

Pakistan A Slave State

ROEDAD KHAN

Volume - 4

Reproduced by Sani H. Panhwar

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
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Save the Margallah Hills National Park

Fifteen years ago I experienced a strange feeling of liberation when I retired from the Civil Service of Pakistan. In search of Nirvana, my early morning walks in the Margallah Hills, which always brought me in close communion with nature and created a feeling of exhilaration, inner peace, and tranquility, became longer and a lot more enjoyable. My attitude is quite simple. In the evening of my life, I just keep walking, knowing that some where in the dark there is a cliff. And I don't want to see it before I fall off. At seventy-six, I live a self-designed, semi-retired life which means that I keep busy only at tasks that have meaning for me, only at pursuits I enjoy. Walking and trekking is one of these pursuits. Somehow, no flat terrain, however, beautiful it may be, ever appeared so to me. I love torrents, rocks, firs, dark woods, mountains, rough tracks to climb up and down, precipices by my side.

At the crack of dawn, seven days a week, with Wordsworthian enthusiasm, when my health permits and most of Islamabad is fast asleep, I wander about the Margallah Hills enjoying nature's richness and its luxurious fecundity. Fatigue, frustration and disillusionment all drop away. In solitude among nature's works and away from the selfishness of man, I seek in the Margallah communion with nature and a place to lose myself. The scented and invigorating air and the sight of distant snows act like an elixir. The Margallah Hills, which form the backdrop of Islamabad, comprise largely subtropical, dry, semi-ever green forest and pine trees. No less than seventeen hundred species of flowering plants and fifty-three ferns occur in a diversity of habitats. In the spring, the Margallah's are carpeted with flowers such as tulips, dandelions, buttercups, poppies, and many annual and perennial plants. Once within their embrace, the Margallahs are designed by nature to dispel from the mind all thoughts and memories likely to sadden or oppress. To be in Margallah is not to be in Islamabad but to be suspended magically beside it, freed from the city's tensions and protected from the bureaucracy. The Margallah is where people go to seek asylum from the mandarins.

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 material i.e. limestone 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 Hills 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. Five years ago, among other measures, the Society organized its first annual "Save the Margallah National Park Long March" from Islamabad to Khanpur Dam. It was a very enjoyable and memorable experience, which we repeat every year. This year the walk is planned for November 28. Against heavy odds, we have achieved some limited success. We have succeeded in stopping stone crushing in Shahdara, Kalinjar, Sinyari and Shah Allah Ditta valleys. Regrettably, round the clock stone crushing is still going on in the area around the Nicholson monument with the blessing of the administration and the courts. It is a crusade that has earned me many enemies.

I believe there are urgent moral and practical reasons to conserve the Margallah's natural resources, not only for the benefit of the people today, but also to meet the needs and aspirations of the future generations. I raised this matter several times with successive governments, Presidents and Prime ministers with little or no success. Regrettably, protection of the environment of Margallah Hill National Park did not figure on their agenda. Their priorities were different. Preservation of the Margallah Hills National Park was definitely not one of them. No wonder, while Margallah Hills were ablaze, the helicopter equipped for fire control in the National Park could not take off because the Cabinet Division and the CDA were locked in a senseless dispute over who should pay the operational cost. In this environment-unfriendly atmosphere, how could we protect the National Park or for that matter anything else worth protecting in Pakistan? The country had been hijacked by robber barons. The gamekeeper had become the poacher. Asif Zardari was the chairperson of the Pakistan Environment Protection Council. My writ petition for the protection of the Margallah Hill was dismissed. The dykes of Law and Justice had collapsed. The lesson of history is that when the dykes of Law and Justice break, Revolutions begin. And this is exactly what happened in Pakistan on October 12. The hour had struck. Cometh the hour, cometh the man. The hour had found the man, General Pervez

Musharraf - a modernizer who, I hope, will not hesitate to tell the people not where they want to go but where there ought to go, and who will, if necessary, resort to extreme measures in order, as Henry Kissinger once remarked, to save the country from its own irresponsibility and drag it, kicking and quite literally screaming into the next millenium.

The advent of the new regime has rekindled our hope that after years of criminal neglect, urgent steps will now be taken to protect the Margallah Hills National Park, or whatever is left of it, against further degradation and decimation of its fauna, flora and other physical, biological, historical and cultural resources.

The Illusion of Power

“Where ought the sovereign power of the state to reside”? Asked Aristotle. “With the people? With propertied classes? With the good? With one man, the best of all, the good? With one man, the tyrant”?

I lay no claim to clairvoyance but two years ago when Nawaz Sharif was at the peak of his power; this is what I wrote. “But ultimate power in Pakistan – that is, highest power over citizens, unrestrained by law – continues to reside where the coercive power resides. Its power to abrogate the constitution, dissolve the parliament, and sack elected governments with impunity is not affected by the repeal of 58 2(b)... Nawaz Sharif’s biggest challenge in the days ahead, therefore, will be managing relations with ‘le pouvoir’, the De facto sovereign, because it is their will which is ultimately obeyed by the citizens... It is an ironical fact that in the history of Pakistan no central government, whatever its mandate, has ever lost power on the floor of the house in consequence of a vote of no confidence brought against it. It is a unique feature of our stunted, pallid democracy that parliamentary strength does not guarantee the stability or survival of government, and loss of power is invariably brought about by extraneous forces.... It would, therefore, come as no surprise if inspite of the Mandate of Heaven – or perhaps because of it – Nawaz Sharif’s tryst with destiny ends in a puff of smoke” (Dream gone sour). Qui deus vult perdere, prius dementat. (Whom the gods would destroy, first they make mad). This happened on October 12, when Nawaz Sharif’s senseless move to confront the army led to his dismissal, arrest, incarceration and uncertain fate. “Short while ago, we saw him at the top of Fortunes’ 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 short distance. To such changes of fortune what words are adequate. Silence alone is adequate.”

The army action against the Prime Minister has been challenged in the Supreme Court and we are back to square one. The lines are drawn. A Right Royal battle is about to begin. The country is once again under army rule for an indefinite period. Is there something endemic in Pakistan that corrupts governments, subverts civil society and makes a coup every decade necessary? Pakistan faces the same problem of orderly political succession today. The military has seized power four times since 1947, ruling directly or indirectly for more than half the life of the country. Pakistan does have a law of political succession enshrined in its constitution, but it is honoured more in the breach than in observance. It is abrogated or held in abeyance whenever it suits ‘le pouvoir’. We had an elected

government on October 12 but when the axe fell on it, no tears were shed because it was thoroughly corrupt and discredited. The people were sick and tired of fake democracy. Commitment to democratic process in any case is quite weak, if not non-existent in Pakistan. Not surprisingly, Pakistan has swung between fake democracy and dictatorship several times in the past and it does not look if the pendulum will ever stop swinging from one extreme to the other. The future of democracy – in fact the future of Pakistan itself – will depend on the role of the army in the political history of the country and how the problem of political succession is resolved.

It is now abundantly clear that whatever the constitutional position, in the final analysis *de facto* 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 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. In practice, it is the 'pouvoir occulte' which is the ultimate authority in the decision making process in Pakistan. They decide when to abrogate the constitution; when it should be suspended; when elected governments shall be sacked, and when democracy should be given a chance. The political sovereignty of the people is a myth. To apply the adjective sovereign to the people in today's Pakistan is a tragic farce. Of course, if the term is used in the strictly legal sense, sovereign power under our constitution also resides in our parliament (now suspended). But as Dicey says, the word sovereignty is sometimes employed in a political rather than in a legal sense, and in that sense that body alone is sovereign in a state the will of which is ultimately obeyed by the citizens. This is clearly reflected in several judicial pronouncements made in a number of cases beginning with Tamizuddin Khan's case and ending with the cases arising out of the Dissolution of National Assembly by Presidents Ghulam Ishaq Khan and Farooq Leghari. In the process, the courts not only made judicial history. They also unveiled the locus in quo of ultimate power.

'From the country's first decade, Pakistan's Judges have tried to match their constitutional ideas and legal language to the exigencies of current politics.' So wrote Paula Newburg in her book 'Judging the State'. 'Their judgements have often supported the government of the day, presumably to retain a degree of future institutional autonomy. This was their chosen path through the 1950's when there was no constitution, during the martial law period of the 1960's when the constitution was a moving target and under the mixed constitutional rule of Zulfikar Ali Bhutto in the 1970's when hopes for democracy outweighed its reality'.

The question of political succession and legitimacy has plagued the Muslim world since the death of the Prophet (PBUH) in A.D 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. This has inevitably led to uncertainty, civil wars, wars of succession etc. In actual practice, the question of succession throughout Muslim history was decided not by the Qazi but by the length of the contenders' sword and the sharpness of its blade. 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 swords. We are only suited and required for attestation.' Therefore, when Munir validated martial law in 1958 or Anwar ul Haq sanctified Zia ul Haq's military take-over and usurpation of power, they were both following well-established traditions of Muslim history and were not innovating.

If any doubt remained as to the locus of ultimate power in Pakistan, it was removed when after the death of Zia ul Haq, the army decided, after internal discussion, not to impose martial law, and asked Ghulam Ishaq Khan, Chairman Senate, to assume office as the Acting President. The constitution provided that in the event of the death of the President, the Chairman Senate become the Acting President. But this didn't happen. The news was withheld for over three hours. For three hours, the country was without a President and the Pakistan Army without its Chief. The question of succession had been foreseen in the Constitution. Its provisions were unambiguous. But the constitutional path was not automatically followed.

What conclusions should be drawn from this analysis of our political history? Briefly stated, these are:

1. That Army is a permanent reality in the politics of Pakistan and is likely to remain so in the foreseeable future. And the sooner we come to terms with this reality, the better.
2. That the sword of Martial Law or political intervention by the Army, by whatever name it is called, will continue to hang over all our democratic institutions as has been the case throughout our troubled political history.
3. That 'Le pouvoir' will continue to play its traditional role of a 'referee' with a strong whistle in the political power game in Pakistan.

4. That the highest power over citizens, unrestrained by law, will continue to reside where the coercive power resides.
5. That no political institution in the country is strong enough to confront the army and challenge its usurpation of power as it has solid popular support.
6. That it is unrealistic, naïve and quite unfair to expect the judges alone to uphold the supremacy of the constitution and confront the state when nobody else is willing to do so. Who was there to defend the Supreme Court when it was assaulted by goondas organized and led by the government?
7. Ironically, it is the army and not any political institution which represents the “General Will “, and the hopes, aspirations and dreams of the people of Pakistan today, “and yet this same day come four years - ! - But let the curtains of the Future hang”.
8. And most important of all, that no political system, parliamentary, presidential or any other has any chance of survival if the army has no role in it or is not its integral part.

This, in short, is the lesson of our history. We must, confront our history dispassionately and courageously. We must stare it in the face, warts and all, if we are to avoid past mistakes. 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 political governments followed by military dictators, who usurped power for power sake; had no radical socio-economic agenda for the welfare of the common man, and left behind a splintered, ruined country torn by conflict, hijacked by thugs and robber barons, and in doubt about its future. Each of them started with a blank cheque of goodwill and popular enthusiasm given to him by the people of Pakistan and each of them ended with a bankruptcy of moral and political support, leaving the country in worse condition than he found it in. It is not that there are no other alternatives: the question is whether Pakistan has the capability to grasp one. I have no prescription to offer but, if we are to preserve the integrity, honour and dignity of our country, is it not time to devise and institute a form, a just, egalitarian, and durable system of rule so that the person, property and honour of its citizens – in short all the fortunes of Pakistan – are not periodically imperilled? There is nothing in the stars that says that either the American model of democracy or the British Westminster system of parliamentary democracy is uniquely suited to every place on the globe.

Search for Legitimacy

At his news conference on February 16, President Clinton had said that a final decision about going to Pakistan would be based on whether such a trip promised to contribute to stability in the region. Now that he has decided to drop in briefly on Pakistan, the Americans expect General Pervez Musharraf to stop extremists from waging war on its soil; put an end to what the Americans call reckless intervention in the problems of a neighbouring country, speed up the time table for a return to democracy and work with India to curb the dangerous arms race. Obviously, some assurances must have been given to induce Clinton to visit Pakistan; otherwise, from the American point of view, the trip makes no sense. 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. As a token of this friendship for the people of Pakistan, America's most allied ally for the last fifty years, President Clinton will spend about four hours in Islamabad after a spectacular five-day visit to India. Even Bangladesh must rank higher than Pakistan on the US scale of priorities because the President will spend a whole day there. This is singularly ungracious and hurts.

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 the Americans have got the talkies now. Once we were the darling of the West. Now we are on the periphery, marooned, rejected and discarded. This is not the way the Americans treated us or talked to us when they were wooing us. 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. Oh! What a difference a half a century can make. We are learning the perils of dreaming the hard way.

The equation between the United States and Pakistan, from the very beginning, has been one of friendship and alliance. On July 12, 1961, when President Ayub visited Washington, he told the Joint Session of the Congress of the US:

"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.

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. Therefore, when the two leaders meet on March 25, on Pakistan soil, they would be like a pair of two ex-lovers - who had bumped into each other by 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.

General Musharraf is naturally very pleased with the White House announcement about the President's visit and, regardless of what the Americans say, interprets it as a gesture of support for his government. "It indicates the legitimacy of my government's stand and gives credence to our aim to put thing right in our country". The question of legitimacy has plagued all the military rulers of Pakistan because 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". This is not a new problem in the Islamic world. 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. Islam also does not recognize hereditary monarchy. In the days of Khilafat, the leader of the Muslims was the Caliph. He was the defender of the Faith, the protector of the territory of Islam and the Supreme Judge of the State. He was the successor to the Holy Prophet as head of the community, Commander of the Faithful and leader and ruler of all Muslims. So great was the prestige of the Caliph that a powerful ruler like Buwahid Adud-al-Dawlah, made a pretence of complete submission before the puppet caliph, Tai's whose name he used to maintain his own authority. Mahmud of Ghazni could threaten the caliph, but he too sought recognition from him. Even the mighty Seljuks who ruled the largest empire of the day, could not ignore the Caliph's position. No monarchy could consider itself legally established without recognition by the Commander of the Faithful. When the emissaries of the Caliphs Abu Jafar Mansur Al-Mustanasir-Billah reached Delhi, it was a day of rejoicing for the newly established empire of Sultan Shamsuddin Iltutmish who was receiving formal recognition from the Commander of the

Faithful. When the Caliph Mustasim was executed by Halaku Khan in A.D. 1258 without leaving any heir, the Sultans of Delhi resolved their problem by the simple device of continuing Mustasim's name on their coins long after his death.

