or debased by the habit of obedience, but by the exercise of power which they believe to be illegitimate, and by obedience to a rule which they consider to be usurped and oppressive.

Will our military rulers ever learn from history? Will they ever learn that military rule sows the seeds of its own downfall? Will they ever learn that today there is no respectable alternative to democracy, that military rule, direct or indirect, veiled or unveiled, is passé and is a recipe for disaster, that Pakistan cannot survive unless the army is taken out of the arena of political conflict and supremacy of civil power is accepted in letter and spirit? Today the core issue facing the nation is freedom from army rule. Without demilitarization, Pakistan risks revolution.

We have come to a critical fork in the road. The time is now near at hand which must determine whether Pakistan is to be ruled by the constitution or the whim and caprice of one single, solitary person in uniform. Do we wish to remain

citizens of a Republic, or do we prefer some form of autocracy in which a General in uniform assures us that things were never as good as they are today and that authoritarianism is good for Pakistan?

It is time to wakeup. Let Pakistan be Pakistan again. Let it be the dream it used to be – a dream that is almost dead today. All those who see the perils of the future must draw together and take resolute measures to put Pakistan back on the democratic path before Tsunami catches up and hits us all. The longer we allow the waters to rise, the greater the catastrophe that will follow the bursting of the dam. Our window of opportunity is getting narrower and narrow by the day. I believe that if only all the intellectuals could get together and blow their trumpets, the walls of 'Jericho' would crumble. Needless to say, the walls of autocracy will not crumble with just one good push. The present order will not go quietly. It will be an uphill struggle to redeem our democracy and fashion it once again into a vessel to be proud of. A shout in the mountains has been known to start an avalanche.

'The best lack all conviction while the worst are full of passionate intensity'. An evil spirit hangs over Pakistan. Is it our destiny that there must always be darkness at high noon, there must always be a line of shadow against the sun? Why is the better sort of the nation so silent today? Why have the intellectuals adopted 'the genre of silence'? Why is there no outrage? Why is there no loud protest? Because, there is virtually no civil society in Pakistan. The creative intellectuals, barring some blissful exceptions, have been driven to ramshackle ivory towers or bought off. The legal profession has nothing left of its former power but its rhetoric.

From my perspective, this is a dark moment in our history. I know that an unusual agitation is pervading the people, but what it will exactly result in, I am unable to say. "I can detect the near approach of the storm. I can hear the moaning of the hurricane, but I can't say when or where it will break forth".

## Shotgun Constitution for Iraq

In George Buechner's drama recreating the conflicts of Jacobin France, a deputy of the National Convention described a constitution as a "transparent garment clinging to the body politic". The "Baghdad Convention", charged with the responsibility of drafting a constitution for Iraq reminds me of the Philadelphia Convention of 1787. Like the Philadelphia Convention, the "Baghdad Convention" is confronted with two main problems: the problem of power and the problem of Federalism. In addition, it has to determine the role of Islam in the state institutions and whether women's rights will be protected by civil law. The Philadelphia Convention met 11 years after the Declaration of Independence, to draw up a Permanent Constitution for the new nation. Some delegates urged that no single government could control the sprawling territory of the new country, with its clashing sectional interests. The only way to establish effective governments, they argued, was to split America into two or three Confederacies - an Eastern, Middle and Southern Confederacy, all to be united by an alliance, offensive and defensive! Ironically, a similar solution is now being touted by the occupying power to solve the problem of Federalism in Iraq.

Quite as alarming as the break-up-the-American Union advocates were those who felt that democratic government was the source of all the evils of the time, that only a monarchy or some form of military dictatorship under General Washington could save America! The constitution that finally emerged, provided for a system of checks and balances in which all classes were to be represented, and embodied the principle of separation of powers. The solution of the problem of Federalism that was embodied in the constitution called for a central government with ample powers but at the same time with built-in safeguards against the misuse of those powers by a single branch of government, or a single person.

Politics, it has been said, is the art of successful compromise. The "Great American Compromise", as it is called, became possible only because the delegates, who met in Philadelphia, were in agreement on many of their basic aims and on their general philosophy. The situation in Iraq is quite different. Iraqis are at war with Americans whom they want to throw out of their country. They are defending their independence and liberty because as Adams once said, "liberty once lost, is lost for ever". Two years after unleashing a totally unjust, unprovoked war of aggression, George W. Bush has nothing to offer to Iraq except a shotgun constitution and sham democracy carried on the wings of a cruise missile. Like the Afghan democracy, democracy in Iraq is a self-made illusion on life support. It is an American - imposed system that will be swept

away when America and Britain pull out their forces and stop propping up a puppet regime with their bayonets.

Iraq, a secular, socialist state, was not involved in 9/11. It had no links with Al-Qaeda. Baghdad presented no clear and present danger to its neighbours, and none to the US or Britain. In order to make Iraq safe for democracy, American forces have already killed more than 100,000 civilians – men, women and children who had done America no harm. They destroyed museums, libraries, artifacts, works of arts, all rooted in the ancient classical Mesopotamia. Like barbarians, they came slashing out of their darkness to smash the land of the Arabian nights and steal its oil. “Mission accomplished”, Bush declared. America’s Iraq war was over or so Americans were led to believe. Iraq’s war of liberation was about to begin.

Now that the country has been conquered and Saddam’s regime driven from power, the United States is left “owning” an ethnically divided country of 22 million people ravaged by more than two decades of war and severe deprivation. Having destroyed the old order in Iraq, American policy-makers propose to impose a sham democracy, a shotgun constitution and a quisling government on the people of Iraq as they did in Afghanistan and reduce Iraq to the status of a vassal state. The British commander who seized Baghdad from the Ottoman Turks in March 1917, General Frederick Stanley Maude, told the local citizenry, “our armies do not come into your cities and lands as conquerors or enemies, but as liberators”. Now it is America’s turn to ‘liberate’ Iraq. “To save the village, it must be destroyed”, the dreadful mantra that sums up how America “liberates” weak countries.

America stands today where Britain once did. Britain and her allies destroyed the old order in the region irrevocably. They smashed the Turkish rule of the Arabic-speaking region beyond repair. To take its place, they created countries, including Iraq, nominated rulers, and delineated frontiers. The events of 1914 – 22, while bringing to an end Europe’s Middle Eastern question, gave birth to a Middle Eastern question in Middle East itself. Iraq was Bush administrations ide’e fixe before there was 9/11. The September 11 attacks gave the neo-cons an opening for their dream of remaking the Middle East. Like Britain in 1922, America has been drawn into the Mesopotamian Quagmire. Today the biggest headaches for the United States, stem from the aftermath of the invasion of Iraq – the old conundrum of military history: what to do with the occupied country and its people who refuse to submit.

Writing Iraq’s constitution is tough enough without Washington’s pressure on the “Convention” to meet an artificial deadline. Americans don’t seem to realize that they are flying in the face of four millenniums of Iraqi history. Assyria

always looked to the West and East and North, and Babylonia to the South. The Shia majority in the South would not accept domination by the minority Sunni community. Yet no government has so far been envisaged which does not involve Sunni domination. Beneath such apparently insoluble, but specific issues as the future of the powerful Sunni minority in the center and Kurds in the north, lies the more general question of whether a transplanted modern system of politics, conceived, invented, drawn up and promoted by the occupying power, will survive in the soil of Iraq?

No one believes that the Bush administration is in Iraq to democratize the country. There has been no democracy in Iraq since the days of Hammurabi (18th century BC). How can Bush impose it on the people of Iraq from above? From the beginning of time, Iraq has offered humanity some of its richest civilizations. It is the land of Mesopotamia and of the Code of Hammurabi, the oldest human law. To the people of Iraq, it is baffling and somewhat ironic that Iraq – whose people had been renowned as the best readers in the Arab world and which produces the best intellects – should be subjected to foreign invasion in order to be civilized and modernized after having been reduced to a sub-human level by the cruel and unfair sanctions imposed on their country. Iraq has not only oil but also civilization, a rich history and a proud people who will never accept foreign occupation or a shotgun constitution.

Today, the United States finds itself in a position in Iraq similar to that of Nathan Rothschild, more than 150 years ago. The richest man in the world died of an infection of which the poorest Englishman could easily have been cured in the next century by readily available antibiotics. All of Rothschild's wealth could not give him what had not yet invented; and all of the vast military and economic might of the united states can not secure what lies beyond the power of guns to compel and money to buy.

George W. Bush reminds me of Lord Kitchener. The west and the Middle East misunderstood each other throughout most of the 20th century. Much of that misunderstanding can be traced back to Lord Kitchener's initiatives in the early years of the First World War. The peculiarities of his character, his arrogance, the deficiencies of his understanding of the Muslim world, the misinformation regularly supplied to him by his aides in the Middle East, and his choice of Arab politicians with whom to deal, have coloured the course of political events ever since. Like Bush, Kitchener and his colleagues believed that Islam could be bought, manipulated or captured by buying, manipulating or capturing its corrupt political and religious leadership. "It may be", Kitchener once said, "that an Arab of true race will assume the Caliphate at Mecca and Madina, and so good may come, by the help of God, out of all the evil that is now accruing in Mesopotamia". He intended to support the candidacy of Hussein of Mecca for

the position of "Pope of Islam", a position that did not exist in Islam! Now it is George W. Bush's turn to capture Islam.

Anyone in America who thinks he has the solution to the problems of Iraq in his pocket is a presumptuous fool. A written constitution, without the people's commitment to its principles, has often proved to be temporary. Adolf Hitler never formally abolished the constitution of the Weimer Republic, and the protections of personal liberties contained in the Soviet constitution of 1936 proved to be empty promises. The question is: now that Iraq is about to have a constitution on paper, could it be made to work in actuality?

Today, we have reached a stage when nothing can turn around the fate of the war raging in Iraq: not a shotgun constitution rushed to meet an arbitrary deadline: not a referendum: not another Iraqi election: not another battle for Falluja. What lies ahead in Iraq is not victory but an exit strategy? How will America's Iraq war end if there is no one to surrender, no one to make peace with, and no one to sit with at the peace conference? America has dug itself into a deep, deep hole. The least it can do in its own national interest is to follow the first rule of holes and stop digging. The American people are now beginning to realize that the war in Iraq is unwinnable. Like the Japanese soldier marooned on an island for years after V - J Day, President Bush may be the last person in the United States to learn that for Americans, if not Iraqis, the war in Iraq is over.

## Conversation with an American Ambassador

President George W. Bush has begun a broad public relations offensive and called on Karen Hughes, his confidante from Texas and a former television reporter, to defend his administration's policies around the world and improve the image of the United States.

This is a problem which has haunted the Bush administration ever since the invasion of Afghanistan, one of the poorest countries in the world, which is now under American military occupation and has ceased to be a sovereign, independent country. Next on Bush's list to "liberate" was Iraq, the only secular, modern, progressive socialist state in the Islamic world. The invasion of Iraq was premeditated, unprovoked, cruel, unjust and avaricious. It is a war against a foe who was not involved in 9/11, posed no threat to the United States, was not involved with Al Qaeda and had done no harm to the United States or its citizens. There is nothing that Bin Laden could have hoped for more than the American invasion and occupation of Iraq. It turned the war in the eyes of millions of Muslims into a clash between the United States and the Islamic world. It was at this moment that the United States, which had hitherto been seen as a benevolent power, lost its political innocence in the Muslim world.

In the background of such tragic events, I was invited by the then American Ambassador to have tea with her at her Islamabad residence. Without wasting time on pleasantries, she came straight to the point and said, "You and I don't agree on many things. We won't discuss that. America has an image problem in the Muslim world. What can we do to improve that image"? A free and frank discussion followed. I did most of the talking. This is, more or less, what I told the Ambassador:

Americans must begin by listening to the Muslim world, because if they do not understand what resonates with them, what fuels their anger, they have no chance of succeeding. The United States will lose the war if Americans don't make the effort to know how others think. Americans have no idea of the rage that men and women in the Islamic world feel towards America today. They celebrate when American soldiers are attacked and killed. They pray for America's downfall.

Americans don't understand that their war on terrorism is not a global struggle about ideas. It is not a continuation of the 20th century conflict between democracy and totalitarianism. It is also a strategic mistake to compare Muslim

masses to those oppressed under Soviet rule. There is no yearning - to - be - liberated by - the US soldiers among Muslim societies.

On the eve of her maiden visit to Pakistan, Secretary Rice in total disregard of public opinion in Pakistan, said she would not pressure General Musharraf to give up his army post and doff his uniform. For the people of Pakistan, living under a thinly veiled military dictatorship, her statement was like a bucket of ice water on the face.

Muslims do not hate your freedoms, I told the Ambassador. They have no quarrel with the American people or their way of life. They hate your policies. They hate your blind support of Israel in its war of aggression against the oppressed people of Palestine. They hate the killing of innocent men, women and children in Afghanistan and Iraq. They hate your support of usurpers, hereditary monarchs, military dictators, un-elected, corrupt and effete rulers in the Islamic world.

The Islamic world contains the world's greatest concentration of un-elected monarchs, military dictators, and usurpers, all supported by America. None would survive without American help, I told the Ambassador. We in Pakistan have suffered four military coups, all supported by United States of America. Not surprisingly, US support of tyrannies in the Muslim world has turned millions of Muslim against the United States. In the past, there was some rationale for acceptance of authoritarian regimes in the Muslim world as long as they were anti-communist. Now that Soviet Union is dead and gone, what is the justification for supporting un-elected, despotic, authoritarian, corrupt regimes today?

Muslims find themselves in a state of despair these days. Disturbed and powerless, but also filled with anger, they are witnessing the demise of yet another independent, sovereign Muslim country. They believe that the invasion of Iraq is no more than a prelude to an attack on Syria, Iran and other Islamic countries including Pakistan. It is the opening shot of a wider campaign to "reform" Islam and bring about regime change by force of arms in the Islamic world.

Thanks to President Bush, "Liberated" Iraq is slipping deeper and deeper into the abyss. All the pillars of state have collapsed resulting in lawlessness and total anarchy. Iraq has reverted to the state of nature red in tooth and claw. Iraqis are worse off now than they were under Saddam. Saddam ruled the country with an iron hand but he maintained law and order, provided security of person and property and kept the country together. Saddam is gone only to be replaced by American puppets. Iraq faces the full might of the United States and is

threatened with destruction. Iraq must suffer because it has oil and it has Israel. And what is worse, it is Muslim. North Korea has admitted it has nuclear capability but it is not threatened as Iraq was. If Saddam didn't have oil and Israel, he could torture his citizens to his heart's content. Other leaders in the Islamic world do it everyday with the blessing of George W. Bush.

Why don't our American and British friends try to understand the root cause of the war? Bush and Blair hoped they could drain the terrorist swamp by invading Muslims countries. Instead, they have created terrorist breeding swamps all over the Islamic world full of angry Muslims. We know where a sense of powerlessness leads. It leads to rage which leads to violence. This anger is throbbing now. When this rage overflows, it creates suicide bombers, fueled by the power of anger, against whom there is no defense.

Isn't it a matter of shame, I told the Ambassador, that 56 years after independence, Pakistan is under military rule for the fourth time. A General in uniform presides over the destinies of millions. Politicians have been replaced by Lieutenant Generals. The country appears to be adrift. Nobody knows where it was headed without popular leadership to guide or direct it. The social contract between the rulers and the ruled has collapsed. Fundamental issues of far - reaching significance are churning beneath the placid surface of life.

Today, democracy is in the ascendant everywhere, I told the Ambassador, except in Pakistan. Freedom is on the march everywhere except in Pakistan. But no country is an island today. No country can exist in isolation. Pakistan cannot remain unaffected by the turbulence swirling around it. Pakistan cannot be impervious to the earth - shaking events taking place in its neighbourhood.

Why doesn't the United States call on the Pakistan military to go back to the barracks, refrain from interference in domestic politics and open the way for the establishment of genuine democracy in the country. Why don't they realize that freedom for Pakistanis means freedom from military rule; that by supporting military dictators, they had placed themselves on the wrong side of history; that in doing so they had lost the battle for the hearts and minds of the people of Pakistan.

In her confirmation hearings, Condoleezza Rice, the new Secretary of State, described Iran and Zimbabwe as "outposts of tyranny". Pakistan, she said, was in a state of transition to a moderate and democratic future! Contrary to what Dr. Rice believes, Pakistanis know that their democratic future is not in front of them. It is behind them. Isn't it ironic, I told the Ambassador, that Pakistan, which was forced against its will to accept a totalitarian, sham democracy; which has an "elected" all - powerful President in uniform, who is also the Chief of Army Staff;

which has a non-sovereign parliament, a figurehead Prime Minister, a pliant judiciary, which is not the bulwark of liberty but a shameful link in the chain of despotism in the Islamic world, is not listed by Dr. Rice in the category of “out posts of despotism”? This is no way to improve America’s image in Pakistan.

Democracy means first and foremost, the right of the people to rule themselves. This is not the case in Pakistan today and is not likely to be the case soon. The only meaning “Freedom” can have in Pakistan right now is freedom from army rule. Therefore, when we heard President Bush speak of freedom and declare that, “all those who live in tyranny and hopelessness, can know the United States will not ignore your oppression or excuse your oppressors”, it made no impact and nobody believed him.

There is no disguising the fact that America has been indifferent to democracy in Pakistan since its creation. It supported all military dictators who toppled elected governments in Pakistan. But for this support, the political history of Pakistan might have been different.

To the people of Pakistan, the American commitment to idealism, democracy and liberty worldwide, sounds hollow and hypocritical. If America is the vanguard of democracy, why doesn’t it start with Pakistan? Why this double-talk? Why this double-speak? America speaks with a forked tongue. It cannot apply double standards. It is screaming hypocrisy. This does not endear America to the people of Pakistan.

In our perception, today, America is no longer the nation of Franklin Roosevelt who destroyed Fascism and prevailed upon Churchill to dismantle the British Empire; nor of Eisenhower who stopped the Anglo-French-Israeli aggression at Suez; nor even of Ronald Reagan who accelerated the demise of what he called the ‘evil empire’. The days of Lincoln are gone.

President Bush, I told the Ambassador, has accomplished two truly remarkable achievements. One, he has radicalized Islam. Two, he has turned even the monster of Baghdad into the hero of many in the Muslim world.

US leaders refuse to accept the obvious. They do not realize that what they are fighting is a worldwide anti-imperialist Islamic war of Liberation – not criminality or terrorism – it is rooted in opposition not to American values but to American policies and actions.

There is a dry wind blowing throughout the Islamic world and the parched grasses await the spark. President Bush has lit the match and set off an Islamic prairie fire that will soon set the whole region ablaze. The entire Islamic world

will soon find itself in the eye of the storm. Nothing would convince the world of Islam that the war Bush has unleashed is a war for democracy. They see it as an imperial reach into the Muslim world, a favor to Israel and a way for the United States to secure control over Iraq's oil.

Americans don't realize that their image problem is not a P.R. problem. It stems from flawed policies. If Americans wants to make headway against Muslim rage and improve their image, they will have to reverse their policies. They will have to relieve the suffering of the Palestinian people. They will have to vacate aggression in Afghanistan and Iraq, and last but not least, withdraw support of tyrannies in the Muslim world.

## A Day of Infamy

When the history of our benighted times comes to be written, September 1, 2005 will be remembered as a day of infamy. On that day, Foreign Minister Khurshid Kasuri, with the approval of President Musharraf, met his Israeli counterpart, Silvan Shalom, in a hotel in Istanbul, for what he called 'historic talks'. To add insult to injury, Kasuri naively linked it to Sharon's clever move to vacate Gaza knowing he was simultaneously expanding settlements in the West Bank.

This 'historic' handshake will be followed by a 'chance' meeting in New York between President Musharraf and Prime Minister Sharon, the butcher of Sabra and Chatilla, the most hated man in the Arab world. He was held responsible and found guilty of war crimes by an Israeli National Investigation Committee. Notwithstanding this fact, President Musharraf praised him as a 'courageous man'! Earlier, Bush had praised him as a 'man of peace'! Israelis are jubilant. They regard this development as a huge 'breakthrough', the first bird of spring, full of promise.

Pakistanis regard talking to Israel as a form of treachery, a breach of a cause made sacred by the suffering of the Palestinians since 1948. Only one noun in the English language comes close to expressing so inchoate a blend of fury and revulsion. That word is taboo. It was first broken by Sadat when, against fierce resistance, he broke with his Arab neighbors and travelled to Jerusalem. Many Egyptians wept in anguish as Sadat's plane flew over the frontier in the Sinai desert crossing a line in the mind as much as in the sand. The sacred trust between the Arabs had finally parted. Never again would Egypt stand shoulder to shoulder with other Arabs against the invader. The removal of Egypt from the Arab political equation was an unmitigated disaster for the Arabs but a spectacular breakthrough for the Israelis creating a wedge in the Arab world and making a united response impossible.

Muslims all over the world were stunned. A few hours before Sadat left Cairo for Israel, an ancient tradition was performed at Islam's holiest shrine in Mecca. On the day of Eid El Adha, the Feast of Sacrifice, the ruler of Saudi Arabia unlocks the door of the Kaba and says a prayer. King Khalid, a devout man, later said that he prayed that Sadat's plane would crash before it reached Jerusalem, "so that an Arab scandal might be averted by the Will of God". Sadat's audacity won him accolades as a prince of peace, but these came from outside the Arab world. The reaction of masses ranged from startled acquiescence in Egypt to furious accusation of betrayal from the rest of the Muslim world. Sadat had trespassed upon an area of the Muslim mind where conflict in Palestine is inseparable from

Islam because of Jerusalem's central importance. Judgment came five years later in the form of 36 bullets delivered by Istambuli, a young soldier in the Egyptian army. To the wider world Sadat was a statesman and peacemaker; President Carter compared his visit to Jerusalem to Neil Armstrong's "one small step for mankind" upon the moon. To the Muslims, a traitor.

The Egyptian leader was neither the first nor the last to pay with his life for breaking the taboo – the unwritten pact of steadfast resistance to Israel. The assassination of King Abdullah of Jordan in 1951 was a direct result of secret negotiations he had conducted with Israeli leaders both before and after 1948. Both Abdullah and Sadat were cut down at spots selected for their symbolism – Abdullah at the door of Al-Aksa mosque in old Jerusalem, Sadat in the bosom of his power – base, the Egyptian army, while watching a military parade. Between 1948 and 1971 three Arab Primes Ministers were slaughtered for their pro-Israeli leanings.

Like millions of Muslim all over the world, we share the anguish and bitterness of the Palestinians who have lost a homeland. We share the Arab masses' implacable opposition to any dealings with Israel. We share the anger of the dispossessed Palestinians, the humiliation of the defeated Arabs, and rejection of their oppressor. Pakistan has never had any dealings with Israel. Our policy of ostracization of Israel has never been disputed and has always had the fullest support of the people of Pakistan. This taboo was suddenly broken about a year ago, when Musharraf raised the issue and speculated publicly about normalizing relations with Israel. Suddenly, people began to hear spoken aloud what was only whispered and to read what could not be written. What was anathema to the people of Pakistan all these years, had become acceptable to Musharraf. Why raise, people asked, this highly sensitive and volatile issue now? What was the hurry? What was the compulsion? What was this whole exercise in aid of? Why play this dangerous game? Kasuri's infamous handshake on September 1, provided the answer. Musharraf was testing the waters. It is the Rosetta stone to what is happening now.

Like Sadat, President Musharraf has crossed his personal Rubicon. Why follow in his footsteps? What good has Sadat's initiative done to Egypt, to the Palestinians, to the Arabs or to the Muslims? We cannot be indifferent to the profound Islamic dimensions of the Palestinian problem. How can Pakistan 'engage' with Israel when it refuses to withdraw to the pre-1967 line? How can Pakistan 'engage' with Israel when Jerusalem, the third holiest city of Islam, remains under Israeli occupation? How can we 'engage' with Israel when it refuses to implement umpteen Security Council Resolutions on the restoration of Palestinian rights? How can we abandon our principled stand and reverse our policy of ostracization under American pressure? Nabil Saath, Deputy Prime Minister of

the Palestinian Authority says he is 'worried' because this is, "not a good time to start relations", with Israel. So why antagonize the Arab world unnecessarily? What has happened to justify this U-turn in our relations with Israel? Has our relationship with the Arab world undergone a change? Why discard the lever which might, at some future time, squeeze Israel out of Arab lands? It marks a radical departure from our traditional policy of no talks with Israel, let alone recognition. It is the biggest blow to the unity of the Ummah since Sadat's fateful journey to Jerusalem.

