

ISAS Brief

No. 31 – Date: 5 November 2007

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Emergency Rule in Pakistan: Making Sense of the Reasons and Rationale

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Pakistan's General Pervez Musharraf, in a not very surprising move, declared a state of emergency for an indefinite period on 3 November 2007. The fundamental question is whether the current action will help to bring stability in the country, as claimed, or will it further derail the transition to democracy and exacerbate the political crisis. What does the current move also mean for the future of the country's ascent economic growth?

In declaring emergency, the proclamation states that a situation has arisen where the governance of the country cannot be carried out in accordance with the Constitution. The army chief has blamed the Supreme Court for bringing such a situation by "constant interference in executive functions, including but not limited to the control of terrorist activity, economic policy, price controls, downsizing of corporations and urban planning", consequently weakening the writ of the government.

The primary reason behind the clash between the executive and the judiciary, besides the suspicions that the Chief Justice might not allow Musharraf another term as president in uniform, seemed to be the judicial interference in economic policy decisions and its attempts to tether intelligence agencies which are swift against political opponents and incompetent in curtailing militants.

The Supreme Court had stopped the privatisation of few public enterprises, retrenchments and land acquisitions for some development projects, apparently due to a lack of transparency and corruption allegations in the procedures. Similarly, the court had taken an interest in hundreds of missing people, seemingly with no connection to terrorist activities.

While the proclamation charged judges of having made themselves "immune from inquiry into their conduct and put themselves beyond accountability", the same actually stands true for Musharraf himself. The army chief Musharraf promulgated the Provisional Constitutional Order (PCO), putting the Constitution in abeyance and giving absolute powers to the president Musharraf. While the suspended judges of the Supreme Court rejected the PCO minutes after its issuance, it did not make any difference, as many junior judges were ready to replace the outgoing ones.

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Furthermore, accusing some members of the judiciary of “working at cross purposes with the executive and legislature in the fight against terrorism”, the proclamation states the necessity for extraordinary measures. However, it is not clear what extra powers the state of emergency will bring to the army chief in containing Islamic militancy. As President and chief of the army, Musharraf has had all the powers to curb militancy but he was not very successful in doing so. Ironically, the army chief conceded, in the same proclamation, the ascending violence and spreading Islamic militancy in the country. Hence, this line of reasoning cannot impress people at home or the allies in the war on terror.

The civil society, which could possibly have helped Musharraf in containing the spread of extremism, has also been suspected of “interfering” in government affairs. Besides the suspended judges, about 500 opposition leaders, leading lawyers and human rights activists were arrested and media transmissions were suspended in the country.

To add insult to the injury, while nine articles relating to the fundamental civil rights have been suspended, along with the whole Constitution, the articles relating to inhuman “Islamic Injunctions” continue to be in force, as is Article 31, which states that the state shall endeavour to ensure observance of Islamic moral standards.

While the political parties from the ruling coalition, namely, the Pakistan Muslim League (PML Q) and the Muttahida Qoumi Movement (MQM), were quite naturally swift in hailing the decision, the opposition parties called it a resort to dictatorship. The Pakistan Peoples Party’s (PPP) Chairperson, Benazir Bhutto, announced her plan to formulate a framework for a restoration of democracy in the country, in consultation with other the opposition parties.

Pakistan’s neighbours, namely, China, India, Bangladesh and Afghanistan, expressed concern but were restrained in any criticism of Musharraf, stating the development is an “internal matter”. The United States initially stated that the emergency is a “regretful event”. However, since then, it has been hardening its position. Nonetheless, opinion in the United States still remains divided. The Pentagon reiterated its support for Musharraf, rejecting any chances of reconsidering military aid while the White House urged Musharraf to withdraw his decision, take off his military uniform and hold free and fair elections. Secretary of State, Condolisa Rice, and some American Congressman suggested that the United States should reconsider its billions of dollars of aid to the Musharraf regime.

Nevertheless, the move to declare emergency seems a desperate attempt by the beleaguered General to reassert his waning authority. The declaration of emergency is bound to strengthen rumours that the Supreme Court was expected to return a verdict against his holding dual office, and even his eligibility to run for the presidency, before the expiry of the current assemblies and Musharraf’s candidature as president on 15 November 2007.

Defenders of Musharraf and the emergency would point to the recent Lal Masjid (Red Mosque) saga as an example of the judiciary indulging in irresponsible behaviour or over-activism. The court reopened the Lal Masjid and reinstated its Imam Maulana Abdul Aziz, despite the government’s warnings of anticipated threat to peace of the locality in the capital, Islamabad. In his very first address, Maulana issued calls for jihad against the government and the launch of an Islamic revolution. The students of the mosque also publicly threatened with suicide bombings. The army seized Lal Masjid in July this year, after two days of gun battle, which claimed 150 lives.

One further explanation for the declaration of emergency is Musharraf's belief, like any other dictator, that he is the only person in Pakistan who could possibly hold the country and its institutions together and that he is a self-proclaimed necessity for Pakistan. Another distant possibility is that the ruling party, PML Q, could not have reconciled the idea of a possible power sharing with Bhutto's PPP and the latter could have created a situation where Musharraf was forced to declare emergency. Perhaps the growing support for Bhutto, with people turning out in droves onto the streets, could have sent alarm bells in the Musharraf regime that Bhutto may not just stop at sharing power with him; she would take it away from him altogether.

The proclamation also blamed judicial activism of having adverse effects on the economic front. Admittedly, political uncertainty in the country may affect the government's efforts to attract investments. However, how the judiciary could solely be responsible for this is beyond one's imagination, particularly when just days earlier, the economic managers of the Musharraf government claimed that, "Political change and the violence affecting certain parts of the country have had no negative impact on the economy". Such contradictions certainly do not help Musharraf's cause and cast further doubts on the reasons and rationale for the emergency.

The political scene in Pakistan is quite uncertain at the moment and will remain so for some time. While the Prime Minister and other PML Q members have stated that elections will be delayed for an indefinite period of time, the Attorney General, Abdul Qayyum, and Pakistan's Ambassador to the United States, Assad Durani, have stated that, the assemblies will be dissolved within weeks and elections will be held in January 2008, as originally scheduled.

Whatever is the political future of Pakistan – emergency, elections, Musharraf, Bhutto, or Nawab Sharif – the economic policy will not see any drastic change. On-going structural reforms will be carried forward. However, the question of sustainability of the growth model remains and the real danger comes from the disappointed masses excluded from the economic growth. Any incoming set-up will have to make infrastructure, human development, and job creation its first priority. These have, indeed, been lacking in the country, which has held so much promise for its people for so long but has yet to deliver.

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