In actual fact, the question of succession was decided by the length of the contender's sword and the sharpness of its blade. Therefore, when Munir validated martial law in 1958 or Anwar ul Haq sanctified Zia ul Haq's military take-over and usurpation of power, they were both following well-established traditions of Muslim history and were not innovating.

Ayub faced the same dilemma. How was his rule to acquire legitimacy? He created 80,000 basic democrats. Zia ul Haq held a fraudulent referendum on Islamization 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. The Caliphate disappeared long ago, but the Caliph's role is now played by Washington. No Muslim ruler, barring some exceptions, considers himself firmly in the saddle without recognition by the United States. The visit of the Caliph's emissary was always a big event and was celebrated as a day of rejoicing. Feroz Shah, one of the Delhi Sultans, received the Caliph's emissaries with humility and prostrated himself in the direction of the Caliph's Capital when he received the standards and robes. More or less the same respect is shown by Muslim rulers, specially the corrupt ones, to emissaries of the President of the USA. A visit by the American President himself is considered as a dream come true and, in the eyes of the ruler at least, puts the seal of authority on his title to rule. However, sometimes such visits produce unintended results and expedite the ruler's fall as happened in the case of Reza Shah Pahlavi, the King of Kings, after Carter's visit to Tehran and his fulsome praise of the Shah.

No American President and no court can confer legitimacy on General Pervez Musharraf. He derives his title to rule from the 'length of his sword and the sharpness of its blade', and, ultimately, the Will of the People of Pakistan. That is where the sources of his strength reside.

Making the Rulers Accountable

On August 6, 1990, President Ghulam Ishaq Khan, in exercise of the power conferred by clause (2) sub-clause (b) of article 58 of the Constitution, dissolved the National Assembly. As a consequence thereof, Prime Minister Benazir Bhutto and her Cabinet Ministers ceased to hold office. I was sworn in as a Federal Minister on August 11, 1990. A few days later, I was allocated the portfolio of Accountability to which President Ghulam Ishaq Khan attached the highest priority. One of the grounds incorporated in the dissolution order referred to corruption and nepotism at the highest level in the federal government, its functionaries, statutory and other corporations, including banks working under its supervision and control.

The Federal Investigation Agency (FIA) carried out investigation of a large number of allegations of corruption, nepotism, favouritism, abuse of power, and authority against the former Prime Minister Ms. Benazir Bhutto and her ministers. The inquiry reports submitted by the FIA were closely scrutinized by the Attorney General, Mr. Aziz Munshi, Mr. Sharif ud Uddin Pirzada, Mr. Rafi Raza, and myself. Out of a large number of cases of misconduct within the meaning of article 4 of PPO no. 17 of 1977, six glaring cases against the ex-Prime Minister were selected for further processing. Another nine cases were selected against federal ministers and members of the National Assembly. The President, after satisfying himself that reasonable grounds existed for believing that acts of misconduct had been committed, referred these cases to Special Courts established under the law. The entire operation was completed in less than three months. The President was assured that the court proceedings would not take more than two months. We had no doubt whatsoever about the outcome as all the references were supported by unimpeachable documentary evidence.

However, once the references were filed in the courts, the entire process of accountability, the laws governing the process and the Special Courts established under the law, came under a blistering attack. It was said that these were dead laws and were unconstitutional; that they reversed the presumption of innocence; and that the references were made to Special and not Ordinary Courts. We tried to clarify that the process of accountability was being carried out under the existing laws of the land, which basically dated back to the days of the former Prime Minister late Mr. Zulfikar Ali Bhutto. We felt confident that we were on strong legal ground and looked forward to the early disposal of the cases with some optimism. Then came the first bombshell from Lahore. The Special Court of Mr. Justice Munir A. Shiekh, returned the reference against Jehangir Badr, a Federal Minister, to the President, the referring authority, because in its opinion,

based on the scrutiny of the record alone and without hearing the parties, no charge could be established. Nobody expected a Presidential reference, prepared by some of the best legal experts in the country after a good deal of care and deliberation, to be dismissed in such a summary fashion, without hearing the referring authority and without an opportunity having been given to produce evidence in support of the charges. We were given a foretaste of what was to follow.

In spite of our best efforts to expedite the proceedings, none of the six references against the former prime minister, Ms. Benazir Bhutto could be decided one way or the other for more than two years. Adjournments were frequently asked for and freely given. No opportunity was missed to delay the proceedings. Why should the respondents, all holders of public offices, have expedited the proceedings when they knew that time was on their side; that witnesses who could prove the cases against them may forget, or lose interest out of sheer disgust, or be won over, or – most important of all – the political situation may undergo a favorable change? We soon realized that we had gotten off the main track. No wonder, there is a widespread popular belief that people who loot and plunder can get away with anything and that our law is neither swift, nor sure, nor powerful, nor just, but only a paper tiger. It is a standard practice to allow at least one appeal on the final order or judgement. But we were horrified to learn that every interim order passed by the Special Court in the course of the inquiry could be appealed against. The proceedings in the Special Courts could thus be brought to a standstill, pending disposal of the appeal. For this, we had only ourselves to blame. The laws were amended by us, so that we could appeal against the order passed in the reference against Jehangir Badr. We were paying a heavy price for this amendment of dubious value.

We soon realized that, under our existing judicial system, it takes longer to get an answer from a respondent in a reference case than it takes to send a man to the moon and bring him back. There are so many loopholes in the system that the final judgement could easily be avoided for years. On one pretext or another, Ms. Benazir Bhutto successfully evaded submitting her reply to the prosecution case made out against her after a long, tortuous, and dilatory process in which some witnesses were cross-examined for months. No wonder, some of them became nervous wrecks.

Once Benazir Bhutto came back to power, all references were decided in her favor with lightning speed. This did not come as a surprise. The objective situation had changed. Benazir Bhutto was now occupying the Prime Minister's house once again. Ghulam Ishaq Khan, the referring authority, had ceased to be the President and the referring authority. In the midst of all this, our difficulties were further compounded when Mian Muhammad Nawaz Sharif, who had been

elected as Prime Minister in October 1990, took a fateful political decision not to associate himself with the process of accountability against Benazir Bhutto. I used to send a weekly report to the Prime Minister explaining the progress, or lack of it, in each case and the problems we were facing both within and outside the courts. Not once did he ask me what I was doing or why the references were not moving forward. He did hold one meeting but that was on the initiative of Chaudary Shujaat Hussain, the Interior Minister, who called me after a meeting with the President and invited me to his house for a breakfast session. The President had drawn his attention to the lack of interest in the references on the part of the government and the supreme indifference shown by the Prime Minister to the fate of these cases. After his meeting with the President, reality suddenly hit Shujaat. With a rare clarity of vision and in almost prophetic words, Shujaat gave expression to his worst fears: "If Benazir Bhutto went scot-free and returned to power", Shujaat told me in Punjabi, "Bibi would hang us upside down. This calamity has to be averted at all costs". Within twenty-four hours, Prime Minister Nawaz Sharif called a meeting to discuss accountability. Those present were: Choudhary Nisar, Aziz Munshi, the Attorney General, the law secretary, Choudhary Shujaat and myself. Each reference was reviewed in depth. Some decisions were taken to expedite the cases. I felt better. At last, things were moving. Not long after, I realized how I had misjudged Nawaz Sharif. Little did I know that this was destined to be our first and last meeting on accountability? The word "accountability" was not uttered or heard again in the corridors of power as if it were a dirty word. President Ghulam Ishaq Khan was left to fight the battle all by himself. With no support from the Federal Government, with an indifferent Prime Minister who showed little interest in the court battles, everybody got the message loud and clear. The fate of the references was sealed and the result was a foregone conclusion. Nawaz Sharif thought he could some day offer to withdraw the references to win over Benazir to his side and enlist her support against the President. Fate willed otherwise.

What conclusions could be drawn from this failed experiment in accountability of the holders of public office in Pakistan? First and foremost, the people have lost faith in the integrity, objectivity and impartiality of the judiciary, the watchdog charged under the constitution with the responsibility of keeping a strict watch on the excesses and arbitrariness of the executive and the conduct of the holders of public office. Secondly, accountability has been reduced to a farce. 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, is interested in accountability as it is understood in the west. Thirdly and most

important of all, no matter how honest, upright, and well-intentioned you may be, your chances of bringing the guilty under the existing judicial system are almost nil. It is, therefore, an exercise in futility and a total waste of time, energy and public funds.

In South Korea, two former Presidents, both military men were sent to jail and prosecuted on charges of human rights violation and corruption. 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 Halloway rebuked him for he had violated the faith 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.

Mr. Gingrich, the powerful House Speaker in the US was reprimanded and fined US \$ three hundred thousand for bringing discredit to the House by filing false information with the ethics panel.

The fish, according to a Chinese saying, begins to rot from the head first. Accountability must therefore start from the top and applied first to the rulers, who should no longer feel they could get away with impunity. South Korea, Italy and United States have demonstrated that if there is a will it can be done. The tragedy of Pakistan is that corruption at the summit of power is not hidden from public view - it is brazen, simply because those in power know by experience they will get away with it.

The country needs, and unless I mistake its temper, the country demands ruthless accountability. When will a Prime Minister in Pakistan go to jail for having abused his or her office? And when will one of our judges rebuke a Prime Minister for "betrayal of trust" and call his or her conduct reprehensible while sentencing him or her to prison, as Judge Norma did Senator Rostenkowski? That will be the finest hour of our superior judiciary.

Now that the political environment has undergone a favourable change, the nation is looking up to the Chief Executive, General Pervez Musharraf to make

good on his promise to arrange for the ruthless accountability of those who betrayed the people's faith; who bartered away the nation's trust and who plundered the country's wealth. Unless the people's representatives are strictly called to account now and those found guilty among them sent to prison, disqualified and prevented from capturing the Parliament, the entire democratic process, if and when it is restored, will be reduced to a farce once again; clean politics and an honest democratic government according to the constitution and law will remain an illusion.

Judging the State

For almost five decades, the superior courts in Pakistan had played unusually important roles in determining the country's fate, often superseding legislatures and executives alike. Over the years, our courts have been engaged in defining the limits of power of different organs of State. More often than not, it has been a case of stating the scope of authority of an executive functionary who, in the words of Chief Justice Munir, has come to high office on the crest of a successful revolution, or in the language of Chief Justice Hamood ur Rehman is a usurper, or according to Chief Justice Anwar ul Haq had intervened only because it was necessary to do so in the larger interest of the nation.

The superior judiciary faced its first real test when the Governor General Ghulam Muhammad, with the backing of the army, announced on 24th October 1954 that the constitutional machinery had broken down, and declared a state of emergency, stating that the Constituent Assembly had lost the confidence of the people and could no longer function. Ghulam Muhammad effectively dissolved the assembly and reconstituted the cabinet. Maulvi Tamizuddin Khan, the Speaker, challenged it in the Sindh High Court which decided in favour of legislative supremacy. Chief Justice Constantine held that the 'purported dissolution is a nullity in law'. The Governor-General challenged the High Court's authority to review his actions. The Federal Court, headed by Justice Munir, held that the G. G's assent was required to legalize assembly action and dismissed most of the substantive issues raised in the High Court case. The lone dissenter was Justice A. R. Cornelius

In the Asma Jilani case, the main question for decision before the Supreme Court was whether the High Court has jurisdiction under Article 98 of the Constitution of Pakistan (1962) to enquire into the validity of a detention order made under martial law regulation No. 78 of 1971 and further whether the doctrine of a successful coup being its own justification enunciated in *State v Dosso* was correct. Both the regulation and the order had been promulgated after President Ayub Khan resigned and General Yahya Khan proclaimed Martial Law on March 25, 1969, abrogated the 1962 constitution and assumed the office of President. The Supreme Court traced the history of events and came to the conclusion that neither Ayub nor Yahya Khan had any power to abrogate the Constitution, the military rule of Yahya Khan was illegal and the assumption of power by him an act of usurpation. In the course of his judgement, Chief Justice Hamood ur Rehman made it clear that judicial power "continues to vest in the courts as long as the courts continue to exist". The judgement was, however, given when Yahya was no longer in power.

Paraphrasing Ayub Khan, Justice Yaqoob Ali Khan concluded that the judgements in Tamizuddin Khan's case, the 1955 reference, and Dosso's case had made a perfectly good country...into a laughing stock, and converted the country into autocracy and eventually...into military dictatorship. He pointedly criticized the abrogation of the 1956 constitution, observing that Iskandar Mirza and Ayub Khan had committed treason and destroyed the basis of representation between East and West Pakistan. Now that all these usurpers were dead, it was easy for the justices to vent their decade-long frustration. Yahya Khan could be vilified. The poor man was under detention in the Government Guest House, Abbotabad.