Since the inception of Pakistan, we have consistently supported the Palestinian cause and voiced our resentment against the wrong done to them. Nobody has articulated the sentiments of the Muslims or advocated the Palestinian cause more eloquently or more forcefully than Mr. Jinnah. Addressing the Sind Muslim league Conference, Mr. Jinnah made the prophetic announcement, "I am sure that there will be no peace in the Near East unless they (the British) give an honest and square deal to the Arabs in Palestine". On May 25, 1945, Mr. Jinnah declared, "If Britain goes back even on the plighted word of hers, which is the barest justice done to the Arabs, it will be against the deepest sentiments and views of the Muslims of the world and it will constitute a breach of the solemn assurances given to the Musalmans of India whose sympathy and support were secured for the prosecution of the war on the basis of this promise... It is too dangerous a game to play and a bait to get the support and vote catching of the Jews for electioneering purposes, for it will certainly alienate and exasperate the Muslim world and lead to most disastrous consequences". On October 12, 1945, Mr. Jinnah said in Quetta, "Every man and woman of the Muslim world will die before Jewry seizes Jerusalem. I hope the Jews will not succeed in their nefarious designs and I wish Britain and America should keep their hand off and then I will see how the Jews conquer Jerusalem. The Jews, over half a million, have already been accommodated in Jerusalem against the wishes of the people. May I know which other country has accommodated them? If domination and exploitation are carried now, there will be no peace and end of wars". Addressing a mass meeting in Bombay on November 8, 1945, Mr. Jinnah said, "We Musalmans of India, are one with the Arab world on this issue. It is not a question of a National Home for Jews in Palestine. It is a question of Jews reconquering Palestine, which they had lost 2000 years ago, with the help of British bayonets and American money. I have no enmity against Jews. I know they were treated very badly in some parts of civilized Europe. But why should Palestine be dumped with such a large number of Jews? If Jews want to reconquer Palestine, let them face Arabs without British or American help"?

Referring to the efforts made by President Truman to put pressure on British government to allow 100,000 Jews into Palestine, Mr. Jinnah said, "here comes the President of a great country thinking entirely of Jewry and the interests of

Jews. President Truman had the effrontery to put pressure on the British government to allow a million Jews into Palestine, while he has agreed, after a long period of vacillation, to allow only a 100 Indians to migrate to the United States of America". When a section of the audience shouted, 'shame', 'shame', Mr. Jinnah turned around and exclaimed: "It is not shame. It is monstrous and criminal. Why doesn't President Truman take one million Jews into USA? The reason is that the Jews do not want a National Home in Palestine. What they want is to reconquer Palestine, which they lost 2000 years ago, with the help of British bayonets and American money". Mr. Jinnah then declared that if the British government tried to violate the solemn pledge given to the Arabs in Palestine and allow the Jews into Palestine, as suggested by President Truman, there would be no peace in the Middle East and the whole Islamic world would revolt. The consequences would be disastrous. The Muslims of India would not remain as mere spectators. They would help the Arabs in Palestine by all possible means".

The Palestinian cause continued to be championed by Pakistan after the emergence of the new state. In an interview with Duncan Hooper, Reuter's correspondent, Mr. Jinnah warned that, if Palestine was partitioned, "their was bound to be the gravest disaster and unprecedented conflict, not only between the Arabs and the Authority that would undertake to enforce the Partition plan, but the entire Muslim world will revolt... Pakistan will have no other course left but to give its fullest support to the Arabs". Talking to Robert Stimson of the BBC, Mr. Jinnah stated that, "the Muslims of the subcontinent had been compelled to condemn, in the strongest possible terms, the unjust and cruel decision of the United Nations concerning the partition of Palestine".

Much has happened in the Middle East since Mr. Jinnah made these pronouncements and uttered such prophetic warnings. Millions of Palestinians, uprooted and thrown out of their country, live as refugees under miserable conditions. Jerusalem, the original city towards which Muslims had faced when praying, during the first seven years of the Holy Prophet's teachings, is under Israeli occupation. The American - sponsored roadmap has collapsed and is in tatters. Israelis are killing innocent Palestinian men, women and children with impunity.

In the backdrop of such tragic events, General Musharraf's fateful decision to 'engage' with Israel is a negation of all that Quaid had done for the Palestinians. It is a flagrant, unashamed, blatant violation of the solemn pledge the Father of the Nation gave to the Palestinians. Why is General Musharraf so insensitive to the sentiments of the people of Pakistan on so emotive an issue? Why is he so indifferent to the profound Islamic dimensions of the Palestinians problem? Why is he in such a terrible hurry to embrace Israel? What is his mandate for breaking

with Jinnah's legacy and altering Pakistan's political course? What is his mandate for so enormous a decision? What is his moral authority? The people of Pakistan will not take it. The Arab world will never forgive us.

## **Bush Doesn't Like Black People**

Harold Macmillan, the British Prime Minister, was once asked by a young journalist what he feared most in politics. "Events, dear boy, events", he responded. For Bush events are coming thick and fast. First 9/11, then Afghanistan, Iraq and now Katrina. Troubles have befallen him in battalions. He reminds me of President Buchanan. When the crisis facing him climbed to new intensity, "by God", he cried, standing at the mantelpiece of his bedroom and crushing a cigar in his hand, "are misfortunes never to come singly"?

Katrina reminds me of the cyclone which hit East Pakistan in November 1970 leaving behind untold misery and devastation. Many lives were lost. Thousands were rendered homeless. Television pictures of bloated bodies floating in the Bay of Bengal still haunt me. Like Bush, President Yahya Khan's handling of the crisis was callous. He came under extraordinary criticism for his handling of the disaster. When he procrastinated, American and British relief teams, without Islamabad's knowledge, arrived in East Pakistan to carryout relief operations! The cyclone was the turning point in the history of Pakistan. It destroyed the moral basis of Yahya Khan's Presidency. At that moment, we lost the battle for the hearts and minds of our countrymen in the Eastern wing.

We were shocked at what we saw in New Orleans. The pictures of dead people left uncollected on the streets, armed looters ransacking shops, survivors desperate to be rescued, racial divisions - these were truly out of sync with what we had imagined the land of the free to be. President Bush was holidaying while New Orleans was sinking. His handling of the crisis was horrendous. Katrina was a national disaster and demanded a national response. Bush prides himself as a crisis manager. Yet the response one would expect from a man of crisis never happened. Instead of going back to Washington to oversee an unprecedented national crisis, he headed in the wrong direction - West to California to make a speech about Iraq! His performance during the crisis will rank as one of the worst ever by a President during a dire national emergency. What the world witnessed was the dangerous incompetence and staggering indifference to human suffering of the President and his administration.

If past be our guide, Americans prefer that, in crisis, their President be a man of action and decisive. Activist Presidents, who slay the dragon of crisis, are the nation's folk heroes - Jackson, Lincoln and the Roosevelts. They rise to the occasion, take matters in their own hands, attack problem frontally and aggressively. They radiate confidence. Kennedy and Roosevelt were leaders par excellence, men of action, but, unlike Bush, they were not impulsive. Bush, in

contrast, does not ponder consequences. He stumbled in Iraq and he is stumbling now on Katrina. When people around the world look at Iraq, they don't see freedom. Instead of democracy blossoming in the desert, bloodshed and terror continue - the payoff of a policy spun from phantasies and lies. They see chaos and sectarian hatred. And when they look at New Orleans, they see glaring incompetence and racial injustice, where the rich white people were saved and the poor black were left to die hideous deaths.

Americans look to their President in a crisis, because he has unlimited power to sort things out and get things done. He is, therefore, the center of their expectations. Crisis is a crucible in which the President and his administration are tested as nowhere else. No other event tries so vigorously the self-confidence, judgment, physical endurance and prudence of the American President. At no other time, are the stakes so high. The consequences of his action or inaction may determine the fate of millions of his countrymen. "Woe to him if trouble does not fade and the clouds do not roll back".

Roosevelt shone with confidence. His flashing smile, his cigarette holder set at a jaunty angle, his ready humour, and booming laugh were the trademarks of his self-possession against the pressure of crisis. A brief exposure to Roosevelt was enough to calm the agitated and inspire the down-hearted. Bush seemed so indifferent on the television screen. He stayed away from the scene of the greatest human tragedy in black America for days and was slow to respond to cries for help. Why has Bush forsaken us, the blacks lamented? Bush is besieged by cronies and weak sisters who don't have the nerve to break bad news to him. He is the prisoner of a vast executive bureaucracy - a slumbering giant, slow to act, unimaginative and uncreative. Scores of the President's aides in the executive branch of the Presidency, earn their daily bread by anticipating situations and events well before they occur, preparing possible responses when they do. Some of this preparation is 'contingency planning' - preparation for emergencies that might happen. However, when Katrina struck, there were no contingency plans and none to implement them.

When Americans, invariably black and poor, were dying of lack of water, medical care or timely rescue, America was leaderless. No one was in charge. The New Orleans's Police chief spoke of rapes, beatings and marauding mobs. Law and order had totally collapsed. All the people who didn't get out, or didn't have the resources, or didn't believe the warning, were poor African-Americans. The white people got out well in time. Poor black people, growing more hungry, sick, frightened by the hour, were left behind. Those with resources, who control where the drainage goes, had chosen to live on high ground. So the poor in the low areas were hardest hit. They didn't have buses. They didn't have trains. The evacuation plan was really based on people driving out in their own cars. The

poor, invariably black, had no access to cars. This sense of extreme division of class and race is going to long survive the physical reconstruction of New Orleans.

Blacks compare the lethal ineptness of Bush with the competence and professionalism displayed by an earlier administration in its handling of a national crisis. At 5:12 AM, on the early morning of April 18, 1906, a giant granite hand rose from the California earth and tore through the city. A violent earthquake brought San Francisco to its knees, leaving behind at least 3000 dead and 225,000 homeless. "San Francisco is in ruins", the Mayor sent this grim message over the wires. "Our city needs help". Without waiting for orders, the army and the Navy ran rescue ferries. By 4 AM on April 19, William Taft, President Theodore Roosevelt's Secretary of War, ordered rescue trains to proceed towards the stricken city, one of them was the longest hospital train ever assembled. Millions of rations reached the city from Oregon and the Dakotas. Within days every military tent in the army stock was pitched in San Francisco. Within days 10% of America's standing army was in San Francisco to help the police. Today the world's sole super power and richest country in the world, is almost paralyzed and is asking foreign powers for ready-to-eat meals, water, medical supplies, diapers and cash!

"American have to come to terms", Howard Dean, the Chairman of the Democratic National Committee said recently, "with the ugly truth that skin colour, age and economics played a significant role in who survived and who didn't". African-Americans believe that this administration's response to the crisis would have been much faster if most of the victims had been white.

All American Presidents face the struggle that goes on their societies between those who have wealth and power, mostly whites, and are loath to share them and those, mostly blacks, who do not have wealth and power and seek to get them. Since the civil war, Republican Presidents have been largely disposed to favour big Business. Today politics is annexe to big Business in the Bush presidency. The poor, mostly blacks, are left to fend for themselves.

Democrat Presidents traditionally favour the blacks. When John F. Kennedy was assassinated, in few places did that tragedy evoke more grief than in the black community? On a Washington, D.C. street corner, a blind Negro woman played at the string of her guitar, half singing and half weeping a dirge - "He promised not to leave me..." In New Orleans, people rushed into the streets moaning, and one little black girl, asked by a bystander what had happened, replied: "Jesus has died".

No African came in freedom to the shores of the new world. He was brought in irons. "I herded them all as if they had been cattle". Since arrival in the New World, he has lost even the memory of his homeland. He no longer understands the language his ancestors spoke; he has abjured their religion and forgotten their mores. Ceasing to belong to Africa, he is treated as a second-class citizen in America, left in suspense between two societies and isolated between two peoples. To give him liberty but to leave him in ignominious misery and abject poverty, what was that but to prepare a leader for some future black rebellion? Today there is something frightening, something ominous about the silence of the black South.

A testing time, critical to his Presidency, is now upon Bush. He will never face election again but he will have to face the bar of history.

## **President Musharraf Shoots himself in the Foot Again**

For his involvement in the cover up of the Watergate scandal and suppressing the truth, President Nixon was forced to resign and hounded out of the Oval office. Twenty-five people were sent to prison because of the abuses of his administration, and many others faced indictments, including two attorneys general of the United States and several top officials of the White House. After the fall of Nixon, David Gergen, a White House advisor to President Nixon wrote, "the received wisdom is that Watergate teaches us two basic rules about politics. One, never elect a man of low character to high office. Two, if a President and his team do make an egregious mistake, a cover up is always worse than the crime". The story of Watergate should be required reading by every Head of State and Head of Government in every country governed by law. Not in Pakistan. Here military rulers get away with murder. They renege on solemn promises made to the nation; they make commitments which they have no intension of honouring; they abrogate, suspend, mutilate, disfigure and defile the Constitution ;V the fundamental law of the land, and last but not least, they make outrageous statements about the weaker sex - with impunity and rule the country as if nothing had happened.

The President must always walk on a straight line. Honour and probity must be his polar star. He must never speak or act in anger or other high emotion, but only in composure. Sadly, President Musharraf is slipping on one banana peel after another. "You must understand the environment in Pakistan", the Washington Post quoted him as saying, this (rape) has become a money making concern. A lot of people say if you want to go abroad and get a visa for Canada or citizenship and be a billionaire, get yourself raped". Musharraf has denied that he has ever said any such thing, noting that if he had, he would have been 'stupid'. The Washington Post reviewed its tapes and reported that it had quoted him correctly (the audio is now available on its website). It also added an additional quote from the same interview in which Musharraf spoke of rape as an avenue to riches. It is easiest way to doing it. Every second person now wants to. He denounced Dr. Shazia, a rape victim whom the authorities first drugged, held incommunicado for days and then, in the darkness of the night, exiled to hush up the crime. The alleged rapist is now beyond the arm of law because President Musharraf interfered with the administration of Justice and declared him not guilty at a Press Conference!

To make matters worse, according to the report published in DAWN on September 18, provoked by a single question, the President allowed an event held to promote his government's pro-women policies to degenerate into a bout

between himself and part of the invited audience". As the slanging match grew more heated, General Musharraf angrily told a woman who had asked him a question: I am a fighter. I will fight you. I do not give up. And if you can shout, I can shout louder Are you a Benazir Bhutto supporter? The lady was Prime Minister of Pakistan twice. Ask her what she has done for Pakistan?

In a society where the purity and honour of woman is of paramount importance, it was unbecoming and undignified of the President to get into an unequal shouting, slanging match with a Pakistani woman in public on foreign soil. No sane person would make such an outrageous statement about the weaker sex. No ruler, unless he is on drugs, would make such shocking, insensitive, grossly cruel, immoral and offensive comments about women the most vulnerable and the most abused part of our society.

The hurricane Katrina unmasked George W. Bush. The Washington Post interview has similarly unmasked Pervez Musharraf. He is a creature of impulse, triggered by emotion. He shoots from the hip, leaps before he looks and does not ponder consequences. His performance in New York will rank as one of the worst ever by any President on foreign soil. It illuminated a serious character flaw hidden from the public. In his anger, he blurted out all kinds of indiscretions. As the Head of State and the First Diplomat of Pakistan, he is expected to keep his temper, no matter what the provocation. Such indiscretions are remembered for generations, with horror, by those who watch the activities of world leaders when they assemble in New York.

In a president character is everything. But what is character? I assume it is basic decency, truth and truthfulness and sticking with principles. He does not have to be brilliant. Truman was not brilliant and he helped save Western Europe from Stalin. He does not have to be clever. He can hire clever. But he cannot buy character. He cannot acquire decency. A President must bring these qualities with him when he enters the Presidency. Because he is the Head of State, he is in a sense the embodiment of foreigner's idea of Pakistan and Pakistanis. He has to represent the best in us, not only to bring out the best in us, but also to represent it in public, especially when he goes abroad. Sadly, Musharraf did nothing of the kind. Through his indiscretions, he did more damage to the image of Pakistan than the much, maligned extremists could ever have done.

Power tends to corrupt and absolute power corrupts absolutely, Acton said long ago. If you want to know how absolute power corrupts, visit Pakistan. General Musharraf has exercised supreme autocratic power over Pakistan and the people of Pakistan for nearly six years, but it is power which was never consolidated politically because it does not rest on the consent of the people. Adolf Hitler possessed greater legitimacy in Germany through the ballot box than does

General Musharraf in Pakistan. Today the only office that matters in Pakistan is the Presidency. Surrounded by courtiers and sycophants, his every gesture recorded, his every word parsed, General Musharraf has become a cyber age version of the Sun King. "Cest Moi", had been the watchword of the Kings of France. Today General Musharraf, Chief of Staff of the Pakistan Army, is the President, Chief Executive, Law giver, Supreme Jurist and First Diplomat, all rolled in one. He is above the Constitution, above the Parliament, above Law, accountable to none. He has power without responsibility. For all practical purposes he has become the State.

Talking about despotic rulers, like himself, Mussolini said just before his death: they all become mad, they lose their equilibrium in the clouds, quivering ambitions and obsessions and it is actually that mad passion which brought them to where they are. The Founding Fathers in America were fully aware of this danger. They were all in essential agreement on the question of human nature and on the exercise of political power. If men were angels, Hamilton said, No government would be necessary. They shared the common belief that power might be misused if it were concentrated in the hands of a few. Today, United States is the sole surviving super power in the world. Its democratic constitution has survived the test of time.

The Generals have not taken over Pakistan. We have given it to them. They rule Pakistan not because of their strength, but because we let them rule. The great appear great to us only because we are on our knees. For the Generals who rule this country, life has become a bunker within a bunker. They move to and fro upon tigers which they dare not dismount. And the tigers are getting hungry.

History is not on the side of General Musharraf. Dictatorship always ends tragically because it contains in itself the seeds of its own destruction. It lacks legitimacy and is an anachronism in the 21st century.

Pakistan is in deep, deep trouble and is going down the tubes. The mood for change is unmistakable. This Nation asks for change. And change now.

## A President in Crisis

Not since he captured political power in a military coup six years ago, has President Musharraf faced a test quite like the one he confronts now. Nature has laid waste Azad Kashmir and parts of Hazara division – with a scope that brings to mind the end of Pompeii. Crisis is a crucible in which a President and his administration are tested as nowhere else. The consequences of his action or inaction may determine whether millions of his countrymen shall live or die.

Hurricane Katrina defrocked a faith – based Bush. The earthquake which hit Pakistan on October 8, has similarly unmasked General Musharraf. He has come under extraordinary criticism for his handling of the disaster. He prides himself as a crisis manager, yet the response you would expect from a man of crisis never happened. Why was he so slow in his response to the disaster, people ask? Why was his initial response so tardy, so ineffectual? The time it took our military authorities to get help to those who survived the initial strike, was excruciating and painfully long. In a natural disaster response time must be measured in hours rather than days, if lives are to be saved. When a major disaster strikes, civil disaster services, which are scaled for low-level emergencies, are quickly overwhelmed by the magnitude of the disaster. In such situations, all governments look to their military for emergency help. So did the people of Pakistan.

What is it that people really expected from the President when disaster struck? It is something that the National psyche needs. The people expect the occupant of the Presidency to keep hope alive, to assure those trapped under the rubble that they will survive; that they will get through it. He has to be a Chief Executive who reacts promptly, directs recovery and mobilizes resources. Above all, he must inspire confidence because everybody looks up to him in a national crisis. And so he has to be that larger-than-life figure. The change in intensity in the news media – cable channels are broad casting round-the-clock pictures of people dying – has sharply increased the demand on the President. In such a situation, people want and expect more of a personal connection. That did not happen. People still remember how General Azam handled the flood crisis in East Pakistan. He struck a human chord and won over the hearts of the people of East Pakistan. They loved Azam and still remember him with affection. In stark contrast, General Musharraf looked so cold, so unconcerned, so indifferent, so distant, so wooden and so bureaucratic. His handling of the crisis was horrendous. All the evidence points, above all, to a stunning lack of both preparation and urgency in the President's response. Nothing about the

President's demeanor – which seemed casual to the point of carelessness – suggested that he understood the depth of the crisis.

Faced with one of the worst crisis of his Presidency, and against the backdrop of mounting criticism, Musharraf appeared on National television and struck a sombre note: The army is there now and has started the rescue and relief operation... action has been taken within 72 hours of the tragedy. For me, it is not slow movement... we have acted very promptly. People did suffer in the first couple of days for which we – myself, the entire nation, the army, the people and the government are sad. In fact, the first three day were crucial and the most critical. For 8 to 12 long hours after the collapse of Margallah tower, the military administration didn't know there were thousands upon thousands of dead and dying – dehydrated, desperate, hungry, angry victims of the earthquake in Muzaffarabad and Balakot not far from the seat of Musharraf's power! When he remained deaf for days to the horrific misery and cries for help of the earthquake victims in Kashmir and Hazara, it shook the faith of all Pakistanis in the armed forces – and made us ashamed. At a time, when thousands of people were groaning under the weight of tons of rubble, there existed no professional focal agency to coordinate the rescue and relief efforts. What a shocked nation saw in Balakot, Muzaffarabad and the ruins of Margallah tower in the heart of the Federal Capital was the sheer professional incompetence of the administration and total lack of top military leadership. Instead, what people witnessed was a chilling lack of empathy combined with a stunning lack of efficiency.

Isn't it a great tragedy that at a time when the nation is battling the forces of nature, the only office that matters in Pakistan, is the Presidency? Democracy is in limbo. Parliament is paralyzed. The opposition languishes in torpid impotence. The constitution is a figment; all civil and political institutions remain eviscerated. All power is concentrated in the hands of General Musharraf. He is the President, Supreme Commander, Chief of Army Staff, Chairman National Security Council and Chief Executive. He wields absolute power without responsibility and is accountable to none. Nothing moves without his approval. Not surprisingly, civil administration, if it exists at all, is paralyzed. Civil servant hesitate to take responsibility.

So, when you destroy civil institutions and superimpose a military administration on non-existent or non-effective civil institutions, 'lethal stuff' happens. Pakistanis will, of course, endure. Muzaffarabad, Balakot and Battagram will rise again. But looking at the pictures on television of an area abandoned to the forces of nature and anarchy, it is hard not to wonder how this is going to come to pass. Right now, three million Pakistanis – refugees in their own cities, villages and hamlets – need to be rescued from imminent peril. They survived the earthquake. Will they survive the cold?

As we Pakistanis dig out from this terrible earthquake, we have to acknowledge the full extent and urgency of the crisis and draw the right conclusions. The time has come when Pakistan will have to confront the fact that it is stuck with a military clique which neither knows, nor cares, how to lead. Very soon, Pakistanis will demand to have dozens of questions answered once this emergency has passed. If the military government of General Musharraf was so ill prepared for a natural disaster that was not unexpected, how is it equipped to handle other kinds of crises? If General Musharraf and his Corps Commanders want to deal responsibly and effectively with a disaster of this scale, they must know they can do so only in aid of civil; not otherwise. Regrettably, in a complete break with past practice, civilians have been completely marginalized. They have little or no role to play in this national crisis. Why? This terrible earthquake was a national disaster and demanded a national response. It concerned the entire country. Why were the opposition parties kept out? Why was their help not sought? As the destruction catapults daily and death marches on, in breathtaking contrast with the bumbblings of the military government, one thing has become quite clear: soldiers are trained to kill, not save lives.

At a fundamental level, Pakistan's military leaders aren't serious about some of the essential functions of government. Isn't it cruel irony that in the midst of all this gloom when thousands and thousands of Pakistanis are either dead or in imminent danger of dying in the quake affected areas, Musharraf is sleep walking through the never-ending agony in Waziristan? This is a reckless, indefensible, unwinnable war. Even the most diehard defenders of this mad adventure are coming to the realization that it is doomed. If only our people could see the killings, close-up, the outrage would be beyond belief. Musharraf knows how to wage a proxy war in Waziristan, and kill his own countrymen, but his administration doesn't know how to respond to the cries for help of hundreds of school children trapped under tons of rubble in Muzaffarabad and Balakot.

A testing time, critical to his Presidency, is now upon the President. Musharraf has been weighed in the balance and found wanting. It is the kind of crisis that opens the door for dramatic political changes. The Generals ruling Pakistan are dancing on a volcano. For what is an eruption of Vesuvius compared to the cataclysm which is forming under our very feet. There is no dynamic now pulling the nation together. All the dynamics are pulling the country apart.

People feel that this President has lost his "mandate of heaven". At a time when leadership is desperately needed to cope with matters of vital importance to the very survival of the country, Pakistan is led by a General, who lacks legitimacy, seem oblivious to the realities of his awesome responsibilities and is only

interested in perpetuating himself. Every now and then he appeals for sacrifice. The way our people – men and women, young and old, rich and poor, have responded is unbelievable and unprecedented. The nation is prepared for every sacrifice as long as it is confident that those who are leading it know where they are going. At a time like this, Musharraf should, people say, set an example of sacrifice because there is nothing which can contribute more to galvanize this traumatized nation than that he should sacrifice the power he usurped six years ago! What, Mr. President, is your political future weighed in the balance against the fortunes of our country. Who are you or I or anybody else compared with the interest of the nation? Why not make this long traumatized country normal again. One thing is for sure: We cannot go on being led as we are. This situation can and will be changed.

## Next Stop. Damascus or Tehran?

Today the United States is once again in an expansionist mood, moved by the lure of oil in the Middle East and the notion of its manifest destiny to export democracy and Western civilization to the Islamic world. In pursuance of this objective, Bush trumped up evidence against the Saddam regime to justify the invasion in the eyes of the American people and went to war against Iraq – the first preemptive war in the history of the United States – on the “wings of a lie”. He saw it as a chance not only to “remove the veil”, as they say, “but also to appropriate the lady”. He decided to go it alone, reckoning that the operation would not last long and American soldiers would be welcomed as liberators by jubilant crowds and garlanded. All that those oppressed Iraqis, he thought, wanted was to be rid of Saddam so that they could live happily ever after in a “democratic country” under the benign rule of an American stooge. All their plans, all their hopes, and all their fantasies now seem lost in the dust.