On July 5, 1977 the late Mr. Z. A. Bhutto was ousted by a military coup engineered by his Chief of Army Staff, General Muhammad Zia ul Haq, who placed the constitution in abeyance, proclaimed martial law and assumed the Office of Chief Martial Law Administrator. As was to be expected, this acquisition of power was challenged in the Supreme Court. The case was heard by a bench of nine judges which rejected the arguments that legitimacy on a coup was conferred by success. The action was held extra-constitutional. Imposition of martial law was, however, validated as it was found to be dictated by considerations of state necessity and public welfare. The CMLA was accordingly, held, entitled to perform all such acts and promulgate legislative measures, which fell within the scope of the law of necessity, including the power to amend the constitution. The court, as an institution, had no power or jurisdiction to circumvent settled conditional procedures and allow someone who could at best be described as an executive functionary to tamper with the constitution. This was an exercise of power without precedent. Not a single dissent was filed. No appeal was made to what Chief Justice Charles Evans Hughes called "the brooding spirit of the law...the intelligence of a future date".

In the years to come, the CMLA was to amend the constitution wholesale and to cite this judgement 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 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 judgement of any court, could not be called into question in any court on any ground whatsoever. Superior courts 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 judgements in Tamizuddin Khan's case, the 1955 reference and Dosso's case.

On May 29, 1988, Prime Minister Junejo was dismissed and the National Assembly dissolved by President Zia. The Supreme Court upheld the decision of the Punjab High Court in declaring that the President's action was invalid in law. The judgement was, however, given after the death of Zia. If the President's action was invalid in law, why was the National Assembly not restored? Everybody in Pakistan knows why this was not done.

On August 6, 1990, President Ghulam Ishaq Khan dismissed Prime Minister Benazir Bhutto and dissolved the National Assembly. The action of dissolution was upheld by the court. On April 17, 1993, President Ghulam Ishaq Khan dismissed Prime Minister Nawaz Sharif and dissolved the National Assembly after the Prime Minister had made what amounted to a declaration of war against the President on Radio and Television. The Supreme Court headed by C. J. Nasim Hasan Shah appropriated the case in its original jurisdiction - and then decided the case against the President (A decision which the honorable Chief Justice has since publicly regretted). Why was the President's action against Benazir upheld and how was it different from the case against Nawaz Sharif? It is an open secret that the President had the full support of the COAS when he dismissed Benazir. He did not have this support when he dismissed Nawaz Sharif. Once it became known that he did not have the support of the coercive power, the party was over for GIK.

Recounting this "sad chapter in the history of Pakistan", Justice Munir suggested that the judiciary faced a country itself on the brink of dissolution. "If the courts had upheld the enforceable writs" he submitted, "I am sure that there would have been chaos in the country and a revolution would have been enacted possibly by bloodshed, a far more serious situation than that created by the invalidation of a whole legal system which the new Assembly promised by the Governor General in his Proclamation could have easily validated". In Munir's eyes, the choice was not between the Assembly and the Governor General, but

between anarchy and order. He criticized the Sindh High Court for its blindness to political currents, "completely shutting its eyes to the events that had happened which made it impossible for the writs to be enforced" ...At moments like these the law is not to be found in books; it lies elsewhere, viz., in the events that have happened. Where the enforcement of the law is opposed by the Sovereign power, the issue becomes political or military which has to be fought out by other means and the courts espousing the cause of one party against the other merely prepare the ground for bloodshed". Responding to criticism that the courts should have done more to forestall repression, Supreme Court Justice Dorab Patel asked pointedly, referring to past judgements, "how do you expect five men alone, unsupported by anyone to declare martial law illegal"?

"From the country's first decade, Pakistan's judges have tried to match their constitutional ideas and legal language to the exigencies of current politics". So wrote Paula Newburg in her book "Judging the State". "Their judgements have often supported the government of the day presumably to retain a degree of future institutional autonomy...judiciary in Pakistan has functioned at the behest of authority and has allowed itself to be used to further the interest of the state against its citizens".

What would have happened had the decisions of the superior courts been different? And what would have happened had such decisions been ignored by the army? Who could have enforced such judgements? Were the courts, therefore, right in establishing a practice of striking an unspoken bargain with those in power so that its rulings would be obeyed and those in power would not feel defied?

Once again, the army action to dismiss the Nawaz Sharif government and suspend the National Assembly and Senate has been challenged in the Supreme Court. In view of the pronouncements of the superior courts during the last five decades on such issues and the current ground reality, is it really necessary to address such sensitive "political questions" and fight such political battles in the courts? In the words of Finkelstein:

"There are certain cases which are completely without the sphere of judicial interference. They are called for historical reasons, "political questions". The term applies to all those matters of which the court, at a given time, will be of the opinion that it is impolitic or inexpedient to take jurisdiction. Sometimes this idea of expediency will result from the fear of the vastness of the consequences that a decision on the merits might entail".

Why, as Finkelstein said, take up such sensitive "political questions" for adjudication at all? Isn't it impolitic and inexpedient to do so? Why must the

courts sit in judgement on a successful revolution or coup d' e'tat already sanctified by public approval? Why must the courts place themselves in a no-win situation? Isn't it unrealistic, naïve and quite unfair to expect the judges alone to uphold the supremacy of the constitution and confront the army when nobody else is willing to do so? "No constitution", Dicey wrote many years ago in his "Introduction to the study of the Law of the Constitution" "can be absolutely safe from revolution or from a coup' d e' tat". Why fight a battle that, in the words of chairman Mao, you cannot win?

A Thousand Years Ago

Why is it that throughout history the great empires of the past flourished and fell, and why is it that some nations gain power while others lose it? 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.

For the purpose of this analysis the story of the Muslim voyage on the "stream of Time" begins a thousand years ago. If you had been alive in the year 999 on the eve of the last millennium, you would have inhabited a world dominated by Islam and Islamic civilization – the most widely dispersed civilization on earth at the time, stretching from Cordoba in Spain to Lahore in present day Pakistan. The Abbasids had been in power since 750 A.D, but by the beginning of the 10th century their efforts to maintain political unity in the empire were faltering. Centrifugal forces were at work; Provincial governors and army commanders were gaining autonomy.

Differences over succession to the Caliphate and the nature of authority in Islam after the death of the Holy Prophet had split the world of Islam into Shia'a and Sunni warring camps. The group that now forms the majority of the Muslims, the Sunnis, claimed that authority passed to the Caliphs, leaders whom the Community designated and who exercised supreme judicial and executive power. The Shia'as, however, believed that the Prophet's authority now passed to his cousin and son-in-law, Ali, and to his descendants; for the Shia'as the various Imams are infallible because of their descent from Ali and from the Prophet's daughter, Fatima. In political terms, the Umayyads and the Abbasids were Sunnis, while many of the dynasties that challenged their authority in various parts of the Islamic world were Shia'as.

Shi'ism had become the leading form of popular resistance to the Abbasid empire. Ismailism was preached in Southern Iraq, Bahrain, Syria, Yemen, Eastern Iran and North Africa. Ismaili religio-political agitation led to a series of peasant and Bedouin rebellions in Iraq, Syria and Arabia called the Qarmatian movement. In the 920's the Qarmatians attacked Kufa and Basra and threatened Baghdad, cut the pilgrimage routes, pillaged Mecca; and to the great horror of the Muslims, made off with the sacred Black Stone of the Ka'aba, which they kept for twenty years. In North Africa, another offshoot of the Ismailis, founded the Fatimid dynasty which conquered all of North Africa and Egypt. The Fatimids were followed in this respect by the Umayyad dynasty in Spain. By 935 A.D the

Caliphate had lost control of virtually all of its provinces except the region around Baghdad. One military group, the Buwahidys, who were Shia'as, took control of Baghdad in 945. The Caliphs were allowed to continue in nominal authority; indeed the Abbasid dynasty lasted until 1258 but they no longer ruled. The Abbasid empire had ceased to exist. Thus, from 950 to 1200, the political unity of the Abbasid age was lost. The successor states were short-lived and provincial in scale. As Baghdad dwindled, Samarqand and Bukhara, Nishapur, Isfahan, Cairo, Fez and Cordoba became the new capitals of Islamic civilization and culture.

The Abbasids tried to transform the state from an Arab state into an Islamic state. With the transfer of the capital of the empire from Syria to Mesopotamia, power passed from the conquering Arab minority to the non-Arab majority, and non-Arabs were no longer discriminated against, as they had been under the Umayyads. The Abbasids prided themselves upon the fact that they had brought into power Islam, which had been suppressed during the Umayyad period. The work of collecting and reducing the Prophet's traditions to writing was begun and completed during the Abbasid period. All the four great schools of Muslim law flourished under the early Abbasids and Muslim Law codified. Progress was made in almost all branches of knowledge- history, science, laws, etc. The cumulative result of all this was that Muslim civilization came to maturity in Baghdad which became the foremost seat of culture and civilization in the world.

However, in the name of Islam, the immediate successors of the enlightened and progressive Caliph, Mamun, persecuted the Shia'as, the Mutazilites and all those who did not conform to the orthodox interpretation of Islam. In Gibbon's words the reformers "invaded the pleasures of domestic life; burst into the houses of plebians and princes; spilt the wine; broke the instruments; beat the musicians and dishonoured with infamous suspicions the associates of every handsome youth". Inevitably, persecution encouraged rather than repressed the development of several most remarkable religious and philosophical movements, notable amongst them was the Qarmatian or Ismaili propoganda, which culminated in the establishment of the Fatimid Anti-Caliphate of North Africa and Egypt.

The second characteristic of this period was the ascendancy of the Turks, who through sheer force of circumstances, had become absolute masters of the Abbasid empire. It was an evil day for the Caliphate when Mu'tasim introduced the Turkish element into the army. That the Turks had become the virtual masters of the Caliph can well be illustrated by a story related by the author of Kitab-ul-Fakhri, Ibn-al-Tiqtaqa, who says "when Mu'tasim was appointed the Caliph his courtiers held a meeting and summoning the astrologers asked them how long he (the Caliph) would live and how long he would retain the Caliphate.

A wit present in the gathering said “ I know this thing better than the astrologers”. Being asked to specify the time, he replied, “ So long as the Turks please”, and everyone present laughed.

Because the religious, political and military achievements of the Islamic period loom so large in the history of the world, the extraordinary cultural, scientific, technological, and commercial achievements are frequently obscured and overlooked. Yet these advances were, in fact, of enduring significance to mankind as a whole. The destruction by the Mongols of many of these achievements and of much of what the Muslims had accomplished was a tragic loss for the world as a whole.

This was a period of unrivaled intellectual activity in all fields: science, technology, medicine and arts. Unlike the Byzantines, with their suspicion of classical sciences and philosophy, the Muslims were enjoined by the Prophet to seek learning as far as China, as eventually, they did. However, in the works of Greek scientists stored in libraries in Constantinople and other centers of the Byzantine empire, the Muslim scholars found a more convenient and easily accessible source of knowledge.

Bayt-al-Hikmat (House of Wisdom)

This was a remarkable assemblage of scholar-translators who undertook a Herculean task: to translate into Arabic all of what had survived of the philosophical and scientific traditions of the ancient world and incorporate it into the conceptual framework of Islam. Arabic was developed into the language of international scholarship.

Paper Mill

The setting up of a paper mill and the introduction of paper, replacing parchment and papyrus, was a pivotal advance which facilitated the invention of printing in the fifteenth century

Use of numerals

The first great advance on the inherited mathematical tradition was the introduction of numerals (which actually originated in India) which simplified calculation of all sorts and made possible the development of Algebra. Muhammed ibn Musa-al-Khwarazmi was the first to explore this and wrote the famous *Kitab-ul-Jabr Wa-ul-Muqabalah* – the first book on Algebra.

Medicine

The entire canon of Greek medical works was translated into Arabic by Hunayn ibn Ishaq, known to the West as Joannitius. Others prominent in Islamic medicine were Yuhanna ibn Masawayn, a specialist in gynecology, and the famous Abu

Bakr Muhammed ibn Zakariya-al-Razi – known to the West as Rhazes. Ibn-al-Haytham wrote the Book of Optics, in which he gives a detailed treatment of the anatomy of the eye.

Engineering

Muslim Engineers perfected the waterwheel and constructed elaborate underground water channels called qanats.

Agriculture

Important books were written on soil analysis, water and suitability of crops for different soils.

Introduction of numerous fruits and vegetables

The Muslims transformed the diet of medieval Europe by introducing such plants as plums, artichokes, apricots, cauliflower, celery, fennel, squash, pumpkin, and eggplant as well as rice, sorghum, new strains of wheat, the date palm and sugarcane.

Islam in Spain

For Europe and Western civilization, the contributions of Islamic Spain were of inestimable value. When the Muslims entered Southern Spain – which they called al-Andalus – barbarians from the North had overrun much of Europe and classical civilization of Greece and Rome had gone into eclipse. Islamic Spain then became a bridge by which the scientific, technological, and philosophical legacy of the Abbasid period, along with the achievements of al-Andalus itself, passed into Europe.

European scene

During the same period i.e. 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 in 999 and many decades later”, says William McCarthy of the Catholic University of America in Washington, “life was by our standards, almost unimaginably mean, dirty, unhealthy and short even for those at the pinnacle of society”.

Except in general terms, no one knew what time it was. Church bells provided the only standards and they were inadequate.

Spices were in great demand because they “smothered the taste of the semi-putrefied food served up from the typical medieval kitchen”.

Danes, the most fastidious of all the Europeans, bathed once a week. The Europeans 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.

Today, the Western world is light years ahead of us. Oh, what a difference a millennium makes!

Pak – American Affairs A' Amour

On May 1, 1947, Quaid-I-Azam Muhammad Ali Jinnah received two American visitors at his Bombay residence. They were Raymond A. Hare, Head of the Division of South Asian Affairs, Department of State, and Thomas E. Weil, Second Secretary of the US Embassy in India. He sought to impress on his visitors that the emergence of an independent, Sovereign Pakistan would be in consonance with American interests. Pakistan, as a Muslim country would be a bulwark against Soviet aggression. Mr. Jinnah coupled the danger of Soviet aggression with another menace that Muslim nations might confront. That was "Hindu Imperialism". The establishment of Pakistan, Mr. Jinnah told the Americans, was essential to prevent the expansion of Hindu imperialism into the Middle East.