While serving as a member of the US House, Representative Abraham Lincoln penned prophetic words on the wisdom of Presidential war – making. “Allow the President to invade a neighbouring nation”, Lincoln said, “whenever he shall deem it necessary to repel an invasion, and you allow him to do so, whenever he may choose to say he deems it necessary for such purpose – and you allow him to make war at pleasure... If, today, he should choose to say he thinks it necessary to invade Canada, to prevent the British from invading us, how could you stop him? You may say to him, “I see no probability of the British invading us”, but he will say to you, “be silent; I see it, if you don’t”.

When President Bush declared an end to major combat operations in his speech aboard the USS Abraham Lincoln, he asserted that, “the battle of Iraq is one victory in a war on terrorism that began on September 11, 2001”. The internal logic was simple. Terrorism had emerged as America’s principal security threat; terrorism arose primarily in the Middle East; therefore, transforming the entire political and social fabric of the Middle East, was a matter of highest national priority.

Iraq was Bush administrations *ide’e fixe* before there was 9/11. Did the venture into Iraq in 2003 mark the point where history turned once again? Did it represent the outer limits of the expansion of Americans power and ideals? From the perspective of the Vulcans, the powerful people around Bush, it clearly did not; they portrayed Iraq as merely a way – station on the road toward democratizing the entire Islamic world. The September 11 attacks gave the Vulcans an opening for their dream of remaking the Middle East. Afghanistan

was but a breakfast. Iraq was lunch. Where will Americans dine? Both Syria and Iran are now in the gunsights. America seems intent on using the September 11 attacks to impose what is called a 'civilization of fear'. John Quincy Adams's caution to America not to go abroad to slay dragons they do not understand in the name of spreading democracy has been thrown to the winds. Neither Washington, Madison, nor Jefferson saw America as the world's avenging angel.

The current campaign to justify the use of force against Syria and Iran is reminiscent of the run-up to the 2003 US - led war against Iraq. The arguments being advanced for intervention this time are infinitely more spurious than the claims that Iraq possessed weapons of mass destruction. Once again, the United Nations Security Council is the instrument for escalating the tensions, with its unanimously passed resolution demanding that Syria cooperate fully with the UN investigator by arresting those he suspects of complicity in Hariri's death and that interrogation be conducted outside Syria. If the Iraq experience is a guide, the demands will go on escalating regardless of the level of cooperation Syria (and Iran) offers, with the United States still free to resort to war if it chooses. When Senators last month asked US Secretary Condoleezza Rice about possible military action against Syria or Iran, she recited the administration's standard response: "All options remain on the table". With the current united front, there is now no major European ally counseling US moderation in projecting its power in the Middle East.

This is the darkest era in the history of Islam since the 13th century when Mongols ransacked the Islamic world. Those who oppose American aggression are branded anti-American, terrorists and extremists. Afghanistan and Iraq, two sovereign, independent Muslim countries are under American military occupation. Today the United States and Britain are conducting a virtual crusade against the Islamic world to steal its oil and capture its resources. Iran, Syria, Saudi Arabia and Pakistan are next on the hit list. It is now abundantly clear that Pakistan, the only nuclear power in the Islamic world, will soon be denuclearized and emasculated.

We are told that Pakistan would have ceased to exist if it had resisted US demands and not cooperated in the war against Afghanistan. "When you are face to face with a wolf, your only option is to work with it, until it becomes a pet". Unfortunately, the American wolf does not make a very good pet. Contrary to popular belief, recent disclosures indicate, Pakistan remained on the American hit list even though it accepted all US demands and fully cooperated in the war against Afghanistan. In the run-up to the Iraq war, President Bush made clear to Prime Minister Tony Blair his view that Iraq should be seen as a first step. The two leaders spoke on January 30, 2003. According to a note of that conversation taken by one of Blair's Foreign Policy Advisors, Bush said that he "wanted to go

beyond Iraq in dealing with WMD proliferation, mentioning in particular Saudi Arabia, Iran, North Korea and Pakistan". Reference to this note is made on page 204 of Philippe Sand's book 'Lawless World' (American edition). The index makes no reference to page 204! The British edition of the book makes no reference to the conversation between Bush and Blair!

I tend to think that in the face of the growing insurgency in Afghanistan and the mess in Iraq, Bush would have been well guided on Iraq by Mr. Lincoln's Spring 1861 advice to his Secretary of State, William Henry Seward. When Secretary Seward proposed starting a war against Britain and France as a means to unite north and south against a common enemy, Mr. Lincoln wisely said, "Mr. Seward, one war at a time". Those who do not learn from history are doomed to repeat it. Recently, in a memorandum, addressed to the Chairman Science Board, Paul Wolfowitz, one of the Vulcans (now President World Bank) wrote, "Our military expedition to Afghanistan and Iraq are unlikely to be the last such excursion in the global war on terrorism. We may need to support an ally under attack by terrorists determined to replace the legitimate government; we may need to effect change in the governance of a country that is blatantly sustaining support for terrorism; or we may need to assist an ally who is unable to govern areas of his own country - where terrorists may recruit, train and plan without interference by the legitimate government"!

During the Presidential campaign, Bush had expressed a view that America, the only remaining superpower should exercise restraint and project humility in relations with other countries. He had talked about principled American leadership in the world, saying: "The duties of our day are different. But the values of our nation do not change. Let us reject the blinders of isolationism, just as we refuse the crown of empire. Let us not dominate others with our power - or betray them with our indifference. And let us have an American foreign policy that reflects American character. The modesty of true strength. The humility of real greatness. This is the strong heart of America. And this will be the spirit of my administration". It is hard to believe that the man who said those words is the same man who now sits in the White House.

America is playing with fire and acting like Conrad's puffing gunboat in Heart of Darkness, shelling indiscriminately at the opaque darkness. President Bush has placed America on the wrong side of history. Today US foreign policy finds itself at the bottom of a slippery slope. It has assumed many of the very features of the 'rogue nations' against which it has rhetorically and sometimes literally done battle over the years. The legitimacy of US action in Afghanistan and Iraq has vanished. Its war on terrorism has no support in the Islamic world. It is not lost on the Islamic world that when Israel killed over a hundred Lebanese in Qana in

1996, and when hundreds of Palestinians were killed in Nablus, Jenin and elsewhere in 2003, no Security Council action against Israel was taken.

There is an old Russian saying: Once you let your feet get caught in a quagmire, your whole body will be sucked in. Today the United States seems trapped in a bad story, with no way to change the script. Where is this President taking America?

## NATO Extends its Operations to Pakistan

NATO is a military alliance in search of an enemy. It had been created, in Lord Ismay's famous words, "to keep the Americans in, the Russians out, and the Germans down". States are cold monsters that mate for convenience and self-protection, not love. Confronted by a Western Europe still in ruins and a Soviet Union triumphantly consolidating its conquests, Europeans joined hands, in 1949, with Americans and Canadians to create a Military Alliance to stem the further encroachment of the Soviet tide.

Under the famous Article 5, the signatories agreed, "that an armed attack against one or more of them in Europe or North America should be considered an attack against them all". Although the lure of American protection was irresistible, Germans were, understandably, not very enthusiastic about a nuclear war being fought on their own territory. A popular cartoon at the time showed Germany as a battered little boy in a nursery where his older companions were happily re-equipping themselves with toy guns and swords, plaintively asking, "Bitte, darf ich diesmal nicht mitspielen"? ("Please do you mind if I don't play this time"?)

The geographical scope of the Alliance was limited to the territory of North America, Europe and the Atlantic approaches. So when the United States became engaged in Vietnam, it had to soldier on alone, and did not like it. NATO has, meanwhile, built up a politico - military infrastructure that integrates the armed forces of much of Europe and provides the United States with a unique capacity to use the Alliance as an instrument for "out of area" policing and surveillance. With the demise of Soviet Union, it is not clear, what other purpose NATO can still serve.

Six years ago, the members of history's most successful Military Alliance celebrated the Golden Anniversary of, what is described as, a highly successful, although not a very happy marriage. In the search for monsters to kill, NATO allies are debating whether to act beyond the confines of Europe - potentially in North Africa, the Transcaucasus, Central Asia, the Middle East and Persian Gulf. In each of these regions, NATO has so far been chary of direct engagement. On none of them is there yet full agreement among all 19 Allies about common interests.

Against this backdrop, the sudden appearance of NATO troops on Pakistan soil raised eyebrows. Under its Charter, NATO is not in the business of disaster relief in non-NATO countries. It is not mandated to provide shelter, food, and medical care to survivors of natural disasters. It is not its role to help survivors and keep

them alive. To the best of my knowledge, it played no such role in the Tsunami disaster or the Earthquake – stricken area of Turkey, a NATO ally.

Many questions come to mind and demand answers. Pakistan is not a NATO ally. So why did NATO decide to involve itself in relief activities in Pakistan. Surely, it did not send 1000 troops and “just a small number of helicopters” out of love for the people of Pakistan. So what is the motivation behind this unprecedented goodwill gesture, people ask? Why did NATO single out Pakistan for such assistance? With the demise of Soviet Union, NATO has become a Military Alliance without an enemy and is desperately looking for one in order not to become irrelevant. What is it looking for in the ruins of Azad Kashmir and the surrounding areas?

How long will NATO stay in Pakistan, people ask? The US Ambassador’s statement that, “NATO forces would leave when they were no longer needed, and not a day before” has a ring of dejavu about it and is quite ominous. It is a grim reminder of the havoc wrought by so-called “invited” foreign troops in Afghanistan and Iraq. On December 28, Azimov, the Soviet Ambassador in Islamabad, informed General Zia that his country had sent a “limited military contingent” to Afghanistan at her “request”. The “limited contingent” stayed in Afghanistan for 9 long years and left after inflicting untold misery on the people of Afghanistan. Today both Afghanistan and Iraq are under “friendly military occupation” and have ceased to be sovereign, independent countries. The lesson of history is loud and clear: whatever the circumstances, never, never, invite foreign military contingents, however limited, to enter your country. They proliferate, tend to overstay and leave only when it suits them. Examples abound. President Musharraf should have told NATO: Thank you. But, no thank you.

Isn’t it a great tragedy that today the only Office that matters in Pakistan is the Presidency? Parliament, like all other political institutions, is marginalized and has no role to play in this terrible national crisis. President Musharraf lacks political support and is all alone. No political leader worth his salt is willing to meet him. In other countries, in times of national crises, governments seek advice of wise and disinterested elders who, as the saying goes, had heard the owl and seen the elephant. Not in today’s Pakistan. Musharraf is surrounded by sycophants and opportunists who tell him only what he wants to hear.

All power is concentrated in the hands of one single, solitary individual in uniform. He is the President, Supreme Commander, Chief of Army Staff, Chairman National Security Council and Chief Executive. He alone decides questions of war and peace. He alone decides if NATO shall stay in Pakistan or

quit. He wields absolute power without responsibility and is accountable to none. Nothing moves without his approval.

One thing is clear: General Musharraf carries too heavy a burden on his shoulders. No wonder, when disaster struck, he was caught napping at the wheel, bogged down in Waziristan fighting a proxy war. No body was in command when thousands – men, women and children – were crying for help. The administration was paralyzed. In the absence of effective leadership, its response was tardy, ineffectual and uncoordinated. The earthquake ended the leadership myth that was already fading. General Musharraf has been weighed in the balance and found wanting. Anger lingers over his mishandling of the earthquake disaster. All accusing fingers point in his direction. Many view him not just a lame duck but a dead duck.

Pakistan, cursed with a history of causes worth dying for, is not blessed with men and women willing to die for it. Hasn't time come for us collectively to demand and try to formulate a genuine alternative to the political wreckage around us? Will no one come out into the light of day to express a vision for our future that isn't based on a script written by General Musharraf?

## Constitution is the Last Thing Iraq Needs

George W. Bush, I must say, has a great sense of humour. He trumped up evidence against the Saddam regime to justify the invasion in the eyes of the American people and went to war against Iraq – the first preemptive war in the history of the United States – on the “wings of a lie”. Two years after unleashing this totally unjust, unprovoked war of naked aggression and killing more than 100,000 men, women and children who had done America or Americans no harm, he has nothing to offer to Iraq except sham democracy carried on the wing of a cruise missile.

Iraq now has, what people call a “shotgun constitution”, on paper, conceived, drawn up and promoted by the occupying power. It would divide Iraq into as many as 18 small feuding states. Provincial regulations would, in many cases, Our Limping Democracy

A lesson to be drawn from the works of Gibbon is that Rome’s enemies lay not outside her borders but within her bosom, and they paved the way for the empire’s decline and fall – first to relentless barbarian invaders from the north, and then, a thousand years later, to the Turks. Many early symptoms that heralded the Roman decline may be seen in our own nation today: periodic military intervention in the affairs of state, prolonged military rule, concentration of power in one person without responsibility and accountability, contempt for constitution and political institutions, absence of Rule of Law, a subservient judiciary, high-level corruption and greed. When the history of Pakistan comes to be written, the verdict of history will, almost certainly, be that military rule, more than anything else, destroyed Pakistan.

Marx once said: “Neither a nation nor a woman is forgiven for an unguarded hour in which the first adventurer who comes along can sweep them off their feet and possess them”. October 7, 1958 was our unguarded hour when democracy was expunged from the politics of Pakistan with scarcely a protest. The result is the mess we are in today.

Ten years ago, the people of Pakistan cast their ballots and chose their rulers. Six years ago, the military responded by toppling the elected government and jailing the elected Prime Minister. The nightmare is not yet over. General Musharraf has promised elections in 2007. Election – open, free, fair and impartial are the essence of democracy, the inescapable sine qua non. How can we have such elections in Pakistan when the country is virtually under military occupation and is ruled by a General in uniform who doesn’t want to part with power? How can we have credible elections in this country when the two mainstream political

parties have been decapitated and their leaders forced to live in exile in distant lands. A ritual conducted in the name of democracy, but without a democratic process or a democratic outcome, devalues real democracy. If elections only solidify authoritarian rule, they are worse than counter productive. The irony is that politicians see nothing wrong with this farce and are only too willing to participate in it.

If you want to know what happens to a country when a General topples a civilian government and captures political power; when ambition flourishes without proper restraint, when absolute power enables the ruler to run the country arbitrarily and idiosyncratically, when none of the obstacles that restrain and thwart democratic rulers stand in his way, when parliament is cowed, timid, a virtual paralytic, when judiciary – the guardian of the constitution and protector of civil liberties – functions at the behest of the executive, when courts of law turn into government courts, well: visit Pakistan. The prisons of Pakistan are full of petty thieves who stole Rs. 100 or Rs. 1000. Isn't it ironical that the Generals who stole the constitution of the Republic of Pakistan are ruling the country?

ix years after he captured political power in a military coup, the bottom line is becoming inescapable. General Musharraf will continue to rule as a dictator with a civilian façade. His authoritarian regime, far from being temporary, will, unless checked in time, acquire the mantle of legitimacy and permanence. Nobody knows if the nightmare will ever end. "Liberty once lost", Adams famously told his countrymen, "is perhaps lost forever". We Pakistanis lost our liberties and all our democratic institutions in October 1999. Sadly, Pakistan also lost her honour and became a rentier state on General Musharraf's watch when he capitulated, said yes to all the seven demands presented to him at gunpoint by Secretary Colin Powell and joined the "Coalition of the coerced".

Today Pakistan, under military rule for the fourth time, is immune to the winds of democracy that are blowing everywhere else. An iron fist keeps "democracy" firmly in its grip. The irony is that we live in a democratic age. Democracy or freedom of choice is not a luxury. It is intrinsic to human development. Military dictatorship is an anachronism in a world of global markets, information and media. Isn't it ironical that while authoritarian governments are collapsing all around us and the world has gotten better in many ways, Pakistan, which started as a modern, progressive, democratic state 58 years ago, is drifting away from the democratic path and sliding into darkness. Thanks to the United States of America, the engine of history is moving Pakistan backwards. Freedom is not the bedrock of America's friendship with Pakistan. General Musharraf, one of Washington's favourite sons, is exercising power that can only be justified under

a martial law situation. He enjoys the advantages of power without responsibility and the backing of the sole superpower on the world.

All the philosophers tell the people they are the strongest, and that if they are sent to the slaughterhouse, it is because they have let themselves be led there. Tyranny is retreating everywhere except in Pakistan. Why? In other countries there are men and women who love liberty more than they fear persecution. Not in Pakistan. Here the elite who owe everything to this poor country do not think in terms of Pakistan and her honour but of their jobs, their business interests and their seats in a rubber stamp parliament. Surrender rather than sacrifice is the theme of their thoughts and conversations. To such as these talk of resisting despotism is as embarrassing as finding yourself in the wrong clothes at the wrong party, as tactless as a challenge to run to a legless man, as out of place as a bugle call in a mortuary. Every now and then one hears some of them reciting the verses of Horace: "Oh how much wiser is he who rather than go to war (against despotism) stays at home, caressing the breast of his mistress". What is tragic is the total failure of the politicians, the intelligentsia, the intellectuals, in fact, the entire civil society to comprehend the threat posed by a powerful army to the country's fragile democracy, and to devise ways and means to thwart it.

How can authentic democracy flourish in this country when people are not prepared to defend the core values of the nation - sovereignty of the people, inviolability of the constitution, supremacy of civilian rule, a fiercely independent, incorruptible judiciary, Rule of law, an independent, incorruptible Chief Election Commissioner, a neutral, non-politicized and honest civil service, social justice, egalitarianism and ruthless accountability of rulers? How can authentic democracy take roots if people have no faith in their democratic institutions; if they do not value representative governments; if they are not prepared to make any sacrifice for its sake; if they are unwilling to defend it and if they are unable to do what it requires? How can you have authentic democracy in a country where defacto sovereignty - highest power over citizens unrestricted by law - resides neither in the parliament, nor the executive, nor the judiciary, nor even the constitution which has superiority over all the institutions it creates. It resides, if it resides anywhere at all, where the coercive power resides. It is the 'puvois occult' which decides when to abrogate the constitution, when to dismiss the elected government, and when to restore democracy.

A person who possesses supreme power seldom gives it away peacefully and voluntarily. Why should Musharraf? Drawing on an ancient Chinese proverb, Harry Truman recounted in his memoirs that being President, "is like riding a tiger. A man has to keep on riding or be swallowed". Musharraf's case is

different. Because he lacks legitimacy, it is not for him to decide when or where to dismount. His fate depends on how hungry the tiger is.

Today the biggest single burning issue before the country is this: How to reclaim the army from its abuse by a power-hungry junta who want to use it as an instrument for grabbing and retaining political power; How to put the country back on the rails? How to get back on the right path to a democratic and more independent Pakistan?

We live in a country that is terribly wrong and politically off course. When will this tormented country be whole again? When will this sad country be normal again? The engine is broken. Somebody has got to get under the hood and fix it. General Musharraf is so swathed in his inner circle that he has completely lost touch with the people and wanders around among small knots of persons who agree with him. The country is in deep, deep trouble. The longer General Musharraf delays return to full democracy, and the longer he allows the water to rise, the greater the catastrophe that will follow the bursting of the dam. Eventually, the cup of endurance runs over and the citizen cries out, "I can take it no longer". A day will soon come when words will give way to deeds. History will not always be written with a pen. When the unelected seize the Presidential palaces, democrats seize the streets. The sooner General Musharraf realizes this, the less costly his eventual departure will be for his people.

As much as one would like to distance one's self from politics, it is difficult to remain distant in the face of Musharraf's burning desire to remain in power, by hook or by crook, and the way he has made a mockery of Pakistan's democracy. There is no such thing as democracy in Pakistan today. Everyone knows it is a farce and an illusion. Let us make our government, a government of our tomorrows, not our yesterdays. Let us give Islamabad back to the people to whom it belongs.

overrule Federal law when there is a dispute. The Iraqi army would not even have the right to enter a state without the approval of that state's parliament. The Constitution reflects a profound and unresolved national spilt. It is just a piece of paper no better than the underlying consensus or lack thereof, that it memorializes. Anyone who thinks that it would calm the insurgency, has probably been spending more time, than he should have, reading about Alice in Wonderland. How can it work when the people of Iraq are at war with the architects of this constitution? The country is in the throes of a war of liberation. A grim struggle for power among the Shias, Sunnis and Kurds is tearing the country apart. Until this fundamental conflict is resolved, one way or the other, no constitution has any chance of success. In fact, constitution is the last thing Iraq needs at this time. Rather than unifying Iraqis, it would only increase the rift between the ethnic and religious groups. It could also lead to the Balkanization

of the nation into three states with the Sunnis trapped between Shiites in the South and Kurds in the North.

There is a Chinese proverb: "It is easy to seize power. Difficult to maintain it" - The old conundrum of military history: what to do with the occupied country. Nobody in Iraq obeys the law these days, and in any case there is no State. Half of the 80,000 - strong Iraqi army consists of "ghost" battalions in which commanders pocket the salaries of non-existent troops. Power is wholly fragmented. Each ministry is stronghold of one or another party. The so-called "Government of Iraq" is marooned in the heavily fortified Green Zone. "There are ministers in the government who have never seen their own ministries because they never leave the Green Zone". What use is a constitution when there is no State, no government, no unified nation, and no national consensus on major issues? 140,000 American soldiers are surrounded by 23 million Iraqis who want to throw them out of their country. Fed up with being in Iraq, told several times they would soon be going home only to have their hopes dashed to the ground, demoralized by their role as policemen in a risky place, US soldiers are angry. Morale is low, in fact non-existent. They are tired of patrolling hostile Iraqi towns. They are tired of fighting an invisible enemy, knowing that a mortar attack or a rocket-propelled grenade could come in any moment. Many are openly angry at the army and at Pentagon leadership whom they accuse of being dishonest with them about the length of their stay or the nature of their mission. They were never prepared for such a lengthy tour of duty and were repeatedly told they were on their way home. They feel betrayed and they are angry.

Why don't Americans learn from their own history? The Philadelphia Convention met in 1787 to draw up a permanent Constitution for the new nation. It met 11 years after the Declaration of Independence and 6 years after the British surrender at York Town. Not before. It succeeded in producing an agreed Constitution after the delegates had already reached what is called the "Great American Compromise". Not before. In the absence of national consensus, Constitution making in Iraq is sheer lunacy when the country is under foreign military occupation and bleeding. Democracy in Iraq is a self-made illusion on life support. It is an American imposed system that will be swept away when Americans pull out their forces.

"There was a time when Washington looked to writing and approval of the draft constitution as a crucial milestone on the road to building a peaceful, democratic and unified Iraq that could survive without American troops". Wrote the New York Times editorially. "No one believes that any more. The constitution is a deeply flawed and divisive document that does not provide a workable template for national unity".

“The theory that democracy is an antidote to insurgency in Iraq gets disproven on the ground everyday. Germany and Japan were homogenous societies. Iraq is not. Germans and Japanese populations were exhausted and deeply shocked by what had happened. Iraqis were un-shocked and un-awed. Those who argued at the time that acceptance of democracy in Iraq would be easy, and who drew on our experience with Japan and German, were wrong”, Richard Armitage, the Deputy Secretary of State under Colin Powell said recently.

America is bogged down in a new Vietnam with an irrefutable litany of failure: more dead, more wounded, more insurgency attacks, and more corruption in the government. The wheels have fallen off the “government” in Iraq. Very few are hanging on to the illusion of an American triumph over the insurgency. What was planned did not happen. What happened was not planned. It is time for Americans to recognize a great wrong, and a great injustice they have perpetrated in Iraq.

Constitutions are influenced by what people think of them. If a constitution is regarded with veneration; if what it embodies is thought to be prima facie right and good, then there exists a force to preserve it. But a written constitution without a commitment to its principles has never been a success and has often proved to be temporary. By not addressing Sunni concerns, both Shia and Kurd leaders have set the stage for a protracted period of political conflict and civil war. In the eyes of Sunnis at least, the constitution is not based on the highest principles of justice and will collapse once the occupying power leaves the country. When he went before Congress to ask for a declaration of war against Germany, President Wilson in a phrase that became famous asserted, “that the world must be made safe for democracy”. Years later, in an off - the - record comments aboard his ship en route to the peace conference in 1919, Wilson told his Associates, “I am convinced that if this peace is not made on the highest principles of justice, it will be swept away in less than a generation. If it is any other sort of peace, then I shall want to run away and hide - for there will follow not mere conflict but cataclysm”. That is exactly what is happening in Iraq now. Instead of making Iraq safe for democracy, Bush has turned the country into a vast graveyard.

Iraq is not a blank canvas on which Americans can paint the colours of their choice. In 1919, there was no Iraq and no Iraqi people. History, religion, geography, pulled the people apart, not together. Basra looks south toward India and the Gulf. Baghdad had strong links with Persia. Mosul had closer ties with Turkey and Syria. Putting together these three Ottoman provinces and expecting to create a nation was, in European terms, like hoping to have Bosnian Muslims, Croats, and Serbs make one country. Saddam ruled this ungovernable country with an iron hand but he kept it together. With Saddam gone, will Iraq survive

as a single unified, sovereign independent country? With the American invasion and occupation of Iraq, the settlement of 1922 seems to be unravelling. The questions that Kitchener, Lloyd George and Churchill opened up are being contested once again by force of arms along the banks of the slow-moving Tigris and Euphrates.

## Our Real Heroes

Where is General Musharraf taking Pakistan? I am uneasy about where we are and where we are going. Pakistan is not a case of failed State. It is a case of failed leadership. Talking about leadership, Napoleon once famously said, "An army of rabbits commanded by a lion, is better than an army of lions commanded by a rabbit". The earthquake ended the leadership myth of our rulers. Our nation has the heart of a lion. Who is there to give it the roar? Who would give voice to the aspirations of our people? Who would revive national confidence at a time when there is a great need for inspiration?

Pakistan is spiralling into the abyss. Our entire political system has been pulled into a black hole caused by periodic army intervention and prolonged army rule. Public criticism of the generals ruling Pakistan has become widespread. The army, once held in high esteem, is now being seen in a different light. Army rule has eroded people's faith in themselves as citizens of a sovereign, independent, democratic country. The result is the mess we are in today. The country appears to be adrift, lacking confidence about its future. Never before has public confidence in the country's future sunk so low.

From the earliest days of our country to the events of today, my real heroes have always been the men and women, young and old, mostly poor, who risked their lives, and sacrificed their lives to found this Republic. They were led by an extraordinary man, endowed with an iron will, impeccable integrity and unfaltering determination. The men and women he led to victory were ordinary people, from ordinary places, doing ordinary things. He galvanized them into an invincible force. It was people like these who won our independence.

It seems that in every age of our history, the people rose to meet the challenges and difficulties of their times. I am now speaking of those countless Pakistanis who have given so generously for relief and rehabilitation. They have given blood, money and other forms of assistance to the victims of the earthquake disaster. When the earthquake struck, all dissenting voices were stilled. It was a real moment of national solidarity. The earthquake burnt out everything mean and selfish in us, leaving only a common purpose and a common unity. Suddenly, as if by magic, we all belonged to one country and one nation, held together in the knowledge that each one of us were to give all that he had to give. No one gave the people the impulse to do what had to be done. They rose to the occasion spontaneously to face the challenge. The earthquake brought out the best in us.

A British reporter writes: "The contrast with New Orleans after Hurricane Katrina could not be more marked. In the US when government help did not arrive, armed looters roamed the streets and survivors had to huddle together for safety. In Pakistan, people have arrived from all over the country to help in the relief efforts. They have simply abandoned their jobs, some hitched lifts, clinging dangerously on to the sides of trucks and mini buses as they wound around the hairpin curves over a sickening drop to the valley below. Others simply walked for hours across the hills in the blistering sun, denying themselves even water because it is the Muslim fasting month of Ramadan". There can be no more fitting tribute to the people of Pakistan than this demonstration of inspiring humanity in acute adversity. It is disgusting to see how little faith this government has in its own people. Sadly, the imperative of unity in the aftermath of the earthquake was thrown off. Musharraf decided to go it alone.

General Musharraf has repeatedly said that the earthquake will have little or no economic or budgetary impact. Instead of mobilizing internal resources by reducing some of the colossal waste of public resources, he decided to rely on foreign loans to finance reconstruction. Many questions come to mind. Why not cut down the size of the Cabinet? Why not reduce the number of ministries and divisions? Why establish a new GHQ, people ask? It is sheer madness. General Musharraf does not agree. He defends the expense of building the new GHQ in Islamabad by saying that resources for this venture are being met through sale of army lands, 25% of the sale proceeds will be given to the Pakistan government! How generous? He was turned a deaf ear to the widespread public criticism about the purchase of F-16s and Saab Surveillance aircraft from Sweden, asserting that military expenditure will not be compromised for earthquake relief activities. Why not? Many people are blissfully unaware of the fact that the 4 billion rupees loan pledged by donors for reconstruction will add to the public debt and will have to be repaid by future generations. Most economists agree that we can do without this loan. All we have to do is to reduce wasteful expenditure. What is preventing this government from eliminating wasteful expenditure and eradicating high-level corruption?

A military-industrial complex is taking roots in Pakistan. According to Dr. Ayesha Siddiq, a columnist who once served in military accounts, the military is worth about Rs. 200 billion. This is just a business. If you put in real estate, then we are talking about Rs. 1 trillion, she says. "This includes real estate, businesses done by subsidiaries, organizations and individuals. You have to understand that this economy is predatory by nature because it does not accept any form of civilian control over it. It is independent in terms of planning, appropriation of funds etc.", she adds. "I would say that their share in private sector assets is about 7-10% of private sector assets. This is a large number for any single group".

Dr. Siddiqia confidently estimates that a Major General in the Pakistan army is worth Rs. 300 million!

In his farewell address delivered on January 17, 1964, President Eisenhower issued the following warning against the military-industrial complex. "In the councils of government we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military - industrial complex. The potential for the disastrous rise of misplaced power exist and will persist. We must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted. Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defence with our peaceful methods and goals so that security and liberty may prosper together". Where is the leadership in Pakistan willing to stand up in protest and say: Enough! Enough! We have sullied ourselves enough. Why are we so passively mute? How can we be so comatose?

Eisenhower had another watchword. His words on April 16, 1953, to the American Society of Newspapers Editors are as timely today as they were over 50 years ago. "Every gun that is made, every warship launched, every rocket fired, signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold, and not clothed. This world in arms is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, the hopes of its children. The cost of one modern heavy bomber is this: a modern brick school in more than 30 cities. It is two electric power plants, each serving a town of 60,000 population. It is two fine, fully equipped hospitals. It is some fifty miles of concrete highway. We pay for a single fighter plane with a half million bushels of wheat. We pay for a single destroyer with new homes that could have housed more than 8,000 thousand people". The statistics are dated but the point is eternal. A stronger case against reckless military spending in a poor country could not have been made out.

"The earthquake has provided an opportunity, for both the countries (India and Pakistan) to work together as such opportunity does not come everyday", President Musharraf said in his address to the Donor's Conference. He said it was needed to resolve the issue in the larger interest of the quake-stricken people of Kashmir and also of the people of both the countries. "This will be a huge donation for the shattered Kashmiris from India". President Musharraf also called on his countrymen to dig deep into their pockets to help rebuild the quake-stricken areas in the north. The way our people - men and women, young and old, rich and poor, have responded has evoked universal praise. This nation is prepared for every sacrifice. But it must be shared sacrifice. We are in this boat together. Why exempt the military? Why place the entire burden on the future generations? The defence of the country is not at the ramparts alone. Questions

of victory or defeat in modern wars are decided not in the battlefields but in the stillness of a professor's study or the scientist's lab. At a time like this, President Musharraf should, people say, set an example of sacrifice because there is nothing which can contribute more to galvanize this traumatized nation than that he should sacrifice the power he captured six years ago! Let this be his donation to the people of Pakistan.

History, according to Toynbee, is replete with "corpses in armour": Spain, Macedonia, the Ottoman Empire and of course Nazi Germany. The theme is always the same: Highly militarized and centralized states and empires, so indomitable in one decade or generation, hack themselves to pieces or are themselves conquered in another". Why not avoid the fate of "corpses in armour" by cutting down military expenditure and diverting the resources to the earthquake-stricken areas?

## Our Limping Democracy

A lesson to be drawn from the works of Gibbon is that Rome's enemies lay not outside her borders but within her bosom, and they paved the way for the empire's decline and fall – first to relentless barbarian invaders from the north, and then, a thousand years later, to the Turks. Many early symptoms that heralded the Roman decline may be seen in our own nation today: periodic military intervention in the affairs of state, prolonged military rule, concentration of power in one person without responsibility and accountability, contempt for constitution and political institutions, absence of Rule of Law, a subservient judiciary, high-level corruption and greed. When the history of Pakistan comes to be written, the verdict of history will, almost certainly, be that military rule, more than anything else, destroyed Pakistan.

Marx once said: "Neither a nation nor a woman is forgiven for an unguarded hour in which the first adventurer who comes along can sweep them off their feet and possess them". October 7, 1958 was our unguarded hour when democracy was expunged from the politics of Pakistan with scarcely a protest. The result is the mess we are in today.

Ten years ago, the people of Pakistan cast their ballots and chose their rulers. Six years ago, the military responded by toppling the elected government and jailing the elected Prime Minister. The nightmare is not yet over. General Musharraf has promised elections in 2007. Election – open, free, fair and impartial are the essence of democracy, the inescapable sine qua non. How can we have such elections in Pakistan when the country is virtually under military occupation and is ruled by a General in uniform who doesn't want to part with power? How can we have credible elections in this country when the two mainstream political parties have been decapitated and their leaders forced to live in exile in distant lands. A ritual conducted in the name of democracy, but without a democratic process or a democratic outcome, devalues real democracy. If elections only solidify authoritarian rule, they are worse than counter productive. The irony is that politicians see nothing wrong with this farce and are only too willing to participate in it.

If you want to know what happens to a country when a General topples a civilian government and captures political power; when ambition flourishes without proper restraint, when absolute power enables the ruler to run the country arbitrarily and idiosyncratically, when none of the obstacles that restrain and thwart democratic rulers stand in his way, when parliament is cowed, timid, a virtual paralytic, when judiciary – the guardian of the constitution and

protector of civil liberties – functions at the behest of the executive, when courts of law turn into government courts, well: visit Pakistan. The prisons of Pakistan are full of petty thieves who stole Rs. 100 or Rs. 1000. Isn't it ironical that the Generals who stole the constitution of the Republic of Pakistan are ruling the country?

ix years after he captured political power in a military coup, the bottom line is becoming inescapable. General Musharraf will continue to rule as a dictator with a civilian façade. His authoritarian regime, far from being temporary, will, unless checked in time, acquire the mantle of legitimacy and permanence. Nobody knows if the nightmare will ever end. "Liberty once lost", Adams famously told his countrymen, "is perhaps lost forever". We Pakistanis lost our liberties and all our democratic institutions in October 1999. Sadly, Pakistan also lost her honour and became a rentier state on General Musharraf's watch when he capitulated, said yes to all the seven demands presented to him at gunpoint by Secretary Colin Powell and joined the "Coalition of the coerced".

Today Pakistan, under military rule for the fourth time, is immune to the winds of democracy that are blowing everywhere else. An iron fist keeps "democracy" firmly in its grip. The irony is that we live in a democratic age. Democracy or freedom of choice is not a luxury. It is intrinsic to human development. Military dictatorship is an anachronism in a world of global markets, information and media. Isn't it ironical that while authoritarian governments are collapsing all around us and the world has gotten better in many ways, Pakistan, which started as a modern, progressive, democratic state 58 years ago, is drifting away from the democratic path and sliding into darkness. Thanks to the United States of America, the engine of history is moving Pakistan backwards. Freedom is not the bedrock of America's friendship with Pakistan. General Musharraf, one of Washington's favourite sons, is exercising power that can only be justified under a martial law situation. He enjoys the advantages of power without responsibility and the backing of the sole superpower on the world.

All the philosophers tell the people they are the strongest, and that if they are sent to the slaughterhouse, it is because they have let themselves be led there. Tyranny is retreating everywhere except in Pakistan. Why? In other countries there are men and women who love liberty more than they fear persecution. Not in Pakistan. Here the elite who owe everything to this poor country do not think in terms of Pakistan and her honour but of their jobs, their business interests and their seats in a rubber stamp parliament. Surrender rather than sacrifice is the theme of their thoughts and conversations. To such as these talk of resisting despotism is as embarrassing as finding yourself in the wrong clothes at the wrong party, as tactless as a challenge to run to a legless man, as out of place as a bugle call in a mortuary. Every now and then one hears some of them reciting

the verses of Horace: "Oh how much wiser is he who rather than go to war (against despotism) stays at home, caressing the breast of his mistress". What is tragic is the total failure of the politicians, the intelligentsia, the intellectuals, infact, the entire civil society to comprehend the threat posed by a powerful army to the country's fragile democracy, and to devise ways and means to thwart it.

How can authentic democracy flourish in this country when people are not prepared to defend the core values of the nation - sovereignty of the people, inviolability of the constitution, supremacy of civilian rule, a fiercely independent, incorruptible judiciary, Rule of law, an independent, incorruptible Chief Election Commissioner, a neutral, non-politicized and honest civil service, social justice, egalitarianism and ruthless accountability of rulers? How can authentic democracy take roots if people have no faith in their democratic institutions; if they do not value representative governments; if they are not prepared to make any sacrifice for its sake; if they are unwilling to defend it and if they are unable to do what it requires? How can you have authentic democracy in a country where defacto sovereignty - highest power over citizens unrestricted by law - resides neither in the parliament, nor the executive, nor the judiciary, nor even the constitution which has superiority over all the institutions it creates. It resides, if it resides anywhere at all, where the coercive power resides. It is the 'puvois occult' which decides when to abrogate the constitution, when to dismiss the elected government, and when to restore democracy.

A person who possesses supreme power seldom gives it away peacefully and voluntarily. Why should Musharraf? Drawing on an ancient Chinese proverb, Harry Truman recounted in his memoirs that being President, "is like riding a tiger. A man has to keep on riding or be swallowed". Musharraf's case is different. Because he lacks legitimacy, it is not for him to decide when or where to dismount. His fate depends on how hungry the tiger is.

Today the biggest single burning issue before the country is this: How to reclaim the army from its abuse by a power-hungry junta who want to use it as an instrument for grabbing and retaining political power; How to put the country back on the rails? How to get back on the right path to a democratic and more independent Pakistan?

We live in a country that is terribly wrong and politically off course. When will this tormented country be whole again? When will this sad country be normal again? The engine is broken. Somebody has got to get under the hood and fix it. General Musharraf is so swathed in his inner circle that he has completely lost touch with the people and wanders around among small knots of persons who agree with him. The country is in deep, deep trouble. The longer General

Musharraf delays return to full democracy, and the longer he allows the water to rise, the greater the catastrophe that will follow the bursting of the dam. Eventually, the cup of endurance runs over and the citizen cries out, "I can take it no longer". A day will soon come when words will give way to deeds. History will not always be written with a pen. When the unelected seize the Presidential palaces, democrats seize the streets. The sooner General Musharraf realizes this, the less costly his eventual departure will be for his people.

As much as one would like to distance one's self from politics, it is difficult to remain distant in the face of Musharraf's burning desire to remain in power, by hook or by crook, and the way he has made a mockery of Pakistan's democracy. There is no such thing as democracy in Pakistan today. Everyone knows it is a farce and an illusion. Let us make our government, a government of our tomorrows, not our yesterdays. Let us give Islamabad back to the people to whom it belongs.

## **Ambassador Ryan C. Crocker won't Read This**

Like millions of people of my generation, I was born in slavery. 58 years ago, I became proud citizen of a sovereign, independent, democratic country I could call my own – a country I could live for and die for. Times were ebullient and yeast was in the air. On that day we dreamed of a shining city on the hill and the distant bright stars. Then the army struck. Democracy was hijacked. Today Pakistan is under military rule once again. The freedom we won 58 years ago has turned out to be just another kind of slavery.

“An Ambassador is an honest man sent abroad to lie for his country”, Sir Henry Wotton said 300 years ago. Some Ambassadors lie very well. Others lie unconvincingly. “Matternich came closer to being a statesman, he lies very well”, Napoleon said once of the Austrian aristocrat who dominated European diplomacy for a generation. Whatever the qualification of a modern diplomat, the art of deceit or misrepresentation is certainly not one of them. Intellectual honesty and moral integrity are the essential qualities of an Ambassador. He must be a man of strictest honour if the people of the host country are to place explicit confidence in his statements. If he has to lie, he should lie convincingly and not insult the intelligence of the people.

There is no disguising the fact that America has been indifferent to democracy in Pakistan since its creation. It supported all military dictators who toppled elected governments in Pakistan. But for this support, the political history of Pakistan might have been different. Regrettably, American Ambassadors in Pakistan sometimes make outrageous statements which do not represent what the American flag stands for and antagonize the people of the host country. They assume the role of advocates for military dictators who rule Pakistan. Anxious to be loved by the military, they tend to fall in love with the dictator. No wonder, their statements carry no conviction and take on the colour of a lawyer's brief rather than a dispassionate and objective assessment.

According to press report, Ambassador Ryan C. Crocker told journalists on December 12 that Pakistan, at present, did not seem to him like a military dictatorship! There was, according to him, much more open discussion now on democracy than before! “My belief is that President Musharraf means what he says when he says he wants stable democracy for Pakistan”! He went on to say: “I have heard him speak about his vision for Pakistan, of where he would like his country to go, and is a pretty compelling vision”! “I do see in Musharraf a desire to leave behind a different legacy”, Crocker said after stating that from reading Pakistan's history, Ayub Khan seemed to him a pretty impressive leader, but

what he did not do was establish stable democracy. When asked if the US expected President Musharraf to retire as Army Chief before the next general election, Crocker said the US expected free and fair elections when they took place. He said he could give no assurances how the election would be held but said they would be closely monitored by the US and the international community. Turning to another subject Ambassador Crocker said, "It should be a matter of concern for the Government of Pakistan that banned groups like Jamaat ud Daawa are involved in earthquake relief work"!

Let me be quite frank. In our perception today, America is no longer the nation of Franklin Roosevelt who destroyed Fascism and prevailed upon Churchill to dismantle the British Empire; nor of Eisenhower who stopped the Anglo-French-Israeli aggression at Suez; nor even of Ronald Reagan who accelerated the demise of what he called the 'evil empire'. The days of Lincoln are gone. On the eve of her maiden visit to Pakistan, Secretary Rice in total disregard of public opinion in Pakistan, said she would not pressure General Musharraf to give up his army post and doff his uniform. Why not? For the people of Pakistan, living under a thinly veiled military dictatorship, her statement was like a bucket of ice water on the face.

In her confirmation hearings, Secretary Rice described Iran and Zimbabwe as "outposts of tyranny". Pakistan, she said, was in a state of transition to a moderate and democratic future! Contrary to what Dr. Rice believes, Pakistanis know their democratic future is not in front of them. It is behind them. Isn't it ironic that Pakistan, which was forced against its will to accept a totalitarian, sham democracy; which has an "elected" all - powerful President in uniform, who is also the Chief of Army Staff; which has a non-sovereign parliament, a figurehead Prime Minister, a pliant judiciary, which is not the bulwark of liberty but a shameful link in the chain of despotism in the Islamic world, is not listed by Dr. Rice in the category of "out posts of despotism"? This is no way to improve America's image in Pakistan.

To the people of Pakistan, the American commitment to idealism, democracy and liberty worldwide, sounds hollow and hypocritical. If America is the vanguard of democracy, why doesn't it start with Pakistan? Why this double-talk? Why this double-speak? America speaks with a forked tongue. It cannot apply double standards. It is screaming hypocrisy. This does not endear America to the people of Pakistan. Today, democracy is in the ascendant everywhere except in Pakistan. Freedom is on the march everywhere except in Pakistan. Why doesn't the United States call on the Pakistan military to go back to the barracks, refrain from interference in politics and open the way for the establishment of genuine democracy in the country. Why don't Americans realize that freedom for Pakistanis means freedom from military rule; that by supporting military

dictators, they had placed themselves on the wrong side of history; that in doing so they had lost the battle for the hearts and minds of the people of Pakistan.

A tyrant is described in the Oxford dictionary of current English, "as an absolute ruler who seized power without the legal right". Similarly, a dictator is described as, "A ruler with (often usurped) unrestricted authority". Both these appellations apply to General Musharraf. According to the Oxford Companion of politics in the world, "democracy refers to a form of government in which, in contradistinction to monarchies and aristocracies, the people rule". This, Ambassador Crocker knows very well, is not the case in Pakistan today and is not likely to be the case soon. The people of Pakistan had no say in the "election" of General Musharraf as the President of Pakistan. They were denied their right to elect their President in accordance with the constitution. General Musharraf literally appointed himself as the President of Pakistan! No man, Mr. Ambassador, is good enough to rule another without the other's consent. Government without consent is called tyranny in the democratic world.

When I heard President Bush speak of freedom recently and declare that, "all those who live in tyranny and hopelessness, can know the United States will not ignore your oppression or excuse your oppressors", I didn't know whether to laugh or cry. "Liberty", President Bush said recently, "is on the march. Democracy is spreading in the Islamic world". Not in Pakistan. In an off the cuff comment on the constitutional changes made by General Musharraf, Bush conveyed a sense that democracy in Pakistan wasn't all that important and was an afterthought for him!

The Bush administration tells General Musharraf that all he needed to do was to carry out American agenda, fight the so-called terrorists whom they called freedom fighters not very long ago; in the process kill innocent men, women and children; act as a surrogate jailor for America; use the state apparatus against all those who resist American imperialism and propagate "enlightened moderation". If he did all that, he could deny his own people the freedom America advocates everywhere else and rule forever.

Six years after he captured political power in a military coup, the bottom line is becoming inescapable. General Musharraf will continue to rule as a dictator with a civilian façade. His authoritarian regime, far from being temporary, will, unless checked in time, acquire the mantle of legitimacy and permanence. Nobody knows if the nightmare will ever end. "Liberty once lost", Adams famously told his countrymen, "is perhaps lost forever". We Pakistanis lost our liberties and all our democratic institutions in October 1999. Sadly, Pakistan also lost her honour and became a rentier state on General Musharraf's watch when he capitulated,

said yes to all the seven demands presented to him at gunpoint by Secretary Colin Powell and joined the "Coalition of the coerced".

"The people of Myanmar live in the darkness of tyranny under military rule", Bush said in Kyoto on November 16, adding, "they want their liberty - and one day, they will have it". When will the people of Pakistan, Mr. Ambassador, have their liberty? Javed Hashmi, Acting President of a major political party is in jail convicted on a trumped up charge? US is pushing UN for Myanmar inquiry. Why not Pakistan? The Bush administration's admirable belief in the importance of democracy does not extend to Pakistan. We Pakistanis, Mr. Ambassador, want to live just like the rest of the democratic world without Generals ruling us. Why can't we live in an environment free from army rule? Why do we have to wait? What for? We have been waiting for more than six years.

When Bush speaks of human rights, the world thinks of Abu Ghraib. When he talks of spreading freedom and democracy, the world thinks of Pakistan. Freedom, Mr. Ambassador, is not the bedrock of America's friendship with Pakistan. What the Bush Administration does not sufficiently appreciate is the hostility that their support of tyrants has helped to foment in Pakistan. The lesson of Vietnam and Iran, Mr. Ambassador, is loud and clear. America must not rely too heavily on a General or a regime that did not enjoy the support of its own people. Instead, America should redeem itself by supporting the democratic aspirations of the people as it did in Ukraine.

## “J’ accuse”

Those who hold power and shape the destiny of others should never be judged in a moment of misfortune or defeat. If seen as a corpse hung by the feet, even Mussolini could arouse some pity. They must be judged when they are alive and in power. At the heart of leadership is the leader’s character. He must always walk on a straight line. Honour and probity must be his polar star. People will entrust their hopes and dreams to another person only if they think the other is a reliable vessel. His character – demonstrated through deeds more than words – is at the heart of it. Mr. Jinnah never misled his people even when they wanted to hear something gentler than the truth. “You could take his word to the bank”, as the old saying went. If a President has credibility, nothing else matters. If he has no credibility nothing else matters. General Musharraf lost his credibility on Thursday, December 30, 2004, when he reneged on his promise to give up his post as Chief of Army Staff and doff his uniform. When a man thinks he can get away with denying his own words even though there are thousands of witnesses and a video record, he clearly believes he can get away with murder.

“You must understand the environment in Pakistan”, the Washington Post quoted him as saying, “this (rape) has become a money-making concern. A lot of people say if you want to go abroad and get a visa for Canada or citizenship and be a billionaire, get yourself raped”. Musharraf has denied that he has ever said any such thing – noting that if he had, he would have been “stupid”. The Washington Post reviewed its tapes and reported that it had quoted him correctly.

A few days after the 1999 coup, Musharraf’s spokesman, Brig. Rashed Qureshi (now Major General), insisted that, “while others may have tried to hang on to power, we will not. We will make history”. Musharraf agreed. “All I can say”, he assured a television interviewer in January 2000, “is that I am not going to perpetuate myself – I can’t give any certificate on it but my word of honour. I will not perpetuate myself”. That was six years ago!

General Musharraf is not thinking in terms of Pakistan and her honour. Surrender rather than sacrifice is the theme of his thoughts and speeches. The tide of capitulation has swamped even the gesture of defiance. The lack of virile reaction on his part has now become a cloying helplessness. 58 years after independence, are we really free? Are we masters in our own house? Is our sovereignty untrammelled? We lost our independence and sovereignty when General Musharraf capitulated, said yes to all the seven demands presented to him, at gunpoint, in the form of an ultimatum, by Colin Powell, the US Secretary

of State. "It looks like you got it all", a surprised Bush told a triumphant Colin Powell. No self-respecting, sovereign, independent country, no matter how small or weak, could have accepted such humiliating demands with such alacrity. General Musharraf executed a U-turn, disowned the Talibans and promised "unstinted" cooperation to President Bush in his war against Afghanistan. Pakistan joined the "coalition of the coerced". There were no cheering crowds in the streets of Pakistan to applaud Musharraf's decision to facilitate American bombing of Afghanistan from US bases on Pakistan soil. Musharraf had to choose between saying No to the American Dictat and shame. He chose the latter and opted for collaboration. Thus began Pakistan's slide into disaster. We would have suffered if we had said No. But that is a little matter. We would have retained something which is to me of great value. We would have walked about the world with our heads erect. Prime Minister Nawaz Sharif defied President Clinton and carried out a nuclear explosion. The Turks said No to the Americans and refused to allow them transit facilities. The Iranian are under tremendous American pressure, but are courageously guarding their nuclear facilities. In stark contrast, under American pressure, this administration stripped Qadeer Khan, the founder of Pakistan's nuclear weapons program, of everything - his freedom, his honour, his dignity, his self-respect, his name, his fame, his unprecedented services to Pakistan; and, to sharpen his humiliation, made him appear on national television to confess to his crime! The lesson of history is that nations which went down fighting rose again, but those which succumbed to pressure, sold their honour, surrendered tamely, and capitulated, were finished. Example abound.