On the eve of Mr. Jinnah's departure, from New Delhi for Karachi, Henry F. Grady, the American Ambassador to India, paid him a farewell call. Expressing great admiration for the United States, Mr. Jinnah reiterated his hope that America would assist Pakistan "in its many problems". When Grady asked whether Mr. Jinnah desired to indicate any specific matter, Mr. Jinnah replied laconically, "not at this time". It did not take Mr. Jinnah long to realize that Pakistan faced a much stronger and wily adversary, determined to strangle it in the crib; and that Pakistan stood alone in the ring. Faced with the prospects of such a desperate situation, the Quaid-I-Azam turned to the United States for assistance. This was the beginning of our romance with the United States.

Of the three pacts that Pakistan entered into only the Manila pact imposed treaty commitments on the US. The Mutual Defence Assistance Agreement was an arms supply agreement that contained no assurance of American support against aggression. The US was not a signatory to the Baghdad Pact and it took care to emphasize that its participation in the Military Committee of the pact was specifically related to "communist aggression". The Manila Treaty was vaguely worded and it too restricted US obligations to "communist aggression". The wording of the treaty permitted unilateral determination by the US of its course of action in the event of an appeal for assistance from another signatory. The Pakistani leaders were lulled by assurances given by Dulles and other American leaders that the US would take serious note of any threat to the independence and territorial integrity of Pakistan. What American policy-makers had in mind was publicly expounded by Secretary of State Dean Rusk several years later:

"The commitments do not bind us to any particular course of action. Most of them state that in the event of aggression we would act to meet the common

danger in accordance with our constitutional processes. How we act in fulfillment of these processes will depend upon the facts of the situation. Some situations require less participation on our part than others. What is fundamental to the fulfillment of our obligations under these agreements is that we act in good faith to fulfil their purpose”.

What then about solemn statements made by Presidents, Secretaries of State and Defence, and four-star Generals or even secret assurances given by them? In 1966, Senator Stuart Symington called on the State Department to clarify whether such assurances constituted a “commitment”. The Senator insisted that the State Department should not “square dance semantically” but provide a straightforward response. A senior State Department Official replied that if a President made one statement on one day and a different statement the following day, he was free to do so unless there existed a constitutionally binding constraint on his “ability to make a shift”. The President could make a statement one day and disavow it, if he chose, the following day. No commitments devolved on the United States because of statements made by the President or his assistants”, the State Department clarified.

We remained blissfully unaware of the determination of the Joint Chiefs of Staff that in the event of war, the United States had no intention of rushing to the assistance of Pakistan, even if Pakistan were to be one of the countries attacked by Soviet Union. Our mistaken belief that the United States would rush to our help if India attacked Pakistan was shattered when Indian troops crossed our border in 1971 and physically entered East Pakistan. America, our ally and long time friend, did nothing to repel Indian aggression. We stood alone. Such are the harsh realities inherent in an unequal relationship.

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. 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. The irony in the gift, however, went unnoticed in Pakistan.

On July 12, 1961, when President Ayub visited Washington, he told the Joint Session of the Congress of the US:

“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. In the real world, as every student of international relations knows, there are no permanent friends, only permanent national interests.

As a token of friendship for the people of Pakistan, America’s most allied ally for the last fifty years, President Clinton reluctantly agreed to drop in briefly on Pakistan and spend about four hours in Islamabad after a spectacular five-day visit to India. Even Bangladesh must rank higher than Pakistan on the US scale of priorities because the President will spend a whole day there.

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 the Americans have got the talkies now. Once we were the darling of the West and could do no wrong. All that has now ended. Now we are in the dock. This is not the way the Americans treated us or talked to us when they were wooing us. All these years we have been day dreaming and are only now beginning to learn the perils of unequal relationship. When the two leaders meet on March 25 on Pakistan soil, they would be 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 and, therefore, wants to get away as quickly as possible to avoid the embarrassment.

There can be no friendship between the strong and the weak. There can 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”. While welcoming President Clinton, who will no doubt tell us what to do, we should remember what Alexi’s De Tocqueville said on return from a long visit to America; “let us not turn to America in order

slavishly to copy the institutions she has fashioned for her self, but in order that we may better understand what suits us”.

I Love Alex

In the years I spent in the Service of Pakistan, I saw firsthand the manipulation, dishonesty, treachery and self-seeking of politics. I saw ambitious, unscrupulous, unprincipled, persons climb to the top of the greasy pole and then slip. I saw men and women moving in and out of the corridors of power-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?

I also saw the mighty fall. How I wish I could reincarnate the loneliness and sorrow which enveloped these men once they fell from greatness. "I was discovered as Viceroy of India from 39 to 46," wrote Curzon. "then I was forgotten, traduced, buried, ignored". In a moment of self-pity Churchill told a friend, "Here I am after almost 30 years in the House of Commons after holding many of the highest offices of state. Here I am discarded, cast away, marooned, rejected and disliked."

A lonely man can resist all temptations, except one: his craving for friendship and loyalty. 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. You will soon find that the one absolutely unselfish friend that man can have in this selfish world, the one that never deserts him, the one that never proves ungrateful or treacherous is his dog. Your dog will stand by you in prosperity and in poverty, in health and in sickness. He will sleep on the cold ground, if only he may be near his master's side. He will kiss the hand that has no food. He guards the sleep of his pauper master as if he were a prince. When all other friends desert, he remains. When reputation falls to pieces, he is as constant, as a beleaguered Bill Clinton found out, in his love as the sun is in its journey through the heavens. He does not reproach you even if you go astray. He does not sit in judgement on you. If fortune turns against you and you become friendless, homeless and an outcast, the faithful dog asks no higher privilege than that of accompanying you, to guard you against danger, to fight against your enemies.

At the battle of Soor, Frederick the Great, King of Prussia lost his personal baggage which had been caught by enemy patrols. But more personally saddening was the capture-or, as he apprehended, killing of his beloved whippet bitch, 'Biche' . He loved Biche and Biche loved him. And Biche was not dead. She was returned by her captors to Frederick's' camp a few miles south-west of the battlefield and quietly introduced to his quarters while the king sat alone at his

table writing letters, unaware. Biche leapt on to the table and put her paws round his neck; and Frederick, the first soldier of Europe, was seen to weep.

“Cover the dog, he is shivering”, were Frederick’s last words as he awoke at midnight on 16th August 1786, at San Souci. The dog was indeed shivering, lying on the ground near Frederick’s bed watching his dying master. At twenty minutes past two in the morning of 17th August the great king died with his beloved Biche by his bedside.

Another famous dog was Blondi, Hitler’s Alsatian bitch. It was Blondi who shared with his master the honor of inspecting the Flak crew. Blondi was Hitler’s sole companion in his bunker at Werewolf. The big dog would jump through hoops, leap over a six-foot wooden wall, climb up a ladder, then beg at the top. Blondi did not get along with Evas’ two little terriers. Generally Blondi was excluded from intimate sessions except on the rare occasions when Hitler asked Eva to banish her two darling so his dog could have a moment in the limelight.

Blondi was always invited to the famous tea sessions and Hitler’s birthday parties and put through her paces. She begged, she played schoolgirl, she even gave a concert and the more her master praised, the more intensely she sang!

After the army bomb plot, Hitler said, “My life is full of sorrow, so heavily laden that death itself would be salvation”. And then chiding Blondi for disobeying him, he said, “Look me in the eyes, Blondi. Are you also a traitor like the Generals of my staff.”

On April 29 when the Russian ground forces were driving toward the bunker the first to die was Blondi, Hitler’s faithful dog. Hitler passed out phials containing Cyanamid. He sent for a doctor who dutifully poured the liquid down the throat of Blondi the dog Hitler adored. It killed her. There were tears in Hitler’s eyes. He did not want Blondi to fall into Russian hands.

We have a beautiful dog. We call him Alex. Alex has lit up my life in a way that nobody has ever done. I love Alex. So does my grandson, Salman Khan.

“if you pick up a starving dog and make him prosperous, he will not bite you. This is the principal difference between a dog and a man.”

Mark Twain.

At the Master's Feet

Professor Toynbee was invited by the Peshawar University to spend a month on the campus, in active contact with students and members of the faculty and during that period to deliver a series of lectures on a subject of his own choice. The year was 1959. I was Deputy Commissioner, Peshawar. Once a week, Professor Toynbee would do me the honour of coming to my house on Fort road, accompanied by my friend Abu Kureishi, who was his guide and constant companion throughout his stay in Pakistan.

Professor Toynbee was a very simple, unpretentious and unassuming man. One day, in his baggy trousers and wearing a half-sleeve shirt, he went to have dinner with colonel Yusuf, who was then Resident Tribal Affairs. Next day, Professor Toynbee told me how embarrassed he was and how he felt almost naked when he saw his host, dressed in a dinner jacket. There were just the two of them seated at a long table meant for over a dozen persons. Dinner was served by liveried waiters wearing white gloves. Toynbee thought, on the colonel's death, he should be stuffed and kept in Government House Peshawar as a relic of the Raj.

Meeting Toynbee was like meeting history. Having a conversation with him was a little like getting to volley with John McEnroe. Trying to keep up was hopeless, but it was exhilarating just to be on the court with him. Of Toynbee, Allan Nevins wrote, "Standing on his Everest, he is more than a historian; he is a great deal of a Prophet".

Over endless cups of green tea, Toynbee would survey the past, produce a bird's - eye - view of mankind's history with a view to gaining greater insight into the present. From this point on, it is Toynbee in person.

For the great non-Western majority of human race, being modern, scientific and democratic are talismans for acquiring those novel and overwhelming forms of power that have enabled the West temporarily to dominate the world. But why does any non-Western wish to go Western? I could give a short answer in the four words of a proverb; "nothing succeeds like success". In A.D. 1661, this Western society was just one among half a dozen societies of its kind that had arisen in the old world. It is true that, by that date, the West had won the command of the ocean, and had thus made itself the potential master of the whole surface of the planet. The Western peoples had already discovered and monopolized the new world. But in the old world, the Western peoples in A.D. 1661 were still perched precariously on the tip of the European peninsula of the

great Asian continent; and it was not yet certain that they might be pushed right off even this patch of the old world ground. When in A.D. 1682, Qara Mustafa Pasha led the Ottoman Turkish expeditionary force Westwards, his objective was not merely to make a second Turkish attempt at taking Vienna; he was intending to carry the Western frontier of the Ottoman Empire up to the line of the Rhine; and if Qara Mustafa had reached the Rhine, the rest of Western Europe would surely have succumbed to the Turks sooner or later. With the failure of the second siege of Vienna, the situation changed decisively. Then, at last, the West was relieved from the pressure that the Osmanlis had been exerting on the 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 already achieved command of the ocean into a domination of the world.

It was also only then that 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 the West's mercy. A conventional date for this marriage is A.D. 1660, which is 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. The first reaction to it has been alarm; the second has been emulation in self-defence. Within less than forty years of the foundation of the Royal society, Peter the Great was making the self-educational tour of the workshops of Holland and England.

Other non-Western countries – for example, Turkey and China – were slower in reading the Western signs of our modern times, and, when they did reluctantly read them, they were less prompt and less resolute in taking action. The humiliation suffered by China for a century and more ending in A.D. 1948 is something that is perhaps unimaginable for those of us who are not Chinese. China could not have been bullied by the 19th century West if the Western peoples had not developed their modern technology and had not turned it to military account. China's humiliation at Western hands, and Russia's comparative immunity from humiliation of the kind, bring out, between them, the reason why the technological element in the Western civilization exerts the attraction that it does unquestionably exert today all over the non-Western world.

The sanctification of the word 'democracy', however, is not so easy to understand. The leading West European colonial powers were simultaneously democratic at home and powerful overseas, and their Asian and African temporary subjects consequently constructed a syllogism which Aristotle would certainly have disallowed as being illogical. 'The West European peoples live under democratic political regimes; the West European peoples are powerful; therefore democracy is a source of power; therefore we Asian and Africans must become democratic if we are to attain our objective of getting even with the West

in competition for power and for the advantages that power brings with it'. This argument is obviously unsound. The truth perhaps is that democracy, so far from having been one of the sources of the Western peoples' power, has been one of the luxuries that their power has enabled them to afford. The source of their power has been their marriage of technology with science, the opportunity for their democracy has been the margin of strength, wealth, and security which their power, derived from applied science has created for them. Unlike the belief that science has been a source of Western power, the belief that democracy has been a source of Western power is a fallacy. Democracy had been a Western amenity that Western power has brought within the West's reach.

The introduction of religious toleration in the West was contemporaneous, with the marriage between technology and science there, and this synchronicity was not accidental. The application of toleration to religion and of science to technology were two different reactions against an identical evil, namely the destructiveness and wickedness of the Western wars of religion.

It is true that, among the countries, which, in our time, have been liberated from authoritarian rule, a number have quickly fallen under authoritarian rule again. Nearly all of these new authoritarian regimes belong to one or other of two classes – they are either Communist regimes or regimes of the Cromwellian type in which the army has ousted the politicians and has replaced them by major-generals. But it is also true that there is not a single case in which a regime of either of these two kinds has been a liberated country's first choice. Invariably its first choice has been Western parliamentary democracy; and it has been only if and when parliamentary democracy has obviously failed to answer to the occasion that it has been discarded in favour of either Communism or army government. It is significant that parliamentary democracy was the first choice in both Russia and China. What is remarkable is that the regime which was Russian's first choice in 1917 was parliamentary democracy; Lenin did not get his chance to make the second Russian revolution of 1917 and to introduce Bolshevik socialism until Kerensky had been given his chance to try to make parliamentary democracy work and failed.