This is the darkest era in the history of Pakistan since 1971. The independence of Pakistan is a myth. Pakistan is no longer a free country. It is no longer a democratic country. American military personnel cross and re-cross our border without let and or hindrance. They violate our air space with impunity, kill innocent men, women and children in Waziristan and Bajaur. To please the Americans, General Musharraf has deployed over 60,000 troops in the rugged tribal area and is fighting a proxy war against his own people. He has handed over more than 700 so-called Al Qaeda militants to the United States as his contribution to the American war on terrorism. More than 500 soldiers, the flower of our army, have died fighting Wazir and Mahsud tribesmen. For what? Six years after General Musharraf captured political power in a military coup, Pakistan has turned cynical and has jettisoned the last vestiges of idealism on which the people had hoped the nation's polity would be based. October 12, 1999 will go down in our history as another day of infamy, another sad milestone on the downward path. Life flows placidly downstream. We were a nation founded on laws and rules. What Musharraf has done is essentially to throw away the rule book and say that there are some people who are beyond the law, beyond scrutiny, totally unaccountable.

People are filled with anger and angst. If you believe in democracy and rule of law and sovereignty of the people, you would not be anything other than angry, living in the current day and age. Of course, some people are happy under the present system. The rich are getting richer. For the rest, life is nasty, brutish and short. It is like an open prison. You get complacent because of the comfort. They give you just enough to make you happy.

The Farewell address of George Washington will ever remain an important legacy for small nations like Pakistan. In that notable Testament, the Father of the American Republic cautioned that "an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter". The strong might have interests and objectives that could be of little real importance to the weak; but once the latter submitted to acting the role of a satellite, it would find it no easy task to avoid being used as a tool by the strong". George Washington highlighted the dangers inherent in an unequal relationship between a very strong nation and a weak nation and the folly of a weak nation succumbing to the belief that "real favours" would flow to it from the strong partner. "It is folly in one nation", George Washington observed, "to look for disinterested favours from another...it must pay with a portion of its independence for what ever it may accept under that character". No truer words have been spoken on the subject. If you want to know what happens to an ill-led and ill-governed, small country, ruled by a military junta which attaches itself to a powerful country like the United States, visit Bajaur and the graves of the 18 innocent men, women and children killed by our "American allies". Nuclear Pakistan lies prostrate and has lost its independence. It cannot protect the life and property of its citizens. It cannot prevent the violation of its airspace. Why? Because it is now virtually an American satellite and is portrayed in American media as a 'retriever dog'. Pakistan has lost its manhood, its honour, its dignity, and its sense of self-respect on General Musharraf's watch. "O what a fall was there my countrymen"!

Here in Islamabad there is nothing but the nauseating stench of resignation. With everyday passing, the tide of hope recedes, revealing the unpleasant mud that the souls of slaves are made of. 'The best lack all conviction while the worst are full of passionate intensity'. An evil spirit hangs over Pakistan. Is it our destiny that there must always be darkness at high noon, there must always be a line of shadow against the sun? We need people who will stand up and say: Enough! Enough! This is not acceptable in the 21st century. Why is the better sort of the nation so silent today? Why have the intellectuals adopted 'the genre of silence'? Why is there no outrage? Why is there no loud protest? "Where are the men to be found who will dare to speak up", as Voltaire said. The creative intellectuals have been driven to ramshackle ivory towers or bought off. The legal profession

has lost its integrity and has nothing left of its former power but its rhetoric. Show me an educated man with a silver spoon in Pakistan today, and I will show you a man without a spine. So when will somebody pose a finger at General Musharraf and say: "J'accuse".

## **“This, Too, Shall Pass”**

Prime Minister Nawaz Sharif is out of the gilded cage he inhabited for four long years as a political exile. His crime: in exercise of his powers as Prime Minister, he sacked General Musharraf, Chief of Army Staff and appointed Lieutenant General Ziauddin as the Army Chief. Musharraf was not Prime Minister Nawaz Sharif's first choice and he never felt very comfortable with him. Ziauddin had risen through the Engineer's Corps and was not acceptable to the army. Predictably, the army revolted when he was appointed as the Army Chief. The stillborn “coup” against General Musharraf misfired and collapsed. Prime Minister Nawaz Sharif and his key colleagues were taken into custody. Nawaz Sharif was later deported to Saudi Arabia. Another period of army rule had begun.

“The richest, best educated, and ablest citizens hardly ever adopt a military career”, Alexis De Tocqueville wrote, with remarkable prescience, more than 200 years ago, “the army finally becomes a little nation apart, with a lower standard of intelligence and rougher habits than the nation at large. But this little uncivilized nation holds the weapons and it alone knows how to use them... After all, whatever one does, a large army in a democracy will always be a serious danger, and the best way to lessen this danger will be to reduce the army. But that is not a remedy which every nation can apply. The citizen's excessive love of quiet puts the constitution everyday at the mercy of the soldiers”. No truer words have been written on the subject. Tocqueville might have had Pakistan in mind. Our history has been punctuated by military coups. In Pakistan, democracy must always be used in quotation marks.

It seems to be the fate of elected Presidents and Prime Ministers in democratic countries to have trouble with their Generals. “Lincoln had to fire five Generals before he was successful in finding one who could handle troops”, President Truman said once. Truman had trouble with General MacArthur, a brilliant General and a national hero. “Thank you, General Marshall”, said Truman quietly. “Now will you write me the order relieving General MacArthur of his command, and I will have him brought home”. Earlier, Truman had been heard to exclaim, “I ought to fire the SOB. That man is after my job. He wants to be President. He seemed to forget that the President is the Commander in Chief of the Armed Forces”. The curt dismissal note ended General MacArthur's career in the US army. He returned to a ticker-tape parade up Broadway after which he addressed both Houses of the Congress with a fighting speech. But the constitution was upheld. The people rallied behind Truman. Civilian supremacy had prevailed. Truman was neither glamorous nor photogenic. He was not

Hercules either. The haberdasher from Missouri had won. "The Constitution stated clearly that there will be civilian control over the military and he had taken an oath to uphold the Constitution. It wasn't difficult for me at all", Truman said. Nawaz Sharif was no Truman and Pakistan was not the United States of America. Nawaz Sharif had miscalculated. General Musharraf and his colleagues had no difficulty in toppling him.

The rulers of ancient Rome and Greece sent their dissidents off to distant colonies. Socrates chose death over the torment of exile from Athens. The poet Ovid was exiled to a fetid port on the Black sea. Georgian Britain sent its pickpockets and thieves to Australia. 19th century France sent convicted criminals to Guyana. Portugal sent its undesirables to Mozambique. Stalin deported Trotsky first to Turkey and then to Mexico. "I propose to send him abroad. If he comes to his senses, the way back won't be barred", Stalin said. General Musharraf keeps his political opponents in Saudi Arabia and Dubai and prevents them from returning home.

Mr. Jinnah was aware of the presence of Young Turks in the Pakistan army and the threat they posed to Pakistan's fledgling democracy. 58 years ago, Quaid-e-Azam Muhammad Ali Jinnah, Founder of Pakistan and Father of the Nation, visited Staff College Quetta and, with uncanny prescience, warned senior Army officers against involvement in the affairs of State. He expressed his alarm at the casual attitude of "one or two very high-ranking officers", and warned the assembled officers that some of them were not aware of the implications of their oath to Pakistan and promptly read it out to them. And he added: "I should like you to study the constitution which is in force in Pakistan at present and understand its true constitutional and legal implications when you say that you will be faithful to the constitution of the Dominion". With Jinnah's death the guiding light was blotted out. Those who had looked at it seemed to lose their way in the darkness his death had left behind. Taking advantage of the weakness of political institutions and discord in the ranks of political leaders, the army struck. The constitution was torn to pieces. Bonapartes appeared from the shadows and stabbed Pakistan's nascent democracy in the back.

When did Pakistan lose its innocence? Some would say it happened with Jinnah's death. Others may argue it happened in 1952 when Prime Minister Liaquat Ali Khan was murdered. Yet others would contend that the dissolution of the Constituent Assembly and dismissal of the Nazimuddin government marked the turning point for Pakistan. With that, revolving door politics became the hallmark of Pakistan's democracy. In retrospect, the year 1958 was probably the one that will go down in our history as a critical watershed in the country's political evolution. From D.I. Khan where I was posted as Deputy Commissioner, I watched the shattering of Jinnah's dream. Within hours of the imposition of

Martial law, a colonel of the Pakistan army summoned me and my Superintendent of Police to implement a string of martial law regulations. On that day democracy was expunged from the political history of Pakistan, perhaps forever. Pakistan would never be the same again. Ayub inducted the army into the politics of Pakistan. General Musharraf, like Yahya and Zia before him, merely followed his bad example with disastrous consequences for the country.

October 12, 1999 will go down in our history as a day of infamy, a sad milestone on the downward path. Are things better or worse in Pakistan today? On that basic question much hinges. Pakistan is not the country it was six years ago. Back then, the country was settled, stable, democratic and free. Today, Pakistan is a "rentier state", under military rule, ill-led, ill-governed by a power-hungry junta. Even the most incurable optimists, as some of us are, are deeply worried. Six years down the line, in the attempt to build "pure democracy" this is what we get: a fraudulent democracy, A General in uniform masquerading as President, a rubber stamp parliament, a figurehead Prime Minister, a subservient judiciary, Potemkin villages dotted all over the country, the nation's army at war with its own people in Waziristan and Baluchistan; flagrant violation of our air space and national sovereignty by US aircraft and security personnel; American air strikes on Damadola village in Bajaur, resulting in the killing of 13 innocent men, women and children, no expression of remorse, no regret. Our uniformed President maintained "cowardly silence".

Taken together, these situations pose a huge challenge for Pakistan as it enters a period of great uncertainty and sinks deeper and deeper into the quagmire. 58 years after independence, a period in which the country seesawed between civilian and military rule, we are once again under military rule, living in a country that is terribly wrong and dangerously off course. For those who cannot accept the degradation of political life, and the loss of sovereignty, the current military - dominated political model is a nauseating, historical dead end. No country that has set off on this road has ever survived. Nor will Pakistan. It will end in disaster. That is for sure. And the price will be paid, as usual, by the people of Pakistan.

Suddenly, after September 11, America lost its moral bearing and abandoned everything it claimed to stand for. General Musharraf, once a pariah and a social outcast in the Western world, became the darling of the United States. By allying himself with America's "war on terror", General Musharraf had secured defacto American acceptance of his 1999 coup. Democracy was sidelined. In American eyes, Pakistan's military is now more important than ever, an iron hand to maintain order within the state while its superpower ally bombed our villages in Waziristan and Bajaur into rubble.

What does this fourth army attempt to elude democracy in Pakistan promise? In the cold of the winter, it seems that spring will never come. How long will it last, this “winter of our discontent”? Will the state survive? I don’t know the answer. But beneath Pakistan’s placid surface the tectonic plates are shifting. The coup against Nawaz Sharif, the capture of political power by General Musharraf and the imposition of military rule six years ago, was, in my view, only a holding operation, a postponement of history. It cannot last. History is against it.

A time bomb is ticking in Pakistan. The country is in deep, deep trouble. General Musharraf is not in tune with the zeitgeist of Pakistan. Those among us who owe everything to this country must bear the burden of trying to save the soul of Pakistan. There comes a time when people get tired. We say today to those, who have ruled us so long without our consent, that freedom from army rule is not negotiable; that their interest and the interest of Pakistan do not coincide, that we are tired of military rule, tired of tyranny, tired of being humiliated, tired of being deprived of our right to elect our rulers. We say to them: enough! enough! We can’t take it anymore. We are at the last quarter of an hour. The cup of endurance is about to run over. We have no alternative but to stand up and fight. If we succeed, and God willing we shall, we may get a new Pakistan – free, open, democratic, proud. A dynamic, developed, and steady country, standing on its own feet, in control of its destiny, genuinely respected by its neighbours and the democratic world. A country with a future. Another country. We are a nation with potential coming out of our ears. We could move mountains if only America would stop supporting tyranny in this country. Why don’t Americans distinguish military government from people and reach out to the latter?

In a democracy, political change is linked to a change of rulers, which occurs regularly and at minimal social cost. The absence of democracy, however, does not prevent a change of rulers. It happens anyway. It takes the form of revolution. Some are “soft” like the velvet revolution in Czechoslovakia in 1989 or the “orange” revolution in Ukraine in 2004. Some are bloody like the October revolution in Russia or the Iranian revolution. Be that as it may, nobody denies the inevitability of a change of power. It will happen sooner or later. But when it does happen, it may not be “velvet”. Our moment of truth has arrived. To borrow the prophetic words of Dostoevsky, I, “have a presentiment of sorts that the lots are drawn and account may have to be settled far sooner than one might imagine in one’s wildest dreams”.

## Death from the Sky

Saturday, January 14, will go down in our history as a black day, a day of infamy, a day when every self-respecting Pakistani, who loves this country, must hang his head in shame. On that day, "America's war on terror" reached Damadola village in Bajaur; Bush's struggle of "good and evil" descended on a defenceless Pakistani village. Innocent blood was spilled in pursuit of Bush's ambitions and nightmares.

On that day, US spy planes targeted a little known village in Bajaur Agency. Missiles rained down killing 13 innocent men, women and children – all citizens of the Islamic Republic of Pakistan. It was not an isolated incident. It was the second such strike by US forces inside Pakistan territory. The pre-dawn attack was purportedly conducted at the behest of the Central Intelligence Agency on the basis of intelligence reports that the No. 2 in the Al-Qaeda hierarchy, Al Zawahiri, was present in the village. Dead bodies lay all around the village. There were women who held children in their arms. All lay there dead, victims of tragic and diabolical American aggression. Who dares, I ask myself, to call this "collateral damage". Call it a massacre if you like, but it was a crime against humanity. There was no Al Zawahiri in Damadola village just as there were no Weapons of Mass Destruction in Iraq!

So, let me shine some sad, wintry sunlight on this sordid episode and the Pakistan government's miserable, cowardly response. Unfortunately, it is hard to bring the truth to the fore in this country. According to the official spokes person, the Foreign Office summoned the US Ambassador, Ryan C. Crocker, and lodged a protest. It appeared to be an out-of-the-ordinary protest, especially coming from a country listed as a frontline state in America's war against terrorism. A closer look at the wording of the press handout seems to suggest that it was no more than a 'token protest'. Strangely, there was no strong condemnation of the violation of Pakistan's air space and infringement of its sovereignty by the US forces. It later transpired that the American Ambassador was never summoned to Foreign Office. It turned out to be a lie. The so-called 'protest' was 'lodged' by the Foreign Secretary when he met the envoy at the Prime Minister's house!!! An unprecedented and a novel form of 'protest' in the annals of diplomacy!

"The Oriental doesn't put the same high price on life as does a Westerner. Life is plentiful. Life is cheap in the Orient", one of the most important things General Westmoreland ever said. No wonder, President Musharraf, who is also the Supreme Commander, maintained mysterious silence for days after the air strike as if it was a non-event. Not one word of condemnation. Not one word of

sympathy for the bereaved. Neither the President nor the Prime Minister questioned whether the bombing of civilians in Bajaur did not constitute a violation of our sovereignty, an immoral act and a war crime, a crime against humanity, however much the Americans or their Pakistani "coalition partner" wanted to kill Al Zawahiri. Instead of going to Bajaur, the Prime Minister took off for Washington for his rendezvous with Bush! To add insult to injury, General Musharraf told the media that Al Qaeda elements operating in Pakistan were also violating the country's sovereignty! "Why don't you talk about that", he told the media. Every student of Political Science knows that presence of such elements in the country is not a violation of Sovereignty, it is a violation of laws and has to be distinguished from American air strike carried out inside our territory resulting in the death of innocent men, women and children.

Predictably, Secretary of State Condoleezza Rice justified the attack and the killing of innocent people. She was quoted as telling reporters accompanying her en route to the Liberian capital of Monrovia that Washington could not deal "lightly" with Al Qaeda in Pakistan and was ready to address Islamabad's concerns, Rice said: "Pakistani forces are operating there and trying to take control and we are trying to help but I don't have anything on the specific situation (of the air strike). We will continue to work with the Pakistanis and we will try to address their concerns," she is quoted as having said. "Such strikes", she said, "would be repeated whenever necessary", or words to that effect. No repentance, no remorse, no regret, not one word of contrition

Who bothers about the death of 13 innocent Pakistani men, women and children? "When the US makes mistakes, remorse or regret for a wrong committed is unnecessary because, of course, United States is never at fault". Bush has never apologized to the Iraqi people for three years of carnage done in the name of WMD, weapons that were never found because they were never there. Bush dodges the need to show remorse on the premise "that we are up against people who show no shame, no remorse, no hint of humanity". "The unfortunate", Mirabeau once said, "are always wrong", even when they are the victims.

The Geneva Convention has a lot to say about this. It specifically refers to civilians as protected persons. The same protection was demanded for Southern Lebanese civilian when Israel launched its brutal "Grapes of Wrath Operation" in 1996. When the Israeli pilot fired his US - made hell fire missile into the Mansouri ambulance in Lebanon killing three children and two women, the Israelis claimed that a Hizbullah fighter had been in the vehicle. That statement proved to be untrue. Israel was rightly condemned for killing civilians in the hope of killing an enemy combatant. Bush has done exactly the same in Bajaur. Pakistan is not at war with the United States. Musharraf is its staunchest "ally" in the "war on terror". Why this massacre in Bajaur? Why this blatant infringement

of our sovereignty? Why does no one condemn Bush? Is it because Americans are enlightened, civilized, moderates and democrats who believe in freedom and are never wrong? In our view, there isn't much worse than a society that pretends to be civilized and free while slaughtering defenseless innocent men, women and children in a village in the country of its "staunchest ally".

Who says we are friends? There can be no friendship between the strong and the weak. There can be no friendship between unequals, neither in private life nor in public life. "The strong do what they can", the Athenians told the intractable Melians, "and the weak must suffer what they must". The Farewell address of George Washington will ever remain an important legacy for small nations like Pakistan. In that notable Testament, the Father of the American Republic cautioned that "an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter". "It is folly in one nation", George Washington observed, "to look for disinterested favours from another...it must pay with a portion of its independence for what ever it may accept under that character". No truer words have been spoken on the subject. If you want to know what happens to an ill-led and ill-governed, small country, under army rule, which attaches itself to a powerful country like the United States, visit Pakistan. Nuclear Pakistan has lost its independence. It is now virtually an American satellite and is portrayed in American media as a 'retriever dog'. Pakistan has lost its manhood, its honour, its dignity, and its sense of self-respect on General Musharraf's watch.

No country can be secure in its independence against a greater power that is not free in its spirit as well as in its institutions. How can we be secure in our independence? The independence of Pakistan is a myth. American military personnel cross and re-cross our borders without any let or hindrance; they violate our air space, kill innocent men, women and children with impunity. Today say: "Pakistan" and what comes to mind: sham democracy, fraudulent referendum, rigged elections, a General in uniform as the President of this sad country, a rubber stamp parliament, a pliant judiciary and a figurehead Prime Minister. Democracy in the west means a political system marked not only by free, fair and impartial elections, but also by Rule of Law, a strong, independent judiciary and an independent Election Commission. All these institutions are non-existent in Pakistan. So how can Pakistan resist American pressure and be secure in its independence when it is not free in its spirit; when it is not free in its institutions?

At a time when leadership is desperately needed to cope with matters of vital importance, when Pakistan is in deep, deep trouble, it is ruled by a General who lacks legitimacy and seems oblivious to the realities of his awesome responsibilities and is interested only in perpetuating himself. General

Musharraf is not thinking in terms of Pakistan and her honour. Surrender rather than sacrifice is the theme of his thoughts and speeches. The tide of capitulation has swamped even the gesture of defiance. The lack of virile reaction on his part has now become a cloying helplessness.

The least we can do is to commission an artist to carve a stone outside the Damadola village graveyard where the innocent victims of American bombing are buried. "Remember", the inscription should read, "innocent victims of American bombing. Is it noting to you, all you that pass by".

## Is Clash of Civilizations Inevitable?

Some Westerners, including Bill Clinton, have argued that the West does not have problems with Islam but only with violent Islamist extremists. 1400 years of history demonstrates otherwise. Relations between Islam and the West have often been stormy. These are tense times in the Islamic world. Afghanistan and Iraq are under American military occupation and have ceased to be sovereign, independent countries. Iran is now in the gunsight. The alienation between Islam and the West has never been more intense. Today Europe is caught between Voltaire and Islam. Laughing at religion is a part of western culture. Cynicism and satire are part of that culture. Freedom of expression is one of the cornerstones of western democracy. In sharp contrast, Muslims are not used to laughing at religion and ridiculing the Prophets, not only Prophet Muhammad (PBUH) but all the Prophets of Islam. No wonder, it is difficult for Western people to understand the violent Muslim reaction to the publication of blasphemous cartoons vilifying the Holy Prophet.

To non-Muslims, the image of Prophet Muhammad (PBUH) may only be of casual interest. But to Muslims, it is of enormous spiritual importance. The cartoon affair has revealed a deep conflict between Western values and Muslim susceptibilities. Muslims are appalled and angered by the insensitivity and stupidity of the cartoons. It is not a legal issue or an issue of rights. Do I go around insulting people just because I am free to do so? For the last 1400 years, Muslims have adhered to a strict code that prohibits any visual portrait of the Holy Prophet. Here in Pakistan, defiling the sacred name of Prophet Muhammad by words or by visible representation or otherwise, is a grave offense punishable with death or long imprisonment under our law. Therefore, when the Holy Prophet was mocked in Denmark, it set off a wave of anger. Criticism of Islam is one thing. Mockery of the Holy Prophet is religious bigotry, and racial hatred and is totally unacceptable.

Cartoons are a powerful tool of communication. They are not in essence ugly. What is disgusting is how it has been misused to insult the Holy Prophet and hurt the sentiments of billion of Muslims throughout the world. Isn't it a bit cheap to test your freedom of expression on the back of Muslims' beliefs and tell them, "this is totally taboo in your religion, look how free I am to break this taboo? You can do nothing".

"Freedom of expression, is a defining ideal", Karen Armstrong said recently, "but it also carries great responsibility. We are living in a dark time; the prejudice that blossomed in Europe in 1930s could unfold today too". "Freedom of

expression is never absolute”, Secretary General Kofi Anan said recently, “It entails responsibility and judgment”. Voltaire, the conscience of Europe, the hero of liberal France, directed all his ire not against Islam or its Prophet, but against all the distinctive doctrines of traditional Christianity - original sin, Trinity, incarnation, intolerance, hatred and bigotry. Voltaire believed that every citizen shall be free to exercise his freedom of expression provided it does not disturb the public order. “Thou has not given us hearts to hate. May trifling differences between us not be used by us as signals of mutual hatred and persecution! May all men remember that they are brothers”? So let us keep Voltaire out of this debate and not use him to ridicule Prophet Muhammad.

Something is obviously wrong in the Kingdom of Denmark. Once it prided itself being a permissive and open society, having the most open immigration policies in Europe, a generous welfare state, always on the side of good. That was 50 years ago when I first visited this beautiful country with its bike-riding commuters, its sensible social democracy, its dairy farms, and Lego factory. It seems it is easier to be liberal and tolerant when your neighbour looks like you, speaks the same language and has the same habits. Today Danes are willing to pay for a welfare state but not for Muhammad Hussain who comes from Pakistan 5000 miles away. Oh! What a difference half a century makes?

The Danish paper Jyllands - Posten which first published the objectionable cartoons has since issued a statement regretting the offense that the cartoons had caused to Muslims around the world, but continues to insist that their publication was justified under the principle of freedom of speech! Danish Prime Minister Fogh Ras Mussen has reiterated that there would be no apology for the cartoon! To show solidarity, several European newspapers republished the cartoons, some of them urging tough action in defence of press freedom. The liberty to do evil is not liberty. Freedom of expression cannot be the freedom to tell lies. We too value free speech but the Danish government must condemn the cartoons as hateful and bigoted.

Is it surprising that nobody in the Islamic world believes Danes when they say it is a false picture to portray them as enemies of Islam and Prophet Muhammad? Such words fail to resonate when the Danish government relies on the swing vote of the Danish People's Party - whose leaders have publicly compared Muslims to “cancer cells”. They are openly telling their peoples that Islam is a terrorist religion; that our Holy Prophet (PBUH) is a “con man”. A country that touts itself as the world's biggest net contributor of foreign per capita recently introduced legislation making it virtually impossible for torture victims to obtain Danish citizenship. The People's Party leader - Pia Kga Ersgard recently wrote that the Islamic religious community, “was the enemy inside. The Trojan horse in Denmark. A kind of Islamic mafia”!

"In the West", Karen Armstrong wrote, "We have never been able to cope with Islam, our ideas about this faith have been crude, dismissive and arrogant, but we have now learnt that we cannot remain in an attitude of such ignorance and prejudice". Writing in 1956, the well-known Canadian scholar Wilfred Cantwell Smith, pointed out that, "both the West and the Islamic world would have to make a major effort if they were not to fail the test of the 20th century. Muslims would have to come to terms with western society and western success because these are facts of life. But western people too had to learn 'that they share the planet not with inferiors but with equals'". Whether we like it or not, we all effectively live next door to one another. In a globalized world in which the relationships among different civilizations continue to multiply and in which a local incident may have worldwide repercussions, it is vital that we cultivate the value of respect, tolerance and peaceful coexistence. Islam and the West share a common tradition. Muslims do not hate Western freedoms. They have no quarrel with the Western way of life. From the time of the Holy Prophet Muslims have recognized this, but the West cannot accept it.

The publication of the blasphemous cartoons has become a cause ce'lebre throughout the world and has hit the Islamic world like a Tsunami spreading in fast and unpredictable ways. The cartoons have lit a match and setoff an Islamic prairie fire that will soon set the whole region ablaze. Pakistan has been shaken up like a sleeping person from a tranquilizing dream. The people of Pakistan have broken their deafening silence and have taken to the streets. In the history of states and peoples there comes a turning point which alters the course of history. A turning point may also occur in the people's mind. That is what has happened in Pakistan today. People have overcome fear and seem to have crossed the psychological barrier. They are filled with anger and angst. Who has the capacity and will to channelize and guide this rage? Sometimes the right man appears in a key historical moment and changes the course of history.

## A Union of Unequals

Pakistan rarely has been near the top of US priorities. One indicator is that American Presidents have travelled to Pakistan just four times in 58 years; only Eisenhower in 1959 and Nixon ten years later paid State visits. Johnson touched down briefly at Karachi airport in December 1967, and Clinton spent just a little over five hours in Islamabad during his March 2000 South Asia trip. And in order to dispel General Musharraf's impression that the visit was an endorsement of his rule, the Americans made it clear that, "the President will go to Pakistan because the Pakistani nation is a friend, not because he approved of, or acquiesces in the government of General Pervez Musharraf". Isn't it ironical that six years later, another American President is visiting Islamabad because he approves of General Musharraf's military rule, shares his vision of democracy and holds him up as a role model for the Islamic world.

Bush comes at a defining moment in the history of Pakistan. The people have broken their deafening silence and have taken to the streets. This nation of political romantics which seemed to have sunk into a mood of weariness and disillusionment is on the march once again. We are sick and tired of military rule, tired of tyranny, tired of being humiliated by Lieutenant Generals, tired of being deprived of our right to elect our rulers. We say to them: Enough! Enough! In the name of God, go while the going is good.

These are tense times in Pakistan. The alienation between the people of Pakistan and the United States has never been more intense. Relations between Pakistan and the United States have never been as stormy as they are today. The Bush administration does not seem aware of the tectonic shift that is well underway. Americans must therefore, begin by listening to the people of Pakistan, because if they do not know how they think; if they do not understand what resonates with them; and what fuels their anger, they will never understand why our two countries have failed to sustain stable relations after becoming allies in 1954 - 1955.

At one time, Pakistan was "the most allied" of America's allies. Washington turned to Pakistan in the early 1950s when India chose non-alignment. Pakistan desperate for outside support, eagerly reciprocated. In the early 1960s, the alliance frayed when Pakistan turned to China while America backed India in its war with that country. With the Soviet invasion of Afghanistan, American policy did a complete about-face, when Islamabad provided essential support for anti-Soviet American operations in Afghanistan. A second US - Pakistan alliance then

took shape. However, neither Ayub nor Zia compromised national sovereignty in exchange for military and economic aid provided by the United States.

The 9/11 attacks led to a third US - Pakistan alliance. Once again, Pakistan served as a support base for the war in Afghanistan and, later, as a frontline state in the so-called war against terrorism, became actively involved in tracking down Osama in the mountains of Waziristan. This has turned out to be a qualitatively different kind of relationship. By allying himself with America's "war on terror", General Musharraf secured American acceptance of his military coup against the democratically elected government of Prime Minister Nawaz Sharif.

When power and leadership come to people incapable of handling either, the result can be disastrous. General Musharraf put his own interest above the national interest; his personal survival above the country's honour and opted for capitulation. He allowed Americans the free and unrestricted use of our air bases to bomb a friendly, neighbouring Muslim country and kill its innocent men, women and children who had done us no harm. "Nothing is more precious", Ho Chi Minh once famously said, "than independence and freedom". We lost both on General Musharraf's watch when he capitulated, said yes to all the seven demands presented to him at gunpoint by Secretary Colin Powell and joined the "Coalition of the coerced". To the great surprise of President Bush, General Musharraf committed Pakistan and its 140 million people to support the United States with each of the seven actions in the American war against Afghanistan. "It looks like you got it all", President Bush told Colin Powell. He thought it was the State Department at its best. It was Secretary Powell's finest hour. But for Pakistan, it was a day of infamy. On that day, Pakistan rented itself out to the United States and became what Stephen Cohen calls a "rentier state". No self-respecting, sovereign, independent country, no matter how small or weak, could have accepted such humiliating demands with such alacrity. We lost our independence, our fledgling democracy and all our liberties. But General Musharraf, until then a usurper, a pariah and a social out cast in American eyes, became the darling of the United States and its best friend almost overnight. Now he is tied at the hip to the United States.

General Zia ul Haq once told Secretary of State George Shultz in December 1982 that the United States and Pakistan formed a union of unequals. Zia was right. The lesson of history is that there can be no friendship between the strong and the weak. There can be no friendship between unequals, neither in private life nor in public life. "The strong do what they can", the Athenians told the intractable Melians, "and the weak must suffer what they must". The Farewell address of George Washington will ever remain an important legacy for small nations like Pakistan. In that notable Testament, the Father of the American

Republic cautioned that “an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter”. “It is folly in one nation”, George Washington observed, “to look for disinterested favours from another...it must pay with a portion of its independence for what ever it may accept under that character”. No truer words have been spoken on the subject. If you want to know what happens to an ill-led and ill-governed, small country under military rule which has attached itself to a powerful country like the United States, visit Pakistan. Nuclear Pakistan has lost its independence. It is now virtually an American satellite and is portrayed in American media as a ‘retriever dog’. Pakistan has lost its manhood, its honour, its dignity, and its sense of self-respect. “O what a fall was there my countrymen”!

58 years after independence, are we really free? Are we masters in our own house. Is our sovereignty and independence untrammelled? With the support and approval of the United States, the nation has been forced against its will to accept a totalitarian democracy? Today we have a government that is not grounded in the will of the people and must, therefore, be branded as illegitimate. That presents no problem to the United States. It tells the Generals who rule Pakistan, that all they needed to do was to carry out American agenda, fight the so-called terrorists whom they called freedom fighters not very long ago; in the process kill innocent men, women and children; use the state apparatus against all those who resist American imperialism; allow its citizens to be picked up by American intelligence and security agencies and incarcerated; play the role of a surrogate jailor for America and last but not least, find Osama; If they did all that, United States would look the other way, the Generals could deny their own people the freedom America advocates everywhere else and rule forever.

Today, democracy is in the ascendant everywhere, except in Pakistan. Democracy means first and foremost, the right of the people to rule themselves. This is not the case in Pakistan today and is not likely to be the case soon. Freedom is on the march everywhere except in Pakistan. The only meaning “Freedom” can have in Pakistan right now is freedom from army rule. Why doesn’t the United States call on the Pakistan military to go back to the barracks, refrain from interference in domestic politics and open the way for the establishment of genuine democracy in the country. Why don’t they realize that freedom for Pakistanis means freedom from military rule; that by supporting military dictators, they had placed themselves on the wrong side of history; that in doing so they had lost the battle for the hearts and minds of the people of Pakistan.

Freedom is not the bedrock of America’s friendship with Pakistan. What the Bush Administration does not sufficiently appreciate is the hostility that its support of tyrants has helped to foment in Pakistan. The lesson of Vietnam and

Iran is loud and clear. America must not rely too heavily on a General or a regime that did not enjoy the support of its own people. Instead, America should redeem itself by supporting the democratic aspirations of the people as it did in Ukraine.

General Musharraf thinks the people are a regiment and the country a barracks. Why does America turn a blind eye to the deficit of democracy in Pakistan? It is because Pakistan is not on the Bush democracy list. It is because America prefers to do business with military dictators in Pakistan. Today Pakistan has a dysfunctional political system that people describe as “sham democracy” with a dictator sitting on top. The substance of power vests in the President who is also the Chief of Army Staff. He is not elected in accordance with the constitution, is not accountable to the parliament or any other organ of state, refuses to vacate his office as Army Chief and doff his uniform. Democracy is in limbo, parliament is paralyzed. The constitution is a figment. Bush’s democracy agenda must not begin with Afghanistan and end with Iraq which he invaded on the “wings of a lie”. If Bush is truly interested in promoting democracy in the Islamic world, why doesn’t he make a beginning with Pakistan? Why can’t the United States identify itself with democratic forces and free this country’s democracy from usurpation by a mafia? Instead of searching for new lands to “democratize” and new places to hold election, why not roll back the military which has ruled Pakistan for more than half its life with disastrous consequences?

History thrusts certain powers at certain times onto centre stage. In this era, the spotlight shines on the United States. How long it stays on America – and how brightly it shines, would be determined by how it conducts itself in the world.

## **We Stand Alone**

When President George W. Bush landed in Islamabad amid heavy security, he couldn't have failed to notice the almost complete absence of life. One could hear a person walking in the deserted streets. Everybody seemed affected by the lifelessness of Islamabad, usually so vibrant, without the usual hustle and bustle. A day earlier, a suicide bomber sent the starkest message, killing an American diplomat, his driver and two others and wounding dozens in a massive explosion in Karachi outside the American consulate.

For 24 hours, we were all prisoners in our own country. Opposition leaders were under house arrest! President Bush fared no better. Most of the time he was confined to the American Ambassador's residence behind a thick security veil and rarely ventured out to meet the people of Pakistan. Apart from a select few, no body saw him. No body met him. A memorable visit, indeed! One is reminded of Adolf Hitler's first and only visit to Paris after the fall of France. As his car came upon a group of boisterous market women, the fattest among them pointed at Hitler and said: "It is him! It is him"! President Bush encountered no such experience in Islamabad.

Freedom of expression is one of the cornerstones of all democracies. Peaceful demonstrations are constitutionally protected even in Pakistan. But constitutional protection, as everyone knows, means nothing in this country today. In stark contrast, a noisy protest is seen in India as the best way to make one's voice heard. Protesting is almost an occupation in that country. Demonstrators of all stripes - rallying, shouting, creating gridlock, all converging on the Prime Minister's house, is a daily occurrence in Delhi. Indian's penchant for demonstrations and the police's lenient reaction to them is part of India's political landscape. Tens of thousands of demonstrators chanting anti-Bush slogans were out on the streets of Delhi to protest the arrival of President George W. Bush! The contrast with Pakistan was stark and sharply evident. It couldn't have gone unnoticed. Democracies trust their people. Autocracies fear them.

If you want to know what happens to a third world country when it enters Uncle Sam's embrace, don't look at Africa, or Indonesia or Latin America. Visit Pakistan. Thanks to the American support of military dictators, Republican Pakistan is under military rule for the fourth time. An unelected General in uniform presides over the destinies of 140 million Pakistanis. Lacking normal tools of democratic governance, General Musharraf has a tendency to use raw power to overcome even political problems. Today our army is involved in a totally senseless and unnecessary proxy war in Waziristan against its own people,

resulting in heavy loss of life. In doing so, General Musharraf has reversed Mr. Jinnah sound policy of peaceful coexistence with the tribes who have remained loyal to Pakistan through thick and thin. Anybody who knows anything about the tribal belt will tell you that, in Waziristan, military operation is not an option to solve a problem which is essentially political in nature. Pakistan is paying a heavy price for the commitments General Musharraf made at gunpoint five years ago.

There was unintended irony in the gift that John Foster Dulles sent to our Governor-General, the dying Ghulam Muhammad, some volumes on George Washington! The Farewell address of George Washington will ever remain an important legacy for infant nations like Pakistan. In that notable Testament, the Father of the American Republic cautioned that “an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter”. The irony in the gift, however, went unnoticed in Pakistan.

The equation between the United States and Pakistan has been one of friendship and alliance in the past. On July 12, 1961, when President Ayub visited Washington, he told the Joint Session of the Congress: “The only people who will stand by you are the people of Pakistan, provided you are also prepared to stand by them. So, I would like you to remember that whatever may be the dictates of your commitments, you will not take any steps that might aggravate our problems or in any fashion jeopardize our security. As long as you remember that our friendship will grow in strength”. In his welcome address, President Kennedy said that Pakistan was ‘a friend of immediacy and constancy’, and observed that, “Americans in private and in their public life appreciate the value of friendship and the constancy of friends”. Fine words and noble sentiments but they ring so hollow today. The relationship between our two countries has undergone a fundamental change since then. In the real world, as every student of international relations knows, there are no permanent friends, only permanent national interests.

Until 1962, the US continued to distinguish between a non-aligned India and the American ally, Pakistan. Over the years, this distinction first became blurred and then disappeared altogether. Now the Americans are openly saying that the policy of even-handed treatment of the two countries is a thing of the past. Pakistan has watched this transformation in American foreign policy with increasing perplexity and dismay. Pakistan is now de-hyphenated from India. India’s hyphenation is now more with China. “In a few years’ time”, an Indian diplomat said recently, “India won’t be able to see Pakistan in the rear – view mirror”!

As we stand today, there is no doubt that a cloud has come over the old friendship between Pakistan and the United States; a cloud which, it seems to me, may not pass away, although undoubtedly it is everyone's desire that it should. President Bush did not blink facts or mince words when he met President Musharraf. When Pakistan's expectations were not fulfilled, especially in view of the publicity, it was like a bucket of ice water on its face. "It was like taking a poor girl for a walk and then walking out on her, leaving her only with a bad name".

Pakistan's reaction is that of a jealous suitor who has just learnt that the object of his affections has arranged a date with a richer, more handsome man. In American eyes, Pakistan is now like a silent movie star. She was good in her day. But Americans have got the talkies now. All these years we have been daydreaming and are only now beginning to learn the perils of unequal relationship. In all such relationships, as we all know, there is the pursuer and the pursued. And there can be no doubt of the position we occupy today. This is what happens when you have been in the harem too long. When the two leaders met on March 4 on Pakistan soil, they were like a pair of two estranged lovers – who had bumped into each other through sheer force of circumstances – one of whom is afraid of what might happen if he lingered too long or said too much, or said the wrong things, or conveyed the wrong impression, or worse still, the jilted lover tried to rekindle the old love affair, and therefore wants to get away as quickly as possible to avoid the embarrassment.

Generals know how to topple civilian governments and usurp power in Pakistan, but they don't know how to govern. The result is the mess we are in today. Why not trust the people? Why fear and distrust them? Why not have confidence in them? Why not follow the straight constitutional path back to democracy and return power to the people of Pakistan? Why follow this tortuous, devious, circuitous road to the abyss? Will our military rulers ever learn from history? Will they ever learn that military rule sows the seeds of its own downfall? Will they ever learn that there is no respectable alternative to democracy, that military rule, direct or indirect, veiled or unveiled, is passé and is a recipe for disaster, that Pakistan cannot survive unless the army is taken out of the arena of political conflict and supremacy of civil power is accepted in letter and spirit? Today the core issue facing the nation is freedom from army rule. Without demilitarization, Pakistan risks revolution. Autocracy is the path to revolution. It is also the path to perdition.

We have come to a critical fork in the road. Democracy is General Musharraf's Achilles' heel. The call for his resignation illustrates the frustrating cycle of instability that has hampered political growth in Pakistan for decades. The time is now near at hand which must determine whether Pakistan is to be ruled by the

constitution or the whim and caprice of one single, solitary person in uniform. Do we wish to remain citizens of a Republic, or do we prefer some form of autocracy in which a General in uniform assures us that things were never as good as they are today and that authoritarianism is good for Pakistan?

President Bush's brief visit to Pakistan should serve as an eye opener. Today we stand alone. Such are the harsh realities inherent in an unequal relationship. It is time to wakeup. At this time all those among us who love this country and see the perils of the future (and I include Benazir, Nawaz Sharif and Shahbaz Sharif among them) must draw together and take resolute measures to put Pakistan back on the democratic path. Failing that, a long polar night will descend on Pakistan.

## Politicians on Trial

Thursday, March 23, 2006, a date which will live in infamy, was the saddest day of my life. On that day, General Musharraf, Chief of Army Staff, played a cruel joke on the people of Pakistan. Without prior notice, he suddenly appeared on the stage to address a (Q) League centenary convention at Minar-e-Pakistan in Lahore. He told a rented crowd that he was standing where, 66 years ago, Quaid-e-Azam Muhammad Ali Jinnah stood and the historic Pakistan Resolution was passed!

It spurs a reminiscence. I was a 17 years old young student. Memories come back to me like shards of glass. I was in Lahore, the city of my dreams, on that memorable day. Yeast was in the air. The Idea of Pakistan was about to be born. A day earlier, on March 22, 1940, Mr. Jinnah arrived in Lahore by the Frontier Mail to preside over the Muslim League meeting. When he entered the packed pandal, he faced a sea of humanity – all his admirers who had converged on Lahore to hear what he had to say. The Nawab of Mamdot, Chairman of the Reception Committee, presented Mr. Jinnah to the vast multitude. It was Jinnah's largest audience, his greatest performance to-date. On that day, the Muslim League led by Mr. Jinnah declared its support for the Idea of Pakistan. His Lahore address lowered the final curtain on any prospects for a single united India. It was a ringing repudiation of Sikander Hayat's Unionist Party's basic platform of Hindu-Muslim-Sikh co-existence. That is why generations of Pakistanis will always remember March 23 with profound reverence and respect.

Seven years later, on August 14, 1947, thanks to the iron will and determination of Mr. Jinnah, I was proud citizen of a sovereign, independent country – a country I could live for and die for. My sadness is deepened by bittersweet memories of the euphoria of the Pakistan dream. I was young-twenty four to be precise- full of joie de vive, idealism, hope and ambition. For me and, like me, for all those who belonged to my generation, Pakistan symbolized all our wishes and expectations. We all shared a seemingly unassailable certainty. We believed in Pakistan. On that day, we dreamed of a shining city on the hill and the distant bright stars. It was a day that should never have ended. For it was like a dream come true, and carried with it a sense of pride, of excitement, of satisfaction, and of jubilation that it is doubtful whether any other can ever come up to it.

Fast forward to last week's comic Pakistan Day opera staged in Lahore to honour a military dictator and promote his vaulting political ambitions. The adage that history repeats itself first as a tragedy, then as a farce was illustrated in a mockery of the historic 23rd March event. What a contrast with the meeting Mr.

Jinnah addressed 66 years ago at the same site in the city of Lahore! It is disgusting how a solemn occasion was misused to insult the Quaid and hurt the feelings of 140 million Pakistanis. Mr. Jinnah must have turned in his grave. How could the people allow the historic 23rd March 1940 meeting to be desecrated so impudently? How could a serving General of the Pakistan army identify himself with a renegade faction of the Muslim League and address a political convention? What sort of a nation is this which allowed such profanity? How low we have sunk since the historic meeting addressed by Mr. Jinnah?

Today a moral crisis is writ large on the entire political scene in Pakistan. The Pakistan dream has morphed into the Pakistan nightmare. The country is under army rule for the fourth time and in deep, deep trouble. This is the darkest era in the history of Pakistan since 1971. The independence of Pakistan is a myth. Pakistan is no longer a free country. It is no longer a democratic country. American military personnel cross and re-cross our border without let or hindrance. They violate our air space with impunity, kill innocent men, women and children in Waziristan and Bajaur. General Musharraf has robbed us of everything - our past, our present, our future.

We were a nation founded on laws and rules. What Musharraf has done is essentially to throw away the rule book and say that there are some people who are beyond the constitution, beyond the law, beyond scrutiny, totally unaccountable. People are filled with anger and angst. If you believe in democracy and rule of law and sovereignty of the people, you would not be anything other than angry, living in the current day and age. Of course, some people are happy under the present system. The rich are getting richer. For the rest, life is nasty, brutish and short. It is like an open prison. You get complacent because of the comfort. They give you just enough to make you happy.

Today Pakistan is a shadow of what it used to be. What is there to celebrate? The Federation is united only by a 'Rope of Sand'. 57 years after independence, Pakistan is torn between its past and present and dangerously at war with itself. It is a ghost of its former self. If it were to look into a mirror, it won't recognize itself. Today say: "Pakistan" and what comes to mind: sham democracy, fraudulent referendum, rigged elections, a General in uniform masquerading as the President of this sad country, a rubber stamp parliament, a pliant judiciary and a figurehead Prime Minister. Democracy in the west means a political system marked not only by free, fair and impartial elections, but also by Rule of Law, a strong, independent judiciary and an independent Election Commission. All these institutions are non-existent in Pakistan. Since the days of Herodotus democracy has meant, first and foremost, rule of the people. In Pakistan, the people do not rule. The sovereign power of the State resides elsewhere.

Why is there no outrage? Why are the better sort of the nation so silent? To sin by silence when we should protest makes cowards of men. What can you expect from a people who have unlimited capacity to become inured to the worst possible conditions of existence and the loss of everything that makes life worth living without perceiving that anything is wrong? The tragedy is that each man feels what is wrong, and knows what is required to be done, but none has the will or the courage or the energy needed to seek something better; all have lofty ideals, hopes, aspirations, desires, regrets, sorrows and joys which produce no visible or durable results, like old men's passions ending in impotence.

General Musharraf, Chief of Staff of the Pakistan Army who addressed the Pakistan Day Convention on March 23, 2006, toppled an elected government, suspended the constitution, arrested the Prime Minister and appointed himself as President of Pakistan. In May 2002, he held a dubious Referendum that allowed him to remain in power for another five years. "Power", Churchill once said, "Is heady wine". Not content with the awesome powers of the Presidency, General Musharraf decided to take the fateful plunge, and in violation of the solemn commitment he had made on National television, reneged on his promise. He told a baffled nation that he had decided not to give up his post as Army Chief and doff his uniform. With that, General Musharraf crossed his personal Rubicon. The die was cast. Long ago, Trotsky wrote, "No Devil cuts off his claws voluntarily". A person who possesses supreme power seldom gives it away peacefully and voluntarily. Why should General Musharraf? Therefore, anybody who thinks free, fair, impartial election will be held in this country in 2007 and total power transferred to the elected representative of the people must have his head examined. One thing is clear. If Pakistan is to survive, army must be placed outside the turbulent arena of political conflict. The secession of East Pakistan made it abundantly clear that the Federation cannot survive except as a democratic state based on the principle of sovereignty of the people and supremacy of civilian rule.

God save Pakistan. I have never prayed, "God save Pakistan", with more heartfelt fervour. You can feel the deep apprehension brooding over all. The proverbial little cloud no longer than a man's hand has already formed over the Pakistani scene. The country is in the grip of a grave political and constitutional crisis. General Musharraf is leading the country to a perilous place. His authoritarian rule is fast acquiring the mantle of legitimacy and permanence. There is no one to restrain him. It makes you weep. Grinding our teeth, we have been reduced to the role of spectators.

At this time all those, in the country or abroad, who see the perils of the future must draw together and take resolute measures to secure our country. "Everything seems", as Goethe once said, "to be following its normal course

because even in terrible moments in which everything is at stake people go on living as if nothing were happening". This is true of present day Pakistan. But the straws in the wind are there. Time will show whether there are enough of them to make a bale of hay. Beneath Pakistan's placid surface the tectonic plates are shifting.

Why doesn't Lincoln's "government of the people, by the people, for the people", apply to Pakistan? In Pakistan, dictatorship is always there. Sometimes it recedes from awareness. Sometimes it rushes to the front. Today, democracy is in irons. The issue before the nation is autocracy against republicanism. Do we wish to remain citizens of a Republic, or do we prefer to live under some form of autocracy? Do we prefer Rule of Law or rule of man? It is true that Nawaz Sharif, the ousted Prime Minister, was no paragon of virtue either but he had the courage to defy President Clinton. He did not succumb under pressure. He did not compromise on National Security. For that alone he will always be remembered. The triumph of Musharraf over Nawaz Sharif was certainly not a victory for democracy or parliamentary system. On the contrary, as subsequent events have amply demonstrated, it was the triumph of Bonapartism over all that Pakistan has ever willed or ever wished.

People are getting fed up with tinhorn despots. The "commando President" aura has crumbled. People have crossed the psychological barrier and overcome fear. Who among our leaders has the courage, capacity and will to channelize and guide their rage? To march at their head and lead them? To stand behind them, ridiculing and criticizing them? To stand opposite them and oppose them in collaboration with the Generals? Every political leader worth the name is free to choose among the three; but by force of circumstances they are all fated to make their choice quickly. Those among them who cannot take the heat must get out of the kitchen.

In spite of all their acts of omission and commission, Benazir and Nawaz Sharif remain the acknowledged leaders of two mainstream political parties and have a decisive role to play in the critical days ahead. Their future is not behind them. It is in front of them. Will they "seize the moment"? Will they "seize the hour"? Will they respond to the challenge or continue to stay abroad, when duty and honour beckoned. That is the question. On that would depend the future course of events in Pakistan.