India has been exceptional among non-Western countries in having made a decided success of parliamentary democracy so far. If one is travelling in Asia and enters India after having visited some of the other South Asian countries, one becomes conscious of a difference in human climate. One meets a large number of people who are obviously able, experienced, responsible and public-spirited citizens. One meets them in many different walks of life, not only in politics but also in government service, in the universities, in the forces, in business. India has succeeded in building up this fund of good citizens thanks to the promptness of the Hindus, in the early stages of their encounter with the

Western world, in appropriating some of the key elements of the Western civilization. India's performance, so far, has been impressive. Here is a country with a vast area, with a great and growing population, with the narrowest margin of production over the requirement of bare subsistence, with a low percentage of literacy, and with an experience of parliamentary government that was only thirty years old in 1947, the year in which India's independence was achieved. There has never before been an electorate on the Indian scale; yet general elections in India appear to be efficiently organized.

The success of parliamentary democracy in India stands out in contrast to its failure in Pakistan. The difference is not easy to account for adequately. The Pakistanis and Indians are inhabitants of the same sub-continent. They were exposed to the same Western influences under the same Western colonial regime. They entered on their careers as independent states at the same time. The difference in the political outcome is a consequence of the difference in the respective reactions of Hindus and Muslims to the impact of the West over a preceding period of nearly 200 years, beginning with the establishment of the British East India Company's rule over Bengal.

The new constitution of Pakistan has been labelled 'basic democracy' by its author, President Ayub. The key to the interpretation of this label is the older term 'Basic English'. Democracy in Pakistan, is, at the present stage, to be 'basic' in the sense that it is to be stripped down to its naked essence - the minimum below which it would be impossible to reduce democracy without changing it into some thing that would no longer answer to the name. What is this minimum? In President Ayub's view, it is the democratic control of parish affairs by the parishioners themselves. This means, in effect, the election of parish councils, and also the election of electors who are to represent their parishes in the election of members of provincial councils and so on tier after tier, till we arrive at the indirect election of a national parliament. Of course, Ayub's plans may miscarry. The experiment, however, is one that is of very great general interest and this whether it succeeds or whether it fails.

Indirect election! Electoral colleges! This is the anatomy of President Ayub's 'basic democracy', and now we know where we are; for this is also the anatomy of the constitutions of Soviet Union and the United States.

The provision in the constitution of the United States for the creation of the President are akin, in principle, to President Ayub's 'basic democracy'. The powers of the primary electors are limited to the election of an electoral college. The election of the president is placed in this college's hands. The original letter of the American constitution still stands today, with the device now labelled 'basic democracy' written into it.

During the last hundred and seventy years public affairs have become highly complicated. Infact, public affairs have become a mystery – or rather, a whole labyrinth of mysteries – which no one but a handful of whole time professional experts is able to understand, administer, or control. The object of democracy is to give the people the maximum possible amount of control over the government. This is becoming frustrated by the growing complexity of public affairs. It is becoming more and more difficult even for a member of parliament to keep control over the government because he lacks the knowledge and information to fully understand the complexity of the issues which a modern government has to tackle. The only people who are still able to keep abreast of the necessary knowledge are full-time professional experts. The upshot is that, even in the countries in which the democratic parliamentary system of government is comparatively well seasoned and mature, democracy is being reduced, in effect, nearer and nearer to a ‘basic level’. This has resulted in whittling away of the citizen’s control over the government. The effective working of full democracy is being defeated by the increasing complexity of affairs under the impulsion of technology. Parliamentary democracy is, therefore, on trial today not only in Pakistan and in other recently liberated Asian and African countries. It is also on trial in every country in the world, which has a parliamentary system of government. The only level at which the citizen can effectively control the government is the ‘basic level’.

We do not know what will happen in the future but our experience of the past does at least throw a flickering gleam of light on the darkness ahead. Governments ordinarily break down 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.

Do not mess around with the West unless you are a permanent member of the Security Council, or aligned with one or you are a nuclear power.

A Hundred Years Ago

The 20th century has seen three waves of collapsing empires. First came the great dynasties of the Habsburgs, Hohenzollerns, 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 the Soviet Empire a decade ago.

With the departure of the British, India and Pakistan, two residual imperial states, emerged as independent countries in August 1947, followed by the break-up of Pakistan in 1971 and the emergence of Bangladesh as an independent sovereign, predominantly Muslim country in 1971. What triggered this process was the arrival of Curzon, a hundred years ago, as the Viceroy of India. Curzon, an ardent advocate of efficiency, drew up a programme of reforms in the administration which evoked considerable opposition from the growing political organization – the Indian National Congress. But none of his measures generated so much heat and aroused so much opposition as did the Partition in 1905. The Indian National Congress discovered in the proposed measure a subtle attack upon the growing solidarity of Hindu Bengali nationalism and in its annual session of 1903 described it as a “preposterous scheme”. “The proposal for Partition,” Curzon stated prophetically at Dacca, “would make Dacca the centre and probably the capital, of a new and self-sufficient administration and this would give the Muslims of Eastern Bengal, a unity which they have not enjoyed since the days of the old Mussalman Viceroys and Kings.” A year later the scheme was approved and the Partition of Bengal was put into effect on 16 October 1905. [Annulled in 1911 under strong Hindu pressure]. This was the beginning of the growing consciousness of the Muslims of the Eastern Bengal and Assam of being a separate, backward and exploited community with their special needs and aspirations. The first anniversary of the Partition was observed by the Hindus as a day of mourning and grief and by the Muslims as one of happiness and rejoicing.

The events following the Partition of Bengal and its subsequent annulment strengthened the desire of the Muslims of India to organize themselves politically as a separate community. The birth of the All-India Muslim League at Dacca on 30 December 1906, the Partition of India in 1947, the emergence of Pakistan as an independent sovereign country, the subsequent break-up of Pakistan and the emergence of Bangladesh can all be traced back to Curzon’s arrival in the Sub-Continent a hundred years ago and the Partition scheme floated by him.

Simultaneously, Curzon took up the question of reforming the administration of the trans-Frontier Districts. The Frontier was Curzon's forte. By wide travel and study he had acquired an extensive knowledge of Frontier's problems and politics. In a minute dated 27 August 1900, "perhaps the most elaborate written by a Viceroy" Curzon sketched out his scheme for taking over the administration of the Frontier from the Punjab Government and the constitution of a new province. After meeting all the objections raised by the Punjab Government and in a mood of considerable relief, Curzon wrote to Arthur Godley, the permanent under-secretary of state at the India office: "My Frontier scheme is finished and done at last. I feel like an Eton Boy who has got through trials. Be kind to it and help it on. It would break my heart if it were now to fall through." The North West Frontier Province, came into being on the King's birthday, 9 November, 1901. The formal inauguration of the province took place five and a half months later, on 26 April 1902 when Curzon held a big Durbar of three thousand Pakhtun dignitaries in Shahi Bagh at Peshawar.

And what of the future? I never expected to see 2000, and here it is, not surprising after all, just another year, and life goes on with its wonders as well as its problems. At the dawn of the new millenium, Pakistanis are still searching their Islamic or Sourth-Asian identity, not realizing that they don't have to choose 'between history and geography', meaning they can honour their Islamic links and their Asian future. At the end of the century, Pakistan has a much better idea of what it is leaving behind than of what lies ahead or where it is going. What will Pakistan look like hundred years hence. I have no idea. One can only speculate. Technically, the Mughal empire declined because it became increasingly difficult to maintain itself against the Marathas in the South, the Afghans in the North and finally the East India Company. In reality, the causes of its decay were much more internal than external. If Pakistan were to decline in the years ahead, 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 Mughal or Ottoman Empires, much more internal than external.

Sometimes, once in a very long while, you get the chance to save your country. General Pervez Musharraf has that unique opportunity today. The hour of General Musharraf has dawned. It is a solemn moment for him for, as Churchill said, "with Primacy of power is also joined an awe - inspiring accountability for the future".

Section A: Unprepared Prose

Advanced Level Candidates Only

1. Read the following passage carefully. Consider in what ways and how effectively Mayhew presents the scene and makes clear his attitude towards the situation describe here.

He who wishes to behold one of the most extraordinary and least-known scenes of this metropolis, should wend his way to the London Dock Gates at half-past seven in the morning. There he will see congregated within the principal entrance masses of men of all grades, looks and kinds. Some in half-fashioned surtouts burst at the elbows, with the dirty shirts showing through. Other in greasy sporting jackets, with red pimpled faces. Other in the rages of their half-slang gentility, with the velvet collars of their paletots worn through to the canvas. Some in rusty black, with their waistcoats fastened tight up to the throat. Others, again, with the knowing thieves' curl on each side of the jaunty cap; whilst here and there you may see a big-whiskered Pole, with his hands in the pockets of his plaited French trousers. Some loll outside the gates, smoking the pipe, which is forbidden within; but these are mostly Irish.

Presently you know, by the stream pouring through the gates and rush towards particular spots, that the 'calling foremen' have made their appearance. Then begins the scuffling and scrambling forth of countless hands high in the air, to catch the eye of him whose voice may give them work. As the foreman calls from a book of names, some men jump up on the backs of the others, so as to lift themselves high above the rest and attract the notice of him who hires them. All are shouting. Some cry aloud his surname, some his Christian name, others call out their own names, to remind him that they are there. Now the appeal is made in Irish blarney - now in broken English. Indeed, it is a sight to sadden the most callous, to see thousand of men struggling for only on day's hire; the scuffle being made fiercer by the knowledge that hundreds out of the number there assembled must be left to idle the day out in want. To look in the faces of that hungry crowd is to see a sight that must be ever remembered. Some are smiling to the foreman to coax him into remembrance of them; others, with their protruding eyes, eager to snatch at the hoped-for pass. For weeks many have gone there, and gone through the same struggle - the same cries; and have gone away, after all, without the work they had screamed for.

The docks of London are to a superficial observer the very focus of metropolitan wealth. The cranes creak with the mass of riches. In the warehouses are stored goods that are as it were ingots of untold gold. Above and below ground you see

piles upon piles treasure that the sys cannot compass. The wealth appears as boundless as the very sea it has traversed. The brain aches in an attempt to comprehend the amount of riches before, above, and beneath it. There are acres upon acres of treasure, more than enough, one would fancy, to stay the cravings of the whole world, and yet you have but to visit the hovels grouped around all this amazing excess of riches to witness the same amazing excess of poverty. If the incomprehensibility of the wealth rises to sublimity, assuredly the want that co-exists with it is equally incomprehensible and equally sublime. Pass from the quay and warehouses to the courts and alleys that surround them, and the mind is as bewildered with the destitution of the one place as it is with the superabundance of the other. Many come to see the riches, but few the poverty, abounding in absolute masses round the far-famed port of London.

What is to be done?

In his inaugural keynote address to the 27th Islamic Conference of Foreign Ministers at Kuala Lumpur, Dr. Mahathir urged the Muslim world to recognize the dangers and challenges facing it in the modern world. He warned that if the Muslim world failed to compete in the field of science and technology and learn how to fight the west with west's own new-fangled weapons, it would perish.

From the date at which the west forged ahead of Turkey in the art of casting cannon down to the year in which Pakistan detonated her first atomic bomb, the non-Muslim world, including India, had the monopoly of nuclear weapons, unchallenged and unmatched by any Muslim power. The emergence of Pakistan as the first Muslim nuclear power is, therefore, an historic development of great significance which will have far reaching consequences for the Islamic and non-Islamic world alike.

Unfortunately, history and geography combined to place Pakistan on the horns of a painful dilemma. Surrounded as we are by a hostile neighbour and facing a much stronger enemy knocking at our gate, we have of necessity to allocate more resources to military security. The feat demanded of our government is a threefold one: we have to simultaneously provide military security, satisfy the socio-economic needs of the people and also ensure sustained growth. Achieving all three of these feats over a sustained period of time is a difficult task. Achieving the first two feats - or either of them - without the third will inevitably lead to relative eclipse over the longer term - which has been the fate of all slower - growing societies that failed to adjust to the dynamics of world power. Yet, achieving the last two or either of them without the first when the enemy is knocking at the gate would inevitably lead to disaster and annihilation. Deng was able to concentrate on three of his four modernizations - agriculture, industry and science only because China had already acquired a nuclear umbrella and felt more secure. Pakistan, situated at it is, has no choice but to follow the Chinese path, knowing full well that if too large a proportion of the state's resources is diverted from wealth creation and allocated instead to military purposes, it is likely to lead to a weakening of national power over the longer term. What is to be done? Pakistan faces the Hobson's choice. How can Pakistan meet the Indian threat?

It is true that in a long - drawn - out war victory has repeatedly gone to the side with the more flourishing productive base - or, as the Spanish captains used to say, to him who has the last escudo. This was true of the struggles waged against the Spanish - Austrian Habsburgs; of the great eighteenth - century contests like the War of Spanish Succession; the Seven years War and the Napoleonic war,

and of two World wars of the last century. A lengthy grinding war eventually turns into a test of relative capacities of each side. It is incontestable that economic power, more than anything else, determines the outcome of a long - drawn - out war but this is not true of short, lightning wars lasting for a few weeks only like the three wars fought by India and Pakistan. The outcome of such short wars is determined more by military organization, preparedness, leadership, and national morale. Whether one side has "more.... of it" or "less of it" becomes significant only if the struggle lengthens. Pakistan must therefore, of necessity and for sheer survival, prepare for a short defensive war against its more powerful neighbour. The record of history shows that the outcome of such wars is determined by superior technology more than any thing else. After all, it was the advanced technology of steam engines that gave Europe decisive military advantages. The improvements in the muzzle - loading gun (percussion caps, rifling etc.) were ominous enough; the coming of the breechloader vastly increased the rate of fire. The Gatling guns, Maxims and light field artillery put the final touches to a new "fire power revolution". Further-more, the steam-driven gunboat meant that European sea power, already supreme in open waters could be extended inland, via major waterways like the Niger, the Indus and the Yangtze. In the battle of Omdurman (1898) in one half morning the Maxims and Lee - Enfield riffles of Kitchner's army destroyed 11,000 Dervishes for the loss of only 48 of their own troops.