## General Musharraf's Spurious Claim to Democracy

We live in a democratic age. Today the word democracy is a certificate of gentility. Military dictators and a few straggling totalitarian regimes still persist, but they are fast becoming anachronisms. Today there are no longer any respectable alternatives to democracy. No wonder, every nation and every individual in the present - day world feels bound to lay claim to being democratic. So even fascists and military dictators insist that they are democrats. But "democracy", as Churchill famously said, "Is not a harlot to be picked up by any person with a Tommy gun".

"So I will let you speak", President Bush told General Musharraf, "for yourself on the subject, (democracy) though, Mr. President". At this point, General Musharraf stepped in to expound his views on democracy and defend his democratic credentials. He said, "Unfortunately, we are accused a lot on not moving forward on democracy. But as I understand democracy, we are a - may I venture to tell what we have done in line with democracy to introduce sustainable democracy in Pakistan. The first ingredient of democracy, I believe, is the empowerment of the people. We have empowered the people of Pakistan now - they were never empowered before - by introducing a local government system where we have given the destiny of their areas for development, for welfare, for progress in their own hands through financial, political and administrative involvement.

Also democracy means empowerment of women. It is the first time that we have empowered the women of Pakistan, by giving them a say in the political milieu of Pakistan. We have empowered the minorities of Pakistan for the first time. Then we have empowered also - we have liberated the media and the press. All these people sitting around are the result of my democratization of Pakistan, opening the Pakistan's society of the media - the print media and the electronic media, both.

So, therefore, may I say that we have introduced the essence of democracy now in Pakistan? It has been done now. It never - all these things never existed before. What may be you are talking of is merely the label which probably you are inferring on to my uniform. Indeed, and without saying that you are inferring to it, yes, indeed, that is an issue which needs to be addressed. And I will follow constitutional norms. Even now I am following constitutional norms where I have been allowed to wear this uniform until 2007 - being in uniform as the President of Pakistan. Beyond 2007, yes, indeed, this is an issue which has to be addressed and it has to be addressed according to the Constitution of Pakistan.

And I will never violate the Constitution of Pakistan! So let me assure you that democracy will prevail. Sustainable democracy has been introduced in Pakistan and will prevail in Pakistan, especially beyond 2007. Long answer". President Bush: "Yes - important answer".

Earlier, General Musharraf chastised the Washington Post when it editorially demanded democratization. "The Post is not aware of our environment... What is democracy, the Post doesn't know". He went on to say: "I myself was elected by a two-third majority of Parliament. I hope the Post knows that is democracy"! So what is democracy? From the time of Herodotus, democracy means, first and foremost, the right of the people to elect their ruler. Therefore, if a country holds regular, competitive, multiparty, free, fair and impartial elections for electing its ruler in accordance with the constitution, the world recognizes it as democratic. Conversely, the absence of free and fair elections is the definition of tyranny. In the democratic world, government formed without the consent of the governed is called tyranny. Elections, open free and fair, are, therefore, the essence of democracy, the inescapable sine qua non. Governments produced by such elections may be inefficient, corrupt, short sighted, irresponsible, dominated by special interest, and incapable of adopting policies demanded by the public good. These qualities make such governments undesirable but they do not make them undemocratic. The government General Musharraf toppled on October 12, 1999, was a democratic government in every sense of the term. On that day we had an agreed constitution, a functioning democracy, an elected Prime Minister and an elected President.

General Musharraf suspended the constitution, a grave offense punishable with death, arrested the Prime Minister and appointed himself as the President of Pakistan. In May 2002, he held a dubious Referendum that allowed him to remain in power for another five years. The most important three words in the American Constitution are: "We The People". General Musharraf denied the people of Pakistan the right to elect their President in accordance with the constitution. In furtherance of his political ambitions, he defaced, disfigured and mutilated the Constitution in violation of the condition imposed by the Supreme Court. He turned the parliament and the judiciary into a fig-leaf for unconstitutional and illegal practices. And last but not least, he reneged on his promise to give up the post of Army Chief and doff his uniform.

At the press conference, General Musharraf talked about the empowerment of people. Today Musharraf's hegemonic power is close to absolute. Concentration of absolute power in the hands of one person, as every student of history knows, disempowers the people. In fact, it disenfranchises them and leads to tyranny. Empowerment of women or minorities does not make a government democratic. Women and minorities were enfranchised in the sub-continent long ago.

Minorities were represented in the elected government of Prime Minister Nawaz Sharif by Rana Chandar Singh, a powerful Rajput chief and a strong defender of the rights of minorities. Today their case is going by default because they are effectively unrepresented in General Musharraf's Cabinet. Local government system is nothing new in the sub-continent. It was introduced by the East India Company immediately after assuming responsibility for the administration of the country. Today devolution, the brainchild of General Musharraf, trumpeted as a revolutionary concept, is in a mess, its future uncertain. The old system of district administration - which had stood the test of time for centuries - has been demolished with nothing, but chaos to replace it. The result is, that today no one knows who is in command at the grass root level.

General Musharraf's claim that democracy prevailed in Pakistan or that he was the duly elected President of Pakistan is spurious and patently false. His defence of the indefensible sounded so hollow, so insincere, so unconvincing. Nobody believes it. Even the late unlamented Adolf Hitler had a better claim to power. He did not topple an elected government, nor did he carry out a coup. He climbed the democratic ladder and attained his goal through the ballot box.

With this background, it takes a lot of courage to talk about democracy and empowerment of the people. It was pathetic to watch General Musharraf's performance, in defence of his democratic credentials, in front of the world media. At times, it seemed as if he was in the dock, at pains to defend the record of his "achievements". I had great difficulty in overcoming the nausea which rose like acid from my stomach to my throat. In the blink of an eye, I suddenly saw General Musharraf as the captain of a sinking ship, the wind of defeat in his hair, it was certainly not his finest hour.

What was President Bush's message to the people of Pakistan? "I believe democracy is Pakistan's future", President Bush said at the Joint Press Conference. "President Musharraf had made clear that he intends to hold elections. We spent a lot of time talking about democracy in Pakistan. And we share strong commitment to democracy. I just mentioned in my opening address the idea of making sure the elections go forward in 2007". It has a ring of de javu about it. "I want this election in Poland to be the first one beyond question", President Roosevelt told Stalin at Yalta 60 years ago. "It should be like Caesar's wife. I didn't know her but they say she was pure". "They said that about her", Stalin remarked, "but in fact she had her sins". Stalin took both Roosevelt and Churchill for a ride. He assured them that he would soon hold free, fair, impartial elections in all the liberated countries in Eastern Europe. Of course, nothing of the sort happened. The rest, as they say, is history.

Americans are not interested in free, fair, impartial election in Pakistan. They have always supported every military dictator who toppled elected government and usurped political power. Why should they reverse this policy now? One lesson which the Bush administration has learnt from the stunning electoral victory of Hamas, is never to hold free, fair and impartial elections in any Islamic country. The Hamas victory has dealt a fatal blow to the Bush brand of democracy. The more democratic Islamic countries become, the less likely they are to support US strategic and economic interests. Given a democratic choice, it is unlikely that most people in the Islamic world would accept Israel's right to exist. In other words, ideal election outcomes may not result in ideal foreign policy outcomes from a US perspective. So, why would America support free, fair and impartial election in Pakistan and run the risk of losing an important "ally" in the war against terrorism? The American diplomat, Richard Holbrooke once pondered this problem on the eve of the September 1996 elections in Bosnia, which were meant to restore civic life to that ravaged country. "Suppose the election was free and fair", he said, "those elected are racists, fascists, separatists (or anti-American)". That is the American dilemma.

In the United States today they preach Jefferson but support military dictators, hereditary monarchs, Kings and Sheikhs abroad. President Roosevelt "walked with devil" in the person of Darlan and Franco and Badoglio without seeing its implications for democratic principle and morale. President Bush is doing exactly the same. Take three Muslim countries - Azerbaijan, Egypt and Pakistan. The Presidents of all these three countries are autocrats supported by the United States. President Ilham Aliyev of Azerbaijan provides oil. Hosni Mubarak of Egypt offers security cooperation in the Middle East. General Musharraf carries out American agenda in Pakistan and fights a proxy war in Waziristan against his own people. All three stifle opposition at home, each in his own way. All aspire to be Presidents for life. In all the three countries, the opposition parties see the United States as the regime's best friend. All three react to American pressure according to the now familiar friendly tyrant script. They make some minor improvements by allowing greater freedom for political debate and gravely declaring an unshakeable commitment to democracy and democratic institutions. What has been the Bush administration's reaction? So far it too has followed the familiar script, accenting the underwhelming positives and playing down the overwhelming negatives. Why should Bush reverse this policy in Pakistan?

America is like a cold monster that mates for convenience and self-protection, not love. Therefore, anybody who thinks that out of love for Pakistan, President Bush will bring pressure to bear on General Musharraf to hold free, fair and impartial election in 2007 and transfer total power to the elected representatives of the people, must have his head examined. With some minor adjustments,

General Musharraf will, therefore, continue to rule with a democratic façade and enjoy all the advantages of power without its responsibilities, unless people stand up and say: “This is not acceptable in the 21st century”.

## Who is Incharge?

When he captured political power more than six years ago, General Musharraf promised new thinking, new policies, good governance and, last but not least, pure democracy. He promised a lot but delivered very little. Poverty has deepened. The rich are getting richer and the poor are getting poorer. Instead of facing this grim reality, General Musharraf is leaning on numbers, like alcoholics lean on lamp-post, not to be enlightened but for support. Investor's confidence has not been restored because the law and order situation shows no sign of improvement. What is worse, they have no confidence in the independence of our judiciary and have no faith in the sanctity of our contracts. The much trumpeted accountability is a farce. All corrupt politicians are now Musharraf's political allies. The federating units were never as far apart as they are today and are drifting away from the center. The Federation is coming apart at the seams. Nobody knows what Pakistan will look like when Musharraf leaves the stage.

On law and order, the primary responsibility of every organized government, General Musharraf said five years ago, "It could not be improved by issuing mere statements. For improving law and order situation, we need to improve the law enforcement agency. We have chalked out a strategy to improve the police force but it needs Rs. 40 billions. We will have it done and demand of them to deliver". He said nothing would work without the revival of the economy, which alone was a battle winning factor. It is true that there can be no peace and stability without economic progress; but equally, economic progress is not possible and will never be sustainable if the government fails to protect the person, property, and honor of its citizens. Isn't it ironic that a military government had to spend an additional sum of Rs. 40 billions to enable the police force to maintain law and order and control crime! The irony is that despite such huge expenditure, law and order situation is going from bad to worse and is showing no sign of improvement.

On Tuesday, April 11, 2006, top leaders of the Sunni tehreek were among 57 persons killed in a bomb attack during a special Eid Miladun Nabi congregation arranged by the Jamaat-e-Ahli Sunnat at Nishtar Park. An estimated 100 people, including children, were injured in the attack. This was not an isolated incident and it is not for the first time that a religious gathering has been turned into a scene of death and destruction. The bombing of places of worship and religious rallies has been going on for years. Hundreds have been killed in sectarian attacks in mosques in Lahore, Sialkot, Multan, Quetta and elsewhere. On General Musharraf's watch devout Muslims dread going to mosques for offering prayers.

Can such a State, which fails to discharge its basic responsibility, have a legitimate claim on the loyalty of its citizens?

It is axiomatic that law and order is the primary responsibility of every organized government. In his Presidential address to the Constituent Assembly on August 11, 1947, Mr. Jinnah said: "You will no doubt agree with me that the first duty of the government is to maintain law and order, so that the life, property and religious beliefs of its subjects are fully protected by the state". Regrettably, the old system of district administration - the pier of the bridge over which India passed from colonial rule to independence and which had stood the test of time for centuries - has been demolished with nothing but chaos to replace it. The result is that today no one knows who is in command at the grassroot level. When the administrative machinery breaks down, law and order is the first casualty. "And when respect for law and authority declines, the devil of force leaps into its place as the only possible substitute and in the struggles that ensues every standard of conduct and decency is progressively discarded. Men begin by being realists and end by being Satanists. Sometimes synthesis takes place from within; sometimes it is imposed from without. If the original breakdown of authority is caused by a ferment of ideas, a genuine revolution like the French may result. If it is simply due to the decrepitude of authority, the solution is the substitution a fresh authority, but whether that substitute is external or internal depends upon local circumstances". This is what is happening in Pakistan today.

Failure to maintain law and order is unacceptable when the country is under military rule; General Musharraf wields absolute power without any restraint and has no alibi to explain or excuse his administration's dismal failure. In stark contrast, in the days of the Raj, a tiny handful of British officers - about 500 in the ICS and about 200 in the Indian police, assisted by a large number of Indian officials, maintained law and order and administered the vast Indian Empire for nearly 200 years at a fraction of the cost General Musharraf is spending on internal security in Pakistan!

To make matter worse, General Musharraf has imposed a disjointed, lopsided, topsy-turvy, unworkable, hybrid political system - a non-sovereign rubber stamp parliament, a General in uniform as President, and a figurehead Prime Minister. All power is concentrated in the hands of one single, solitary person who derives his power from his uniform. He is the President, Supreme Commander, Chief of Army Staff, Chairman National Security Council, Chief Executive and, last but not least, defacto Head of a major political party. He alone decides questions of war and peace, inter-provincial disputes and a host of other issues. He wields absolute power without responsibility and is accountable to none. Nothing moves without his approval. How can law and order be maintained under such a highly centralized system of administration?

General Musharraf is a creature of impulse, triggered by emotion. He shoots from the hip, leaps before he looks and does not ponder consequences. He is not as cool as Zia was. In a television interview on January 4, he issued a stern warning to the Baluch nationalists. "Don't push us. It is not the 70s, when you can hit and run, and hide in the mountains", he said, alluding to the military operation to quell the insurgency in Baluchistan in the 1970s. "This time, you won't even know what hit you". It spurred a reminiscence. "Oh God"! I said to myself. "Not again". Unfortunately, Generals do not learn from history because as one of them said very aptly, "We do not read history. We make history". The current crisis in Baluchistan is a throwback to the 1970's insurgency that resulted from Z.A Bhutto's dismissal of the National Awami Party government and the detention, on conspiracy charges, of 55 nationalist politicians and student leaders. Nearly three divisions were deployed to crush the insurgency and restore normalcy in that troubled province. Both sides suffered heavy casualties.

After the army coup of 1977, General Zia called off the army operation and dropped the conspiracy cases. He sent Sardar Ataullah Mengal, a heart patient, to the United Kingdom for medical treatment. All this had a dramatic effect. In no time, the situation returned to normal. All military operations in Baluchistan were ended, troops were withdrawn; a general amnesty was granted to all those who had taken up arms against the government; all sentences were remitted; properties confiscated were returned to their owners. Baluchistan never gave any trouble to General Zia. With one masterly stroke, Zia turned confrontation into reconciliation and won the hearts of the people of Baluchistan. Of all the decisions Zia-ul-Haq took, extrication from the Baluchistan insurgency was the most decisive. It was his masterpiece in the skilled exercise of power. Why doesn't General Musharraf follow General Zia's example?

General Musharraf is flying against history and the wind of public opinion. Whoever is advising him to take on the Wazir, Mahsud and Baluch tribes, is no friend of his and is certainly no friend of Pakistan. Instead of extricating the army from the Waziristan quagmire where the American-led war against "terrorists" has resulted in the killing of innocent men, women and children, including security personnel, and the permanent alienation of Wazir and Mahsud tribesmen, Musharraf jumped into the Baluch quicksand and opened a second Front against his own people. The trouble with Musharraf is that he possesses nothing of the vision required of a statesman. He listens too much to generals and flatterers around him who tell him what he wants to hear, not what he ought to hear.

How will it all end? No one knows. But, never, never, believe that the ongoing confrontation in Waziristan or Baluchistan will be smooth and easy or short-

lived. No one can measure the tides or hurricanes General Musharraf is sure to encounter now that he has so recklessly embarked on this perilous adventure. The use of force against the people did not succeed in East Pakistan and led to tragic consequences. How can it succeed in Waziristan or Baluchistan? Why use force to resolve what is essentially a political problem? Conflicts essentially political in nature do not lend themselves to a military solution.

These are times of trouble in Pakistan. It is not enough to sit back and let history slowly evolve. To settle back into your cold-hearted acceptance of the statusquo is not an option. At times like these it is necessary to venture into the hazardous wilderness. President Musharraf is taking Pakistan to a perilous place. His calls to stay the course are fatuous. The course he is on leads downhill. It appears as if we are on a phantom train that is fast gathering momentum and we cannot get off. I am reminded of some lines from an unknown writer about a railway accident:

*Who is in charge of the clattering train,  
And the pace is hot, and the points are near,  
And Sleep has deadened the driver's ear,  
And the signals flash through the night in vain,  
For Death is in charge of the clattering train.*

Desperate situations call for desperate measures. Tyranny rises because nothing resists it, and it falls because nothing supports it. This situation can and will be changed. "Democracy is Pakistan's future", President Bush said recently. Why do we have to wait? We have waited far too long already. We want democracy now. Tomorrow will be too late. We must capture the Great Dream before it dies.

## General Musharraf, the Saviour of the Nation?

I search my memory in vain, and find nothing sadder or more pitiable than that which is happening before our eyes these days. Everything we care about is vanishing. I feel as if, I were in a car that had lost its steering. At a time when Pakistan is spiralling into the abyss and dynamic leadership is desperately needed to pull it back, it is ruled by a General who lacks legitimacy, seems oblivious to the realities of his awesome responsibilities and is interested only in perpetuating himself. Even the most incurable optimists among us, are deeply worried. Instead of changing course, General Musharraf is busy doing nothing more than shuffling around the deck chairs on the 'Titanic', as he shifts his ministers, while his popularity continues to plummet.

Isn't it ironical that while Pakistan is going down the tubes, General Musharraf believes that he has carved a niche for himself in the Pantheon of world heroes? "I want to be remembered in history as the Saviour of Pakistan"!, he said in a PTV program recently. God has endowed General Musharraf with many qualities but modesty is certainly not one of them. Would that Heaven, which gave him so many gifts, had given him modesty. Churchill is honoured as a National Saviour because he personified Britain's defiance of Hitlerism. He stood alone, a beacon of hope amid the gathering storms. He did not capitulate, he did not waver. For years he soldiered on all alone and led his country to victory. Attaturk is honoured as the Founding Father of the Turkish Republic and Saviour of Turkey because he thwarted the victorious allies' plan to partition his country. Chairman Mao is honoured because he led China to victory against the Japanese and Chiang Kai-shek and changed the course of world history. Unlike General Musharraf, all three took their job seriously, never themselves. What is General Musharraf's title to fame? What are his achievements and what is his legacy?

General Musharraf has been in power for over six years and must be held to account now. Those who hold power and shape the destiny of others should never be judged in a moment of misfortune or defeat. If seen as a corpse hung by the feet, even Mussolini could arouse some pity. They must be judged when they are alive and in power. At the heart of leadership is the leader's character. He must always walk on a straight line. Honour and probity must be his polar star. People will entrust their hopes and dreams to another person only if they believe him, if they think he is a reliable vessel. His character - demonstrated through deeds more than words - is at the heart of it. General Musharraf would fail all these character tests.

All presidents are opposed, of course, and many are disliked, but few suffer widespread attacks on their veracity. General Musharraf is one of those few. A few days after the 1999 coup, Musharraf's spokesman, Brig. Rashed Qureshi (now Major General), insisted that, "while others may have tried to hang on to power, we will not. We will make history". Musharraf agreed. "All I can say", he assured a television interviewer in January 2000, "is that I am not going to perpetuate myself - I can't give any certificate on it but my word of honour. I will not perpetuate myself". That was more than six years ago! "No man ever willingly gives up public life", President Roosevelt once said, "No man who has tasted it". "And no devil", Trotsky once said, "has ever voluntarily cutoff his claws". Why should General Musharraf be an exception?

"The only guide to a man is his conscience", Churchill once said. "The only shield to his memory is the rectitude and sincerity of his actions. It is very imprudent to walk through life without this shield, because we are so often mocked by the failure of our hopes and the upsetting of our calculations, but with this shield, however the fates may play, we march always in the rank of honour". General Musharraf has no such shield to protect his memory. He lost his credibility when he reneged on his promise to give up his post as Chief of Army Staff and doff his uniform. His veracity is shattered and lies in ruins. If you have credibility and veracity, nothing else matters. If you have no credibility and no veracity, nothing else matters. The lesson of history is that without credibility and veracity, no ruler can govern because nobody believes him.

History will never forgive General Musharraf for reversing Mr. Jinnah's Waziristan policy with disastrous consequences for Pakistan. When the British left, Pakistan had reason to be glad that it had inherited a secure North West Frontier. In September 1947, Mr. Jinnah took a bold decision to reverse the "pacification" policy, withdrew regular troops from Waziristan and entered into new agreements with the tribes. Cunningham, the new Governor of NWFP, appointed by Mr. Jinnah was a Frontier expert. His disillusion with the "pacification" policy was complete. "I think that we must now face a complete change of policy. Razmak has been occupied by regular troops for nearly 25 years. Wana for a few years less. The occupation of Waziristan has been a failure. It has not achieved peace or any appreciable economic development. It ties up an unreasonably large number of troops, and for the last 10 years there have been frequent major and minor offenses against the troops". The change in policy produced dramatic results and paid rich dividends. All this has now changed. Mr. Jinnah's Waziristan policy which had stood the test of time has been reversed. Our troops are back in Waziristan in aid of American troops looking for Osama! The result is a totally unnecessary and avoidable state of armed confrontation between Pak army and the tribesmen. Those who know the Frontier are deeply concerned. President Musharraf is playing with fire. By

reversing Mr. Jinnah's Waziristan policy, at the behest of Americans, he has alienated powerful tribes in Waziristan and unsettled our western border which had remained peaceful for 57 years since the birth of Pakistan. By allowing Americans to use our territory as a platform for bombing Afghanistan, we antagonized the Afghans, especially the majority Pukhtun tribe who live in the Pukhtun belt along our border. For the first time in the history of Pakistan, a military government has laid the foundation of permanent enmity with the Pukhtuns across the border. We have now compounded the problem by taking on our own tribesmen in Waziristan. The killing of innocent men, women and children in Waziristan in the proxy war General Musharraf is fighting against his own people, is monumental folly, an immoral act unsuited to the ethics of the 21st century, reminiscent of the dark ages and our colonial masters. In our enlightened days such crimes against one's own civilian population, are obsolete, reprehensible and unpardonable. General Musharraf does not agree.

Speaking to the Guardian recently, General Musharraf defended the use of military force instead of negotiations to quell the violence in Waziristan and said some collateral damage was inevitable. "We take extreme care to be 100% sure of the target from all sources of intelligence... There is minimum collateral damage. If someone happens to be very close to the target, that somebody is an abettor and they suffer the loss. Sometimes, indeed, women and children have been killed but they have been right next to the place. It is not that the strike was inaccurate but they happened to be there, so therefore, they are all supporters and abettors of terrorism - and therefore they have to suffer. It is bad luck!", he said. Americans kill innocent men, women and children every day in Iraq but they don't call them supporters and abettors of terrorism. How can General Musharraf hold innocent men, women and children killed in Waziristan and Bajaur, guilty of terrorism just because they happened to be near the target? It is insane. It is inhuman. It is barbaric.

History will doubtless charge General Musharraf with a number of sins of omission and commission and its judgment will be harsh. On the central accusation - that he toppled an elected government, arrested the Prime Minister and suspended the constitution, he will be held guilty. How will history remember General Musharraf? That he capitulated under American pressure and compromised national sovereignty; that Pakistan lost its independence and virtually became an American colony during his Presidency; that he subordinated national interests to his political ambitions; that he inducted the army into the politics of Pakistan; that he used it as an instrument for capturing and retaining political power; that in the process he did incalculable harm to the army and to the country; that he was no crusader; no Tribune of the people; that he was no enemy of those who looted and plundered the country; that he joined hands with the corrupt and discredited politicians to acquire political support;

that he held a dubious Referendum so that he could rule another five years; that he allowed blatant, flagrant use of the administration and official machinery in support of the King's party; that he turned the Parliament, the embodiment of the Will of the people, into a rubber stamp; that he broke faith with his people; that he denied them their constitutional right to elect their President; that he defaced, disfigured and mutilated the constitution in order to perpetuate his rule; that he failed to honour his public commitment to give up his post as Chief of Army Staff and doff his uniform; that he promised a great deal and delivered very little.

General Musharraf's presidency will go down in history as a case study in the bankruptcy of military leadership. The years he remained in power will go down in history as "the years that the locust hath eaten". If Pakistan were a democracy today, General Musharraf and his entire team would be out by now.

## **“Supreme Court’s Judgments helped Revive Democracy”**

“This means”, said King James, “that I shall be under the law, which it is treason to affirm”. “To which”, replied Chief Justice Coke, “I said that Bracton saith, quod rex non debet esse sub homine, sed sub Deo et lege” (that the King should not be under man but under God and Law). This was the first confrontation between the King and the Superior Judiciary in England. Chief Justice Coke did not waver. He did not falter. He risked going to the Tower but he stood his ground. In the altercation between Chief Justice Coke and the King, there is personified the basic conflict between power and law. Coke did not stop with affirming that even the King was not above the law. In Dr. Bonham’s case, Coke seized the occasion to declare that Law was above the parliament as well as above the King; that when an act of Parliament is contrary to Fundamental Law, it must be adjudged void. The year was A.D. 1608.

On August 14, 1947, we took democracy, Supremacy of law, the supremacy of civilian rule and the independence of judiciary for granted. Jinnah’s Pakistan was to be governed by law, not man. Very soon, events were to prove how wrong we were. The Governor General, Malik Ghulam Muhammad, dismissed the Constituent Assembly on October 24, 1954. The Assembly hall was closed, its President, Bengali politician Maulvi Tamizuddin Khan, was ousted from his government-assigned house.

The dismissal was challenged by Tamizuddin Khan. The writ petition filed before the Sindh High Court questioning the Governor-General’s authority to sack the Constituent Assembly was the first test of the independence of judiciary from the executive. On February 9, 1955, a full bench of the court upheld Tamizuddin’s appeal and ruled that the Governor-General had no power to dissolve the Constituent Assembly. After consultation with Justice Munir, the Chief Justice of Pakistan, the Governor-General heaved a sigh of relief. Justice Munir was ready to overrule the lower court’s decision. On March 21, 1955, the court ruled by four to one that the Sindh High court had no jurisdiction to issue a writ in Tamizuddin favour. The Federal court did not consider whether the Governor-General had rightly dissolved the Constituent Assembly. It merely overruled the Lower Courts’ decision on the ground that section 223(a) under which it heard the appeal, did not have the Governor-General’s assent, and was, therefore, no part of the law! In arguments before the Federal court, counsel for Tamizuddin Khan sought to show by reference to historical records and debates on the Indian Independence Bill that his Majesty’s Government had accepted the position that the Constituent Assemblies of both India and Pakistan were ‘Sovereign bodies’, not subject to any legal control. The people of Pakistan

discovered for the first time that their Constituent Assembly was not and had never been a fully Sovereign body and that all its acts required the Governor-General's assent. And this in spite of the fact that for 7 years, the rules of procedure of the Constituent Assembly - formulated while Mr. Jinnah was alive - stated that the Governor-General's assent was not necessary for a bill to be placed on the statute book. However, this argument did not impress Justice Munir.

On April 13, 1955, Munir confessed that he did 'not know whether the Constituent Assembly was dissolved legally or not'. The court for the first time in the history of Pakistan established a practice of striking bargains with those in power so that it could remain in business, its ruling would be obeyed and those in power would not feel defied. Recounting this "said chapter in the history of Pakistan", Justice Munir suggested that the judiciary faced a country itself on the brink of dissolution. "If the court had upheld the enforceable writs", he continued, "I am sure that there would have been chaos in the country and a revolution would have been formally enacted possibly by bloodshed...". In his eyes, the choice was not between the Assembly and the Governor-General but between anarchy and order. Nobody is impressed by this argument. Justice Munir set a bad precedent by joining hands with the powerless Governor-General and validated the dissolution of the Constituent Assembly. He justified it on the ground that in doing so he was preempting the possibility of military intercession in politics. Yet, he sanctioned a military coup d'état just a few years later.

The superior judiciary faced its second test on October 8, 1958 when Ayub Khan, with Mirza's connivance, staged a successful coup, abrogated the 1956 constitution and declared Martial Law. In the state v Dosso and another, a suit which examined the scope and functioning of the 1901 Frontier Crime Regulation, the Supreme Court ruled on the legality of the usurpation of power. Coining the doctrine of revolutionary legality as an acceptable mode for contesting a constitutional order, Munir ruled that a successful challenge to power conferred a badge of legality. "Where revolution is successful", Munir observed, "it satisfies the test of efficacy and becomes a basic law - creating fact". In simple words, the court legitimized the military regime. The court could have refused to hear the case. Instead, it chose to keep its door open and live within the limits imposed by the military government. Alternately, it could have removed itself from the political fray by ruling that the suspension of the constitution meant that the case itself was no longer possible to judge, a course it also eschewed. Why did the Supreme Court acquiesce? Why couldn't it withhold its cooperation? Why did it legitimize the usurper and his military regime? Judicial complicity became a Faustian bargain.

In the Asma Jilani case, the Supreme Court considered three related issues: the validity of the revolutionary legality doctrine established in the Dosso case; the doctrine's applicability to transfer of power to Yahya Khan; and the status of the legal frame-work. The court concluded that Yahya Khan had usurped power; that his action was not justified by the revolutionary legality doctrine and consequently that his Martial Law regime was illegal. The judgment was, however, given when Yahya Khan was no longer in power.

When Zulfikar Ali Bhutto and 10 others were re-imprisoned by General Zia in September 1977, Begum Bhutto filed a petition in the Supreme Court challenging the validity and legality of the Martial Law regime. In that case, Pakistan made judicial history when a bench of 9 judges of the Supreme Court validated the imposition of Martial Law and the dissolution of Parliament by the Chief of Army Staff, General Muhammad Zia ul Haq, on the ground that it was necessitated by considerations of state necessity and public welfare. It held that the CMLA was entitled to perform all such acts and promulgate all such legislative measures which fell within the scope of the law of security, including the power to amend the constitution, completely disregarding the accepted view that the court did not have the power or jurisdiction to circumvent settled constitutional procedures and allow a functionary to tamper with the constitution. This was an exercise of power without precedent. Not a single dissent was filed. In the years to come, the CMLA was to amend the constitution wholesale and to cite this judgment as an answer to all accusations of abuse of power. The Supreme Court had retained for the superior courts the jurisdiction to examine all acts and measures of the military regime on the criterion of necessity. But when it appeared that there was a cleavage between the regimes' and the superior courts' view of what was necessary, the courts lost. The regime used the sword supplied to it by the judiciary to strike at judicial power.

In March 1981, General Zia promulgated the provisional constitutional Order 1981 (PCO) 'for consolidating and declaring the law and for effectively meeting the threat to the integrity and sovereignty of Pakistan and because doubts have arisen...as regards the powers and jurisdiction of the superior courts'. As a consequence of this order, judicial powers were extinguished and 1973 constitution effectively abrogated. It placed virtually all powers in the hands of the executive; provided extensive emergency provisions to extend military rule and gave the President - CMLA retrospective powers to amend the constitution. All the orders and actions taken by the regime were considered to have been validly made, and notwithstanding any judgment of any court, could not be called into question in any court on any ground whatsoever. To add insult to injury, Superior court's judges were required to take a new oath to uphold the P.C.O; not all judges were invited to do so. The Supreme Court, the guardian of the constitution, without any jurisdiction or power, authorized the CMLA to

dismantle the constitution brick by brick and change it beyond recognition. The regime used the sword supplied to it by the judiciary to strike at judicial power. The PCO 1981 was the logical culmination of the process started in 1955 with the judgments in Tamizuddin Khan's case, the 1955 reference and Dosso's case.

When the army struck again on October 12, 1999, the country was peaceful. There was no civil commotion anywhere. The Pakistan army was not involved in any armed conflict either in the Tribal area or in Baluchistan. Nevertheless, in the Zafar Ali Shah's case, a Bench of 12 Judges of the Supreme Court unanimously came to the conclusion that the intervention of the armed forces was to be validated on the basis of the doctrine of state necessity. The Chief of Army Staff was conferred the power, which the court did not possess, to singlehandedly amend the constitution. This power was un-requested by General Musharraf, the military ruler, but was considered necessary by the Honorable Judges, "for the welfare of the people". Violation of past illegalities was bad enough but to empower the Chief of Army Staff to commit illegalities in future as well was making a mockery of the Constitution.

In every period of political turmoil, men must have confidence that Superior judiciary, the guardian of the constitution, will be fiercely independent and will resist all attempts to subvert the constitution. It is unfortunate that from the country's first decade, our judges tried to match their constitutional ideals and legal language to the exigencies of current politics. It is our misfortune that the judiciary has often functioned at the behest of authority and has been used to further the interests of the state against the citizens. Their judgments have often supported the government of the day. This was their chosen path through the 1950s; during the Martial Law period of the 1960s and 1970s; under the mixed constitutional rule of Zulfikar Ali Bhutto and persists till today. When the history of our benighted times comes to be written, it will be noted that the superior judiciary failed the country in its hour of greatest need.

What would have happened had the Supreme Court decisions been different? It is idle to speculate but I have no doubt that the history of Pakistan would have been different and we would not be under military rule today. Looking back, keeping the courts open for business, not as a matter of right but as a privilege, under strict limitations imposed by military rulers, and tailoring judgments for expedience, or simple survival has done the country or the judiciary no good. On the contrary, it has done incalculable harm and undermined the confidence of the people in the independence of the courts.

Justice Munir committed the original sin. Others tamely followed his example. The result is the mess we are in today. The foundation of the Constitution have been shaken by a power-hungry General with the help of corrupt politicians and

a pliant judiciary. The members of parliament, after taking the oath of allegiance to the constitution, had no compunction in destroying its basic structure. It is not the members of parliament, dressed in brief authority, who are supreme. They have no power to make structural changes in the constitution. In our country it is the constitution which is supreme. It is the people who are supreme, and it is they who have given the constitution unto themselves. Why didn't the Supreme Court, the Guardian of the Constitution, resist the subversion of the constitution? Why did it allow a military dictator to deface, disfigure and mutilate the constitution and alter its character? Why did it allow the parliament to destroy the basic structure of the constitution? Why?

Pakistan will be Pakistan again the day the Judges of the Supreme Court, following the noble tradition set by Chief Justice Coke and his colleagues, raise the shield of constitution, the embodiment of the Will of the people, and confront the usurper. When that happens, the long nightmare will be over. It will be morning once again in Pakistan.

## **Pakistan Cannot Survive under Army Rule**

“What rubbish, we are a nuclear state. How can we be called a failed state?”, Foreign Minister Khurshid Kasuri responded angrily to a report published in American Magazine “Foreign Policy” regarding Failed States index for the year 2006. Does this administration know nothing of history? Generals may be excused because they “don’t read history. They make history”. But Khurshid Kasuri should know better.

Soviet Union, a military superpower possessing the second largest nuclear arsenal in the world, simply collapsed: its authority drained away, its institutions evaporated. There was no foreign war, no bloody revolution, no natural catastrophe. The world’s largest country departed the stage almost without protest. No army was more powerful than the Red army which in 1941 faced the full might of the German army - nearly 4 million troops organized in 180 divisions, 3350 tanks, 7200 guns, supported by 2000 aircraft, which it destroyed and chased all the way to Berlin, but this mighty army, with all its nuclear weapons, could not prevent the demise of Soviet Union, a superpower not too long ago. Will our rulers ever learn from history and draw the right lesson from the demise of Soviet Union?

Yugoslavia is another example of a failed state. When Tito died in 1980, Yugoslavia consisted of six republics, five nations, four languages, three religions, all held together by a single party and the Serbian led army. What happened after 1989 was simple: the lid having been removed, the cauldron exploded. The breakup of Yugoslavia, a multi national federation, was the work of man, not fate. Who was to blame for the tragedy of Yugoslavia? There was certainly enough responsibility to go around. But in the end the primary responsibility for the Yugoslav catastrophe lay with the Serbian led army which dominated the political landscape. Yugoslavia was doomed.

We lost East Pakistan in 1971 because Pakistan was ruled by a military dictator who did not have the will or statesmanship or political skill required to resolve the crisis in accordance with the aspirations of the people of East Pakistan. General Yahya did not have the political vision or capacity to handle the complex situation arising out of the election result. It is idle to speculate, with the benefit of hindsight, but the war with India, the defeat of Pakistan army, the humiliating spectacle of its surrender in Dhaka, the loss of half the country, the long incarceration of our soldiers in Indian captivity, might have been avoided if Pakistan were a democracy in 1971. The politicians, left to themselves, would

have muddled through the crisis and struck a political bargain. But for military rule, the history of Pakistan might have been different.

This brief analysis leads one to the inevitable, ineluctable conclusion: that multi-ethnic countries are doomed if they are held together by force, that military rule sows the seeds of its own downfall because military rule is an anachronism, lacks legitimacy and is doomed to failure. It is now abundantly clear that Pakistan cannot survive except as a democratic state based on the principle of sovereignty of the people, Pakistan cannot survive except under a constitution which reflects the sovereign will of the people, not the whims of one individual person, Pakistan cannot survive except under a system based on the supremacy of civilian rule, Pakistan cannot survive except as a federation based on the willing consent of all the federating units and lastly that Pakistan cannot survive unless army is taken out of the arena of political conflict and supremacy of civil power is accepted in letter and spirit? "If there is one principle more than any other", Morley, Secretary of State for India, once said, "that has been accepted in this country since Charles I lost his head, it is this: that civil power must be supreme over the military power". The British learned this lesson only when Charles I lost his head. Will our military rulers ever learn this lesson?

A lesson to be drawn from the works of Gibbon is that Rome's enemies lay not outside her borders but within her bosom, and they paved the way for the empire's decline and fall. When the history of Pakistan comes to be written, the verdict of history will, almost certainly be that military rule, more than anything else, destroyed Pakistan. Many early symptoms that heralded the Roman decline may be seen in our own nation today: periodic military intervention in the affairs of state, prolonged military rule, concentration of power in one person without responsibility and accountability, contempt for constitution and political institutions, absence of Rule of Law, a subservient judiciary, high-level corruption and greed. The supreme irony is that General Musharraf considers religious extremism - not military rule, not absence of democracy, not absence of an agreed constitution, not absence of Rule of Law, not absence of accountability, and not his lack of legitimacy - as the greatest threat to Pakistan today!

It is a basic principle of democracy that Generals do not challenge the legitimacy of elected governments or march their troops into the capital to subvert political institutions. In Pakistan it is nothing unusual. Every now and then Generals topple elected governments and seize the helm from the politicians. Today once again, it is the Hour of Generals in Pakistan. Where is General Musharraf taking Pakistan? People are uneasy about where we are and where we are going. Pakistan is spiralling into the abyss. Army rule has eroded people's faith in themselves as citizens of a sovereign, independent, democratic country. The result is the mess we are in today. The country appears to be adrift, lacking

confidence about its future. Never before has public confidence in the country's future sunk so low. Our entire political system has been pulled into a black hole caused by periodic army intervention and prolonged army rule. Public criticism of the generals ruling Pakistan has become widespread. The army, once held in high esteem, is now being seen in a different light. History will doubtless charge General Musharraf with a number of sins of omission and commission, and its judgment will be harsh. A major charge against him will be that he dragged the Pakistan army, the only shield we have against foreign aggression, into the arena of political conflict and used it to capture and perpetuate his political power.

Today Musharraf is virtually the Atlas on whose shoulders the state of Pakistan rests. People compare him to Pooh-Bah, the Gilbert and Sullivan character who exercised every function of state except that of public executioner. When you centralize power, you alone get stuck with all the responsibility when things go bad. And that is what is happening in Pakistan today. In the absence of a law of political succession, no one knows what will happen to Pakistan once Musharraf leaves the stage. In a democracy, political change is linked to a change of rulers, which occurs regularly and at minimal social cost. The absence of democracy, however, does not prevent a change of rulers. It happens anyway. It takes the form of revolution. Some are "soft" like the velvet revolution in Czechoslovakia in 1989 or the "orange" revolution in Ukraine in 2004. Some are bloody like the October revolution in Russia or the Iranian revolution. Be that as it may, nobody denies the inevitability of a change of power in Pakistan. It will happen sooner or later. But when it does happen, it may not be "velvet".

Pakistan is not a case of failed state. It is a case of failed leadership. Talking about leadership, Napoleon once famously said, "An army of rabbits commanded by a lion, is better than an army of lions commanded by a rabbit". We have a first class army. Our nation has the heart of a lion. Who is there to give it the roar? Who is there to prevent a lawless President, a spineless parliament, a pliant judiciary and a complacent civil society from stomping on the constitution?

Today a politically retarded Pakistan finds itself in a valley, not at a peak. Looming above is a military dictatorship. It is not possible to speak of army rule and freedom in the same breath. Will the nightmare of army rule ever end? Will it ever be exorcised? The constitution lies prostrate. When will this tormented country be normal again? General Musharraf is leading the country to a perilous place. His authoritarian rule is fast acquiring the mantle of permanence. Unless checked, the country will settle into a form of government with a democratic façade and a hard inner core of authoritarianism – an iron hand with a velvet glove. When that happens, there will be no need for the imposition of martial law. Anyone who thinks General Musharraf will hold free, fair and impartial elections

in 2007 and transfer total power to the elected representatives of the people, should go home, take a nap, wake up refreshed and think again.

It is time for you to go, General Musharraf. Your nation doesn't want you anymore. Your interest and the interest of Pakistan do not coincide. The people of Pakistan do not trust their Commander-in-Chief any longer and do not want to follow his lead. None of his signature policies have much resonance with the mass of our people today. The sooner General Musharraf realizes this, the less costly his departure will be for his people. I ask General Musharraf in all humility and with full awareness of its difficulty and pain, to make this supreme sacrifice to spare our country the tragedy that is staring us in the face.

"These are times that try men's souls. The best lack all conviction while the worst are full of passionate intensity. The summer soldier and sunshine patriot will in this crisis shrink from the service of his country, but he who serves it now deserves the love and thanks of man and woman" At this time, all those, in the country or abroad, who see the perils of the future must draw together and take resolute measures to save the country. Our moment of truth has arrived. To borrow the prophetic words of Dostoevsky, I, "have a presentiment of sorts that the lots are drawn and account may have to be settled far sooner than one might imagine in one's wildest dreams". Benazir and Nawaz Sharif must catch the first available flight, return home and join the struggle.

## A Gathering Pakistani Storm

Let me say right off that I fully support the Charter of Democracy signed by former Prime Ministers Benazir Bhutto and Nawaz Sharif, leaders of two major parties, the Pakistan Peoples Party and the Muslim League. They have set a norm which they have pledged to honour. Whatever they say or do, will, henceforth, be judged against the anvil of this Charter. This is a big step forward. One can only hope that they will now march in step towards the broad and sun-lit uplands. Will they “seize the moment”? Will they “seize the hour”? Will they respond to General Musharraf’s challenge, return home by the first available flight and join the struggle or will they continue to stay abroad, when duty and honour beckoned? That is the question. If the two leaders hope that the Charter would unfreeze the political situation, galvanize the people back home, and spark an upsurge of public willingness to rally round them, in absentia, they are woefully mistaken.

In politics there are no permanent friends and no permanent enemies. I am aware of the aphorism that ‘there is no friendship at the top’. But adversity brings strange bedfellows together. No one was a more bitter opponent of Stalin than Churchill. But when Hitler invaded Soviet Union, Churchill had this to say: “I will unsay no word that I have spoken about it. But all this fades away before the spectacle that is now unfolding”. Benazir Bhutto and Nawaz Sharif have been bitter political opponents in the past, but a genuine change of hearts and meeting of minds appears to have taken place and lessons have been learned. One of these lessons, learned from bitter experience, is that army has to be kept out of politics, that you do not entrust a hyena with even the mere whiff of meat, however rotten.

The Charter has been widely acclaimed but in the eyes of some of its detractors, it amounts to little more than a Declaration from a Conference of Bishops that they were against sin. Some call it an Unholy Alliance. Others describe it as a sublime piece of nonsense, a set of old clichés. I can understand why some people are sceptical. Unfortunately, the lesson offered by 58 years of our chequered constitutional and political history is that our political leaders seem determined not to learn from history. They all adopt the same course again and again, repeat identical mistakes, push the country deeper and deeper into uncertainty and insecurity and, unwittingly, facilitate take-over by military adventurers who take full advantage of discord in their ranks. Hopefully, all this is now behind us.

The Charter reminds me of Winston Churchill's views on such long-term plans. Eden was trying to interest him in his 'Four Power Plan' and the post-war international order. Churchill was sternly discouraging. He told Eden that such 'speculative studies should be entrusted mainly to those on whose hands time hangs heavy'. He commended to Eden the first line of Mrs. Glasses' recipe for Jugged Hare: 'First catch your Hare'. Churchill had only one single purpose at that point of time - the destruction of Hitler - and his life was much simplified thereby. Why not follow Churchill's example and "first catch our Hare".

Today there is only one issue facing the nation: freedom from army rule. Without demilitarization, Pakistan risks revolution. Autocracy is the path to revolution. It is also the path to perdition. After seven years of General Musharraf's rule, Pakistan is a broken landscape of empty, sagging state institutions, superficially intact but visibly shredded. The state is teetering on the edge of an abyss. The military is digging in and would, unless checked, remain in power indefinitely. Meanwhile the drums of secession are beating loud and clear in the smaller provinces. The Federation is united only by a 'Rope of Sand' and is dangerously at war with itself, in Waziristan and Baluchistan.

Where do we stand today? Thanks to seven years of Musharraf's rule, Pakistan is a ghost of its former self. If it were to look into a mirror, it won't recognize itself. Today say: "Pakistan" and what comes to mind: sham democracy, fraudulent referendum, rigged elections, a General in uniform masquerading as the President of this sad country, a rubber stamp parliament, a pliant judiciary and a figurehead Prime Minister. Democracy in the west means a political system marked not only by free, fair and impartial elections, but also by Rule of Law, a strong, independent judiciary and an independent Election Commission. All these institutions are non-existent in Pakistan. Since the days of Herodotus democracy has meant, first and foremost, rule of the people. In today's Pakistan, the people do not rule. The sovereign power of the State resides elsewhere.

We have come to a critical fork in the road. The time is now near at hand which must determine whether Pakistan is to be ruled by Law or the whim and caprice of one single, solitary person in uniform. Do we wish to remain citizens of a Republic, or do we prefer some form of autocracy in which a General in uniform assures us that things were never as good as they are today and that authoritarianism is good for Pakistan?

It is time to wakeup. Let Pakistan be Pakistan again. Let it be the dream it used to be - a dream that is almost dead today. All those who see the perils of the future must draw together and take resolute measures to put Pakistan back on the democratic path before Tsunami catches up and hits us all. The longer we allow

the waters to rise, the greater the catastrophe that will follow the bursting of the dam. Our window of opportunity is getting narrower and narrower by the day.

All we want is to live just like the rest of the world without the Generals breathing down our neck. For too many years, Pakistanis have been mere inhabitants of their own country. Now they demand to be free citizens, and feel they have the right to oust a ruler who lacks legitimacy and has wrought havoc on this country. To be robbed of material possessions is one thing, but to be robbed of the seemingly intangible – the right to choose who is to rule us – is to be dehumanized and diminished as a citizen. To resist such domination is the right, nay the duty, of every citizen. Unless our military rulers give Pakistan back to the people to whom it belongs, it will never take off and will go on stagnating. And if we are not vigilant, it may even disintegrate.

A pall has descended on the nation and we are fast approaching Arthur Koestler's *Darkness at Noon*. A time bomb is ticking in Pakistan. The country is in deep, deep trouble. General Musharraf is not in tune with the zeitgeist of Pakistan. Those among us who owe everything to this country must bear the burden of trying to save the soul of Pakistan. There comes a time when people get tired. We say today to those who have ruled us so long without our consent, that freedom from army rule is not negotiable; that their interest and the interest of Pakistan do not coincide, that we are tired of military rule, tired of tyranny, tired of being humiliated, tired of being deprived of our right to elect our rulers. We say to them: enough! Enough! We can't take it anymore. We are at the last quarter of an hour. The cup of endurance is about to run over. We have no alternative but to stand up and fight. If we succeed, and God willing we shall, we may get a new Pakistan – free, open, democratic, proud. A dynamic, developed, and steady country, standing on its own feet, in control of its destiny, genuinely respected by its neighbours and the democratic world. A country with a future. Another country.

So what is to be done? First thing first. We must take our country back from the generals. The combined opposition should have one aim, one single irrevocable purpose only: end of military rule, free, fair, impartial elections, a neutral interim government, restoration of the un-amended 1973 Constitution. Let them forget the acrimonious past with all its crimes, all its betrayals, all its follies, all its tragedies. Let them make a solemn commitment never to parley, never to negotiate with military adventurers, and never to allow anything to cause the slightest divergence of aim or slackening of effort in their ranks. To remake Pakistan will require not just leadership, but sacrifice. Are our leaders prepared to make the sacrifice? Is Pakistan ready to roll up its sleeves and renew its commitment to the goals and themes that once formed the basis of the Pakistan's dream?

What has become of the nation? Its civic institutions? The militarized state has eroded their foundations. Jinnah's Pakistan has become a garrison state. Civil society lies at the feet of the army, which has been enthroned as the new elite. After seven years of misgovernment, military rule stands discredited, unwanted and mistrusted. The nation is breaking down and has become ungovernable and would remain so as long as General Musharraf remains in power. Another four years of Musharraf's rule would easily become a life sentence for our struggling democracy.

It is impossible not to feel and express outright contempt for General Musharraf's dubious program of transition to civilian rule. The process of self-entrenchment is blatant enough. No dictator gives up power voluntarily or peacefully. That is the lesson of history. There will be a Presidential election in Pakistan in 2007 and it will almost certainly be a farce. Anyone who thinks the promised General elections in this country will be free and fair or that General Musharraf will transfer total power to the elected representatives of the people and go back to the barracks, or resume playing golf, must have his head examined.