The Ottoman Empire collapsed because they failed to modernize their armies. Their armed forces had become corrupt and were bastions of conservatism. The Janissaries were slow to modernize themselves even though they had suffered from the newer weapons of European forces. Their bulky cannons were not replaced by the lighter cast iron guns. After the defeat at Lepanto, they did not build the larger European type of vessels.

The tide turned against the Turks after 1683 A.D. when the second Ottoman siege of Vienna failed and its failure opened the way for a Western counter-offensive. It was only then that the Western peoples could concentrate their energies on converting their already achieved command of the ocean into a domination of the world. It was also 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.

The same remarks about conservatism could be made with equal or greater force about the Mughal Empire which despite the sheer size of the Kingdom at its height and the military genius of some of its emperors like Akhbar was deeply conservative, inward looking and rotten at the core.

In the East, the shock that was given to China by the West's 19th century impact on her has had no parallel up to date. China which regarded its civilization as the only one worthy of the name, suddenly found herself at the mercy of barbarians equipped with a new fangled technology. China could not have been bullied by the 19th century west if the Western people had not developed their modern technology and had not turned it to military account.

Now that Pakistan has a nuclear umbrella, she should follow the Chinese example, concentrate on the development of agriculture, industry, science and technology. Simultaneously, our military leadership should prepare the country for a political system marked not only by free and fair elections, but also the rule of law, equality before Law, Habeas Corpus, separation of powers, a strong and independent judiciary, the protection of basic liberties of speech, assembly, religion and sanctity of contract and property.

What's up, Doc?

Once you cross seventy, you develop all kinds of troubling physical symptoms, aches, pains and other distress signals. Reaching the age of seventy, Chairman Mao once said, was unusual, and passing eighty inevitably makes one think about funeral arrangements. I crossed seventy six years ago and although eighty is within sight, I still have to do a lot of climbing.

Years ago, I developed a stomach upset in Washington D.C., of all places in the world, and got what Americans call the "runs". Americans are obsessed with and love to discuss the frequency, quality and colour of their stools with anyone who'll listen, even during lunch. For them, at best, it is like a love affair, at worst an obsessive pre-occupation. So, when I went to see a physician, he cross-examined me at great length to determine the nature and significance of my problem.

D: Is it something you drank?

R: No

D: Do you habitually eat undercooked pork?

R: I don't eat pork, undercooked or overcooked. For your information, I am a Muslim.

D: Don't get offended but some of my patients are Muslims and they eat pork, sometimes undercooked. Can you make any association between what you ate and your intestinal symptoms?

R: No.

D: Have you recently visited Asia, Africa or Latin America?

R: I have just come from Pakistan which, you may or you may not know, is in Asia.

D: Bingo! Why didn't you tell me earlier? It doesn't take a medical Sherlock Homes to put two and two together and make the association. Let us stop here. There are many possible causes of diarrhea, but the possibilities listed below account for about 95% of cases. (The following lines are in tabular form, please download actual file to see the correct formatting)

What it may mean What to do about it?

1. Anxiety, stress, irritable bowel syndrome. Emotional adjustment with professional help, if necessary. Antispasmodics, dietary manipulation.
2. Inflammatory bowel disease. Medication (antispasmodics, Azulfidine, steroids), surgery.
3. Malabsorption syndrome. Diet or enzyme replacement.
4. Hyperthyroidism Treat the thyroid disorder with radioactive iodine, medication or surgery.
5. Cancer of the bowel Surgery.
6. Diabetes Supportive care, blood-sugar control (not always successful).
7. Lactase deficiency A change in diet; lactase supplements.
8. Cystic fibrosis Medication, enzymes.
9. Food poisoning Symptomatic treatment.

He saw a painful expression of deep concern on my face and said “well. Nothing serious unless your test results show something to the contrary. Meanwhile, be careful about what you eat.

R: All right, Doc. Careful is the word from now on. Thanks.

D: Wait a minute. No orange juice.

R: What, no orange juice, Doc? Always have orange juice for breakfast.

D: No, orange juice.

R: How about some grapefruit?

D: No grapefruit either. No acids.

R: I will have a toast with a little butter on it. I hope that is all right.

D: No toast, with or without butter.

R: How about sweets?

D: No sweets. And no highly spiced stuff, either.

R: That is going to be tough, Doc. I will have plenty of fruit then. I love fruit.

D: No fruit.

R: Well, all right Doc. What is this list in your hands, Doc?

D: It is your diet. Follow it closely.

R: But there ain't anything on it a guy can eat, Doc. It is terrible. You are starving me.

D: You got it, hey. Have a nice day.

It is a popular sport to joke that doctors change their minds from year to year about what people should do to stay healthy. One year, it is high iron levels in the blood that are causing heart disease. The next year it is low level folic acid. Once the rogue element in blood was high level of cholesterol, identified as a major actor in heart disease. Now it is homocysteine, a substance in blood that may rival cholesterol as a risk factor in cardiovascular disease.

It becomes all too tempting to recall the scene from Woody Allen's movie "Sleeper" in which the hero wakes up in the future and discovers that science has decreed that all those health foods he had been forcing down are actually injurious to health. The healthy foods are things like sumptuous desserts, pulao and hamburgers. The bad foods are things like bran and vegetables!

I am inclined to agree with Lord Salisbury who wrote to Lytton, Viceroy of India: "I think you listen too much to the soldiers. No lesson seems to be so deeply inculcated by the experience of life in that you should never trust experts and specialists. If you believe the doctors, nothing is wholesome: If you believe the theologian, nothing is innocent: If you believe the soldiers, nothing is safe. They all require to have their strong wine diluted by a very large admixture of insipid common sense".

Walking with Taleban

My first direct exposure to the tragedy of Afghanistan was after the Soviet withdrawal - on 20 January 1988. Abdul Ghafar Khan, the veteran Red Shirt leader and freedom fighter had died after a protracted illness. In accordance with his wishes, his body was to be buried in Jalalabad. Along with thousands of his admirers, I joined the cortege at Peshawar. We crossed the Torkham border without any travel documents. On arrival at Jalalabad all hell broke loose when a series of bomb explosions occurred all around us in the parking lot near the burial site. I was thrown off my feet but luckily escaped unhurt. When I looked around, I saw dead bodies scattered all over the fields. Some of the injured persons, bleeding profusely, their limbs blown off, were crying for help. In a state of shock, I ran across the fields to the burial site and contacted my brother, late Abdul Khaliq Khan, for help. Dr. Najibullah, the Afghan President, was delivering his funeral oration. While I was busy arranging medical help for the injured, I suddenly realized that most of my compatriots had already left for Peshawar, leaving me alone with the dead and the injured. I spent the night at a Hotel as a guest of the Afghan government. Next morning we left for Peshawar in a convoy of vehicles, carrying the dead and the injured. As we approached the Pak-Afghan border, nothing gave me greater pleasure than to see the Pakistan flag fluttering in the breeze atop our check-post at Torkham. This was my closest brush with death and also my closest encounter with the dramatic events in Afghanistan now ruled by the Taleban.

Twenty-one years of unremitting war has left Afghanistan a country of demolished cities, disabled war veterans, amputees, young widows, orphaned children, torn-up roads and hungry people. Taleban, an ideological militia, who rule most of this country, are desperately trying to complete their conquest and enforce a puritanical interpretation of Islam. Since their dramatic appearance at the end of 1994, they have brought relative peace and security to the country. Who are these mysterious people and what is their origin? Taleban are no strangers to pukhtuns. Taleban or seekers of knowledge, are an integral part of every village mosque in the Frontier Province. They are a part of the pukhtun landscape. I have known them since 1930 when I was first taken to the village mosque and introduced to the Imam. There I met a group of these young Taleban, sitting at the feet of the Imam, engrossed in their studies. Little did I realize that these poor students perched on the lowest rung of the social ladder in the pukhtun society would one day sweep across Afghanistan like a tidal wave and capture Kabul.

Recently, I met two of these young Taleban in the course of my early morning walk in the Margalla. I decided to engage them in conversation and greeted them in Pushto. "Kha charay" (may you be blessed). "Char de kha sha" (may you also be blessed). The young students returned my greetings.

R: What are you doing here?

T: We are Taleban and have come here in search of knowledge. We are attached to the local Madrassa.

R: Where are you from?

T: We belong to Swabi.

R: We belong to the same area then. I am from Mardan.

T: Happy to meet you.

R: What do they teach you at the Madrassa?

T: We study the Holy Quran, Hadith, Islamic Law, Fiqh, History, Geography and Elementary modern sciences.

R: How long will you stay at the Madrassa?

T: Seven years.

R: Are you happy here? What do you think of Islamabad?

T: This is a strange place. Women go shopping. They even drive cars. They go to the clubs and swim. They meet other men freely. There are no restrictions on their movements and their menfolk don't seem to object.

R: What is wrong with this?

T: This is all unislamic. Isn't Pakistan an Islamic State created in the name of Islam? Why do you allow all this?

R: Don't you think this is a very narrow interpretation of Islam?

T: No. Women should stay at home and look after their children and household affairs. Every thing else must be subordinated to these objectives.

R: Afghanistan has been totally destroyed and reduced to rubble. It is very sad.

T: Don't worry. Taleban will create a new Afghanistan on the ashes of the old.

R: How can you do this? The whole world is against you. We seem to be your only friends left.

T: You know why they are all against Taleban?

R: I have some idea but please go ahead and tell me.

T: Taleban refuse to surrender Osama Bin Laden. He is their 'mailma' (guest). How can they surrender him? Non-pukhtuns may not understand this. But surely you do. I don't have to explain it to you. Taleban want to set up a truly independent, sovereign, Islamic state. This they don't like. Our greatest crime is that we are not American stooges. Not very long ago they were in love with us. We could do no wrong. They used to call us freedom fighters. Now we are all terrorists.

R: What do you think of the Kashmiri's struggle for independence from the clutches of the Hindus?

T: It is Jihad. And it is the religious duty of every able-bodied Muslim to help them.

R: Will you leave your studies and join them.

T: When the call comes I will give up every thing and go wherever I am required.

R: What will you do when you complete your studies? How will you earn your livelihood?

T: I am the servant of God and He will look after me. Why are you showing so much interest in my studies? And why are you asking me all these questions?

R: Because you are very young and your whole life is in front of you. I don't know how life will treat you. Sometimes life can be very unfair. I wish you happiness, long life and success in your search for knowledge and Truth. I have enjoyed talking to you and walking with you. "Pa makham kha" (good bye)

T: Thank you "Da khuday pa aman" (May God protect you). Don't judge us too harshly. Taleban are engaged in a life and death struggle today. Things will change once the war is over and peace is restored. Come to our Madrassa

whenever you can. We would like you to meet our friends. We will then continue this discussion over a cup of green tea. There is so much to talk about.

As we parted, I pondered over what these two young Taleban had to say. There is obviously a yearning among the people, especially the poor, the lumpen proletariat, for a true Islamic society, a haven in the words of Shariati, for the plundered and the oppressed. Therein lies the danger to the established order. It is becoming increasingly clear that Islam with its own code of egalitarianism, morality, economic and social justice is emerging as a challenge to liberal democracy, narrow nationalism, socialism and military dictatorship which have all been tried in different Muslim countries and found wanting. Will it be the scholastic, institutionalized, fossilized Islam co-opted by corrupt rulers or the true, dynamic, pristine, revolutionary Islam of its early years with its emphasis on egalitarianism, social justice and accountability? The answer will affect the course of history and politics in the entire Islamic world. We have to wait and see.

Among The Slum Dwellers

In August 1963 I said good bye to Hyderabad and left for Karachi to take up my new assignment as Divisional Commissioner. Karachi, a peaceful sprawling city of over two million at that time, faced daunting problems - unauthorized Jhuggies, lack of sanitation, lack of drinking water and inadequate municipal facilities. I used to visit the slum areas twice a month. Slums can appear picturesque from a great distance, but they are terrifying and repellent once you get closer. We had to walk through narrow winding lanes, with no sewage, no electricity and no running water, covered with mounds of garbage, filth and human excreta. That was Karachi 37 years ago and my first exposure to slum dwellers and their myriad problems.

Here in Islamabad, at the crack of Dawn, when residents of the posh E--7 area are fast asleep, I daily encounter the "people of the garbage" or Zabaleen as they are called in Cairo. They are all Afghan refugees and their work begins at Dawn when they fan out throughout the length and breadth of the city, on their bicycles, collecting garbage rejected by wild boars. They sift through it, selecting bits of plastic, cloth and other items suitable for recycling. These items are then sold to "garbage barons", middlemen who in some cases have made small fortunes off garbage. The "people of the garbage" are a private - sector success story, filling the gap in a municipal service where the government is ineffective. They are a constant in the life of Islamabad much like the Egyptians who inhabit tombs in Cairo's cemeteries, collectively known as the City of the Dead.

One day, out of sheer curiosity, I decided to visit the slums and see the ugly side of beautiful Islamabad. It was still early morning, yet the heat and humidity were already overpowering. In an air-conditioned four-wheel drive Toyota Land Cruiser, suspended high above the road and looking out through closed windows, your forehead and underarms comfortably dry, you may learn something about these people, but not much. It is only on foot that you learn the most. You are on the ground, on the same level rather than looking down at them. You are no longer protected by speed or air-conditioning, or thick glass. The sweat pours from you and the shirt sticks to your body. What I saw was a nightmarish, Dickensian vision that Dickens himself could probably never have imagined. The path through the Nalla was a long puddle of floating garbage. Flies, insects and worms were everywhere. Among the residents are snorting pigs and wild dogs who pick at the flesh of dead animals and snarl at your feet. Human beings also live there, thousands of them, many of them children. There were multitudes of them, many of them with swollen bellies. Pregnant women sat silently watching their children play amid the mud, filth and other refuse. I noted dead rats, dogs, scattered all over the place. I looked over at the garbage,

plastic wrap, tin cans, a discarded chicken skin, all mixed with feces, a blend of rural and industrialized waste. I was reminded of "Tales from the Garbage Hills", a brutally realistic novel by a Turkish writer, Latife Tekin about life in the shantytowns. The novelist describes complete neighbourhoods, "Fathered by filth, chemical waste, with roofs of plastic basin, doors from old rugs and oil cloth windows". France colony, inhabited by Christian sweepers, is such a place. Children defecate in the Nalla, filled with garbage, droning with mosquitoes. I thought of a poem by the Nigerian poet Ben Okri:

We rush through heated garbage days

With fear in morbid blood - raw eyes;

Mobs in cancerous slums ...

At noon. Angled faces in twisted Patterns of survival ...

A cute, miraculously healthy looking teenager smiled at me. To thrive in this miasma, merely to survive, indicated a vitality that I would never be able to muster. I smiled back at what I knew to be my genetic superior.

Not far from France colony, there is a profusion of boutiques, Mercedes - Benzes, mobile phones, a recipe for discontent and Revolution. I thought of the perfumed women and men with expensive jewelry and watches, I had met the evening before, relaxing from another day of accumulated untaxed wealth, and had the vision of a tiny planet in space in the last moment before being extinguished by an onrushing meteor. Frankly, I felt very insecure.

I addressed Jamil, one of the residents.

"What do you think of France colony?" I asked.

"I love France colony." said Jamil

"What is it you love about France colony?" I asked

"It is so full of sweepers. I feel like I got protection." Jamil answered.

"From what?"

"From CDA. Furthermore I like France colony because it belongs to me."

"France colony doesn't belong to you. It belongs to CDA. You don't own the houses in France colony."

"I might not own them." Said Jamil

"but I live in them. It would take an atom bomb to get me out. I am in France colony to stay." I admire such people. I dread their determination.

What an absurd thing it is to expect happiness in a country so full of misery. Point me out the happy man and I will point you out either extreme egotism, evil - or else absolute ignorance.

Life goes on. It always does, until it doesn't.

Freedom versus Security

It is a matter of some concern that even after a lapse of more than a quarter century, the official record of the events of 1971 leading to the breakup of Pakistan is still kept secret and the veil of secrecy surrounding this tragic period of our history is not being lifted. The decision to ban the Hamoodur Rehman Commission Report is the result of a clash of two principles, each formidable standing alone, but in conflict limited, "all neither wholly false nor wholly true": The Government's principle of privacy, and the citizen's right to know the truth. It is the old cat - and - dog conflict between security and freedom. It is a conflict between suppressing, not military information affecting the lives of men on the battle field, but historical documents about a tragic and controversial war; not between what is right and what is wrong, but between two honest but violently conflicting views about what serves the national interest best. This raises some important questions. How can outsiders judge better than the official insiders what damage may be done by publication of such documents? Why must the public demand publication of secret documents which may embarrass the government and give comfort to the enemy? These are serious questions which deserve serious answers, for it is clear, and I speak from personal knowledge, that the publication of the report will, among other things, reveal the part played by the principal characters in that tragic drama and also disclose evidence of deception and betrayal. Should, therefore, the report not be published because it may embarrass the government? Nobody is arguing that government must release the nation's latest war plans or divulge our nuclear secrets or endanger the lives of our soldiers. But historical documents? This surely is another matter. Should we then suppress the report? Deceive the people about the record of the tragic events? Keep them in the dark? Deny their sovereign right to know what is going on under the surface and beyond the horizon? Submit to the government's arguments that publication will cause irreparable injury to national security? Confuse embarrassment of the government and its officials with the security of the Republic? What is the logic behind suppressing facts relating to the distant past, as distinguished from sensitive military information affecting the present or the future, on the ground that this may be awkward? The nation is seething with distrust of successive governments that didn't tell them the truth.

The issue of the Hamoodur Rehman Report is merely whether we should get at the facts and try to correct our mistakes or suppress the whole painful story. We are being asked, in the name of "security", not even to look at a historical analysis of the tragic events and to respect the Administration's right to stamp "secret" on any document it likes, and to keep them secret years after the event,

when officials, long out of office, are writing their own version of history out of the "secret documents".

How are such conflicting views - about what serves the national interest best - resolved in a democracy? At 6:13 P.M. on Saturday June 12, 1971, the presses began to roll. Three minutes later, the first newspapers arrived in the city room of the New York Times. In 24-point type over columns 4-7 on page 1, the understated headline for the Sunday paper of June 13, 1971, read as follows:

Vietnam archive, Pentagon Study Traces three decades of growing USA involvement.

The New York Times published, without government permission, the Pentagon Papers, it had obtained unauthorizedly, officially entitled, "History of US decision - making process on Vietnam policy", classified top secret - sensitive. It hit the Nixon administration like a bomb shell. The government request for injunction because of national security was turned down by the court even though the country was at war, the documents were classified, the Time's disclosure was unauthorized and the documents in its possession constituted stolen property. This may appear astonishing to many in Pakistan but it is part and parcel of the idea of a free society, in which public officials are held accountable for their actions, and whereby accountability rather than secrecy constitutes the main *raison d'état*.

The court rejected two legal positions that marked the opposite ends of the spectrum. The idea that the government should be able to enjoin publication of information merely because it was classified would have constituted a radical departure from well - settled expectation of what American law was. More important, such an outcome would have given the government too much control over the public disclosure of information. The government has near absolute control over what defence and national security information is made public. This is true because the classification system is widely abused to keep confidential information that could be disclosed without injuring the national security. It is also true because the government has almost total discretion in deciding what information, once classified, to declassify. To supplement this enormous power with the ability to censor information merely because it is classified would, in the court's opinion, give the government a dangerous capacity to keep secret information that should be public.

This was a courageous decision supportive of the public's right to know about important public affairs. Indeed, the courage and significance of the decision can be appreciated only if one recognizes that the decision was rendered, when the nation was at war, in the face of the government demands that the court defer to

national security officials. The court decision is a guidepost for any democratic society to follow as it daily resolves clashes among competing claims that implicate freedom and security. Distilled, the decision represents the judgement that democracy must tolerate the risks - even potential serious risks - inherent in freedom because freedom also strengthens a democracy's fundamental security. The security of the Nation is not at the ramparts alone. Security also lies in the value of free institutions.

The authorities who decided to withhold the Hamoodur Rehman Commission Report in the first instance and maintained the ban had their own reasons for doing so. It goes to the credit of the present government that although it is dressed in khaki, its attitude to the press and citizen's right to know is pretty open and its record is better than that of many democratic governments. It might well ponder the wisdom of the earlier decision and lift the ban on the publication of the Report. For, as we all know, history possesses a disconcerting habit of repeating itself.

The Hamoodur Rehman Report belongs to history. It was in my custody for eight years and I am fully conscious of the government's security concerns. But I have no hesitation in saying that its publication, almost thirty years after it was written, could not conceivably damage our security interests. Pakistan, I have no doubt, will survive its publication and will still be there the morning after the report becomes public property.

A people denied access to information are a people uninformed. And uninformed people are not a free people.

For us the hour has struck

Each of us, the novelist Lawrence Durrell says, has a home landscape: the place we return to in our mind's eye when we contemplate our beginnings. For me that place, beyond any doubt, is Kalpani, the little stream flowing past Hoti, the place of my birth. Seventy-six years ago, dangled from the arms of a laughing woman, I had my first baptism of Kalpani water when, crying and kicking, I was dipped in its sparkling waters. Now much of Mardan and Hoti Bazar waste is dumped, untreated, right into this stream. In my youth, we caught fish, swam, washed clothes in Kalpani and drank its water that we shared with our cows and buffaloes. Now it is like a large sewer. Once it was the center of our universe. Now hardly anyone talks about it. Times have changed. Now I see anguish, worry, suffering and frustration writ large on the faces of the people I meet. One of the many issues burning in their hearts these days is the plight of hordes of young, educated, unemployed, English-speaking people, prey to drug pushers, desperately looking for jobs. In a way, I feel guilty because I was the one who encouraged them to send their children to schools and colleges. When "democracy" ruled Pakistan, these poor people had to pay lakhs of rupees to their elected representatives to secure clerical jobs for their offspring.

Indians face the same problem but they are, at least, exploring every avenue to find the right answer. The latest wave reshaping the global economy springs not from Silicon Valley, not from the canyons of Manhattan, but from offices and warehouses in Bangalore, India. Full of English-speaking university graduates, desperate for work, India is rapidly becoming a magnet for service jobs ranging from the mundane to the cutting edge. Most of these jobs, from data processing to high end engineering - are tied to American and European companies, which are setting up offices across the country at a rapid rate. India stood by in the 1970s and 80s as East Asia boomed by transforming itself into a manufacturing platform for the West. Now India is determined to catch the next wave. Prompted by the success of the country's world-class software industry, a booming \$ 5 billion - a year business, Indian officials and entrepreneurs are making extraordinary efforts to invite Western companies to bring their office jobs to Bangalore. The cost of manpower is so much cheaper, the quality of services so high, that no US Company can resist the temptation or afford to stay away. More often than not, the product being dealt with is information. Overseas companies send it via satellite, and Indian workers key it into files, categorize it, analyze it and ship it back.

Bechtel Group employs 400 engineers in a state-of the art office near New Delhi that handles projects from all over the world.

Ford employs accountants to work for its Asian outlets.

Pfizer is in India conducting trials for drugs to treat cancer, infectious diseases and mental illness.

British Airways beams a scanned copy of everyone of the 35 million tickets it sells each year to India, where workers reconcile the tickets with billing information sent by travel agents.

At Decision Support International, workers key in documents as varied as Yellow Pages phone directories and annual reports for American clients. In New Delhi, General Electric employs more than 1,000 people to process loans, perform accounting tasks and call people in the United States who are late on their loan payments.

Many of the American companies already in India, including American Express, which employs 650 accountants and data processors in New Delhi, are planning to expand. General Electric intends to quadruple the size of its operations in the next two years. Ford Motors is considering enlarging to handle the accounting for its European and American operations as well.

India is not alone in tapping an educated, English-speaking population to serve as the "back office" staff for foreign companies. The Philippines and Jamaica are also home to such operations.

In a recent study, the New York based consulting firm McKinsey & Company predicted enormous growth in the globalization of services. About 40,000 Indians are now working in the so called remote-service industry. McKinsey predicted that the industry would grow at a 50% annual rate in India and employ as many as 700,000 people by 2008. As technology obliterates distance in the global market place, India, an impoverished country, seems poised to seize the latest opportunity like no other.

What is Pakistan doing? What prevents impoverished Pakistan, full of English-speaking university graduates, desperate for work, from emulating the Indian example? Now that corrupt, discredited politicians are out of the way, what prevents the government from coming to the rescue of these young graduates. What prevents Pakistan from tapping into its educated, English-speaking population to serve as the "back office" staff for foreign companies? What is standing in our way? Are there any impediments? If so, why can't these be removed? In a speech at the Woodrow Wilson International Centre in Washington, explaining what it takes for capitalism to flourish in any country,

Federal Reserve Chairman, Alan Greenspan observed that, "the guiding mechanism of a free market economy - a bill of rights, enforced by an independent judiciary". And nothing else. Germans had a phrase for the situation at the end of World War II. They called it Stunde Null, or zero hour, a new beginning. Now that we have also made a new beginning, why can't we restore investor's confidence in the sanctity of our contracts and the independence of our judiciary.

What prevents General Musharraf from doing what Peter the Great did in Russia. Peter dragged his country, kicking and quite literally screaming into the modern age. But first he educated himself. He left Russia, went, in cognito, to Holland and then England. In Holland, he settled into a tiny wooden house consisting of two small rooms, two windows, a curtained, airless sleeping closet so small that he could not fully stretch out. He hurried to a store on the dyke, put on workman's clothes, bought carpenter's tools, signed himself as a common workman, began working happily, shaping timbers with his hatchet, and declared with pleasure, "I too am a carpenter". That is how Peter built the Russian Navy and is still remembered in history as the grand father of modern Russia.

Less than 40 years after Peter's death, a little, desperate, haggard man, his face unwashed, his clothes old and much soiled with grease and Spanish snuff, was hanging on among the Silesian hills, with a following of war-battered veterans as ragged and desperate as himself, against the combined forces of Russia, Austria and France. This little haggard man was Frederick the Great. At one time he thought he would give up the fight and commit suicide, but he did not give up; he held the line and went on to victory. "It was not the army", wrote Napoleon, "that defended Prussia for seven years. It was Frederick the Great". Prussia owed her salvation to her sovereign. When he returned to Berlin, his Capital, after seven years of warfare, he wanted no triumph, no acclaim, no celebrations, no crowds, no fireworks, no welcoming speeches. In the darkness of the early hours of the following morning, for the first time in nearly seven years, a light could be seen behind the shutters of Frederick's study window. Business as usual. The King of Prussia was at his desk.

A Dutchman, a salesman, visiting Sans Souci, was shown around by an old man he supposed was the gardener, but refused a tip. 'We are not allowed to accept! I am afraid"! Said Frederick the Great, King of Prussia who in the opinion of one of his contemporaries, was "the greatest man who has ever lived". He called himself, proudly, King of the beggars and the poor man's advocate.

After the French triumph over Prussia at Lena and Auerstandt, Napoleon visited a cowed and French - occupied Berlin and went to the garrison church at

Postdam on October 24, 1806, where Frederick lay sleeping in his tomb. The little Corsican Emperor, surrounded by his marshals, gazed silently for a little. Then – ‘Hats off, Messieurs! If he were alive we would not be here’.

Today Pakistan faces its greatest crisis since 1971. We are alone in the ring, in deep trouble, on the verge of economic collapse. With the collapse of all civil institutions, the only cohesive force left behind is the army, and army alone, which is keeping the country together and preventing it from disintegration. It is also the only shield we have against foreign aggression. Today we are vulnerable to external aggression as we have never been before. Destiny has placed a grave and awesome responsibility upon General Musharraf. He holds the future of Pakistan in his two hands. At this darkest hour in our history, the nation must stand solidly behind the army. The security of the nation, as they say, is not at the ramparts alone. Nothing should therefore be done to weaken the army. Nothing should deflect its attention from its primary task. Everything must be subordinated to the requirements of national defence.

Whatever the pressures, General Musharraf must stick to his agenda and honour the commitment he made to the people of Pakistan on October 12. The essence of leadership lies in telling the people not where they want to go but where they ought to go. What the country needs and the people demand, is ruthless accountability, not a mere cosmetic change but a purifying and cleansing operation to purge the country of all corrupt elements, robber barons and holders of public office who abused their power. General Musharraf must lance the poisoned carbuncle, give the country the lift of a driving dream and drag the nation to its feet again. So many deeds cry out to be done. General Musharraf has so little time and so much to achieve. But his pace is painfully slow. He must resort to forced marches. Time is against him.

The Agrarian Question

On the eve of President Ayub's assumption of power, it had become evident that as long as landlords, who had only their own interest in mind, occupied a central place in the balance of power and their position remained intact in rural areas, no land-reform legislation could be enacted or implemented. It is ironic that it was only after the military takeover in 1958 and the coming to power of an authoritarian government that a Land Reforms Commission was appointed "to consider problems relating to the ownership and tenancy of agricultural land and to recommend measures for ensuring better production and social justice as well as security of tenure for those engaged in cultivation". The commission submitted its report, which was drafted by Ghulam Ishaq Khan, to the President of Pakistan who was also the Chief Martial Law Administrator. The Commission saw its task as analyzing "the peculiar social, economic and political consequences following from what amounts to an institutional monopoly of land in a primary agrarian society". It duly emphasized that those who do not own land are relegated to a socially inferior position with all the disabilities of that position. The Commission did not aim at breaking the power of the "old ruling oligarchy with its roots in big estates". The Commission took what it called a "pragmatic" and "middle of the road" position on the question of imposing a ceiling on the private ownership of land and it hoped that the implementation of its recommendations would lead to "the creation of a strong middle class" and to laying "the foundation for owner-operated farms on holdings of economic size".

There was a serious division of opinion between Mr. Ghulam Ishaq Khan and the other members of the commission on the crucial question of specifying a ceiling on land holdings. In his dissenting views about the fixation of ceiling on land, Ghulam Ishaq Khan noted that "the control of economic opportunity, in the form of concentration of landed wealth in the hands of relatively few, to the exclusion of the great majority dependent on it for a living, in turn, divides the society into economically and socially inferior strata of haves and have-nots". As a result of such a socially divisive concentration of land in few hands, social progress is hampered and the society remains indefinitely stratified. Hence he thought that the objectives of economic progress and social justice could be best achieved by fixing the ceiling on land held by individuals and families at a sufficiently low level. He opposed the much "too liberal" ceiling and the allowances and exemptions recommended by the majority of the Commission members because he thought that the net effect of the proposed measures for a long time to come will be to leave unchanged the concentration of land in families instead of individuals. Hence, in line with the recommendations of the Muslim League Committee and the First Five-Year Plan, he proposed a maximum limit of 150

acres of irrigated or 450 acres of un-irrigated land. Even more important, he also recommended, for the first time, that a limit should be set on land owned by the family: 350 irrigated acres or 900 un-irrigated acres. According to him, the lower ceilings he proposed for the individual and family was necessary to break the monopolies on land and to make access to opportunity through land more free to ensure greater social justice and economic growth.

Mr. Ghulam Ishaq Khan also dissented from the views of the majority on the issue of exempting orchards from the prescribed ceiling because “exemption of orchards from the operation of ceiling will mean a further addition to the already liberal exemptions given to the existing land owners”. He argued that in the first place, orchards were highly profitable ventures and were not an especially risky investment. In addition, the exemption of orchards from the ceiling, he argued, would add to the corrupt practices of the unscrupulous owners and petty revenue officials in converting the ordinary agricultural land into orchards retrospectively. He, therefore, insisted that the area under orchards should be taken into account for the purposes of the fixation of ceilings on par with other agricultural land of the same class included in the owner’s holdings.

Mr. Ghulam Ishaq Khan also opposed the majority’s recommendation about the transfer of land by gift to any or all of the presumptive heirs on the ground that it would lead to the concentration of land in families inspite of the ceiling. He saw no justification for such a recommendation because large owners have already distributed their property among as many real or imaginary presumptive heirs as they could trust to hold the land for them. He, therefore, warned that the ceiling of land would also amount to an expansion of the generous ceiling already allowed on other counts and would defeat the fundamental purpose of land reforms.

The Commission estimated that if Ghulam Ishaq Khan’s views prevailed, about 6.0 million acres would have been available for resumption from holdings of 500 acres and above. The jagirs and farms between 100-500 acres would have added another 2.0 million acres raising the extent of the resumable area to 8.0 million acres as against the 2.5 million acres actually resumed under the 1959 land reforms! The resumed area of this magnitude would have correspondingly benefited nearly 0.8 million peasants, assuming a 10-acre size of the redistributed holding.

The dissenting view of Ghulam Ishaq Khan did not persuade the majority of the Commission members because they thought that “the premise from which Mr. Ishaq proceeds does not correctly depict the conditions obtaining in West Pakistan”. A heated debate followed. When the matter came before the Cabinet, Mr. Bhutto (who was a member of the Ayub Cabinet) defended the landlord’s

case with great passion and almost broke down. In order to ease the tension, President Ayub had to interrupt the discussion and order drinks to be served.

Under Martial Law Regulation No. 64 and its later amendments, based on the views of the majority, about 2.5 million acres were resumed, and 2.3 million acres distributed among nearly 183, 371 tenants and small owners. The area constituted only 4.5 - 5.0 percent of the total farm area in Pakistan and the proportion of the beneficiaries in the population was even smaller. One reason for the limited area resumed was inherent in the generous allowances recommended by the Commission. The other reason lay in the process of implementation in which the zamindars illegally altered the land records in collusion with the revenue officials at the village level.

When the PP government came into power, it prescribed a ceiling of 150 acres of irrigated land and 300 acres of un-irrigated land or an area equal to 15000 PIUS. A total of 1.3 million acres were resumed of which only 0.9 million acres were redistributed to various tenurial classes. The number of the beneficiaries did not exceed 76000. By the fall of 1976, it had become apparent that the government's reforms measures did not produce the expected results. To remedy the situation, the government promulgated another land reform ordinance (ordinance of II of 1977) with three new significant features. It reduced the ceiling to 100 acres of irrigated land, and allowed compensation to landowners in the form of bonds. It made provision for distribution of resumed land among landless tenants and small land owners without charge or payment. But the Military government which took over power on July 4, 1977, amended the 1977 act in 1982 to exempt Corporate Livestock Farms from individual ceilings. An additional area of 1.8 million acres was resumed under the 1977 act of which, 0.9 million acres were distributed among 13,143, persons.

There ended the story of land reforms in Pakistan. Looking back on the history of land reforms in Pakistan, it is quite evident that piecemeal reforms made no dent in the agrarian system; the concentration of land ownership in families still remains too high; the uneven power relations between landlords and tenants continue to be unacceptably uneven; there is evidence to show that many a protective legislation is honoured more in the breach than in observance; the exploitative system in rural Pakistan remains unchanged and the rural scene remains firmly in the grip of the landed gentry.

Fortunately, we have on record the Quaid's views on social justice and economic equality in the Pakistan of his dream. In a speech delivered in April 1943, he said: "here I would like to give a warning to the landlords and capitalists. The exploitation of the masses has gone into their blood. They have forgotten the

lesson of Islam. Do you visualize that millions have been exploited and cannot get one meal a day? If this is the idea of Pakistan, I would not have it”.

The piecemeal reforms introduced by both Ayub and Bhutto have bolstered the political, social and economic position of rural upper strata on which their governments depended for political support. Not only has the political influence of this group increased, but its interest in the perpetuation of the statusquo has been considerably enhanced. In combination with other powerful forces in the military and civil bureaucracy, it exerts a strong pressure for conservatism in regard to the agrarian structure. Piecemeal reforms have thus dimmed the prospects for radical reforms in agriculture despite the deterioration in the status of the weaker members of the rural hierarchy and rapid increase in their numbers, both absolutely and relatively.

Measures that would deprive the upper strata in the villages of land and power, and would genuinely confer dignity and status on the underprivileged and the landless are among the last that the landed aristocracy would find acceptable. As it is, a great divide, a yawning chasm-some call it a new Iron Curtain-separates them from their less fortunate countrymen, whose life is “nasty, brutish and short”. Because these people have bank accounts, luxurious villas, mansions, and apartments in the West, they can escape from Pakistan’s misery. They have a stake in the statusquo or system as they call it, and therefore impede the birth of a new order in rural Pakistan. In the West, democracy destroyed the feudal system and vanquished kings. In Pakistan, the elimination of big feudal landlords by parliamentary means is an impossibility and an exercise in futility. What hope there is for agrarian reforms in Pakistan must, therefore, be attached to the present quasi-dictatorial regime. Now is the opportune moment for sweeping changes and a radical reshaping of the agrarian structure. The unfinished agenda still remains large and constitutes a big challenge and a great opportunity for the military regime.

Great Expectations

American Policymakers are fond of the bromide "The cure for the evils of democracies is more democracy". However, Richard Halbrook, now Permanent US Representative at U.N, struck a different note on the eve of the September 1996 election in Bosnia. He said: "Supposing the election was declared free and fair and those elected are racists, fascists, and separatists. That is the dilemma". Indeed, it is, not just in Pakistan but increasingly all around the world. People in Pakistan have lost faith in the sanctity of the ballot box; elections are rigged; votes are purchased; known corrupt people, tax evaders, and smugglers are foisted upon a poor, illiterate electorate unable to make an informed political choice, and then sworn in as ministers; elections throw up not the best, not the fittest, not the most deserving, but the scum of the community, only because they are the richest. What happens if elections are held, the same people get elected and capture the parliament. That is the dilemma.

Africa faces the same dilemma. When President Clinton visited Africa, he praised Uganda, not a democracy, once ruled, like Pakistan, by a collection of outcasts and misfits serving only themselves, and synonymous with mindless savagery, sectarian killings, absence of law and order and sinking economy. Uganda has now turned the corner, and its economy, little noticed by most of the world has become the fastest growing in Africa. Kampala is again a handsome, hilly city with lovely gardens. A framework for democracy has been created – including a new constitution, a free Press and an independent judiciary. All this has come at a price. President Yoweri Museveni, who took power in a coup in 1986, runs what he calls a non-Party, no-nonsense state and was recently described by President Clinton as a model. US Administration Officials cite him as the kind of leader they would like to see in other countries. Uganda, once the pariah of Africa, has found its saviour in Museveni and today stakes a new claim to title: the pearl of Africa. Has Pakistan, hungry for a clean, honest person, endowed with the will to raise it from the slough of despondency and pilot it through the rocks and rapids, at last, found its Museveni in General Pervez Musharraf? It is too early to express any opinion. We will have to wait and see.

General Musharraf faces a daunting task. The economy is shattered. The country is almost bankrupt. People have lost faith in the entire democratic process. But the West, led by the United States, is pressing for early elections and return to democracy. In the West, democracy means liberal democracy – a political system marked not only by free and fair elections, but also by the rule of law, separation of powers, independent judiciary, the protection of basic liberties of speech, assembly, religion, sanctity of contract and property etc. This bundle of freedoms

- what Fareed Zakariya calls constitutional liberalism - is not synonymous with democracy and is theoretically different and historically distinct from democracy. For much of modern history what characterized governments in Europe and North America, and differentiated them from those around the world, was not democracy but constitutional liberalism. Magna Carta, Rule of Law, Habeas Corpus, are all expressions of constitutional liberalism not democracy. During the 19th century most European countries went through the phase of liberalization long before they became democratic.

British rule in India meant not democracy but constitutional liberalism - Rule of Law, independent judiciary, Habeas Corpus, fair administration, merit system etc. For 156 years until July 1, 1997, Hong Kong was ruled by the British Crown through an appointed Governor General. Until 1991, it never held a meaningful election, but its government epitomized constitutional liberalism, protecting its citizen's basic rights and administering a fair courts system and bureaucracy.

Governments are instituted to secure certain inalienable rights of human beings as the American Declaration of Independence put it. If a democratic government does not preserve liberty and law, that it is a democracy is a small consolation. But Washington and the Western world will tolerate a great deal from such governments, no matter how corrupt, as they have with Yeltsin, Akayev and Menem and many others.

Conversely, the absence of free and fair election should be viewed as one flaw, not the definition of tyranny. Elections are an important virtue of government, but they are not the only virtue. Governments should be judged by yardsticks related to constitutional liberalism as well. Despite the limited political choice they offer, countries like Singapore, Malaysia and Thailand provide a better environment for the life, liberty and happiness of their citizens than do illiberal democracies like Slovakia, Ghana and Pakistan under its elected governments. Constitutional Liberalism has led to democracy everywhere, but democracy does not seem to bring constitutional liberalism. In fact, democratically elected regimes in the third world generally ignore constitutional limits on their powers, deprive the citizens of their basic rights and freedoms and, in the process, open the door to military rule as happened several times in Pakistan.

What Pakistan needs, at this stage, is not election, not replacement of one corrupt illiberal democratic government by another, not a mere cosmetic change, but ruthless accountability and constitutional liberalism - Rule of Law, not rule of man, an independent judiciary, a depoliticized civil service, free press and all the other inalienable rights of human beings which predate democracy. All these rights can be secured by General Musharraf without waiting for elections and return of democracy.

Among other things, constitutional liberalism will help in turning the economy around. The experience of East Asia shows that when regimes, even if undemocratic, protect individual rights, including those of property and contract, and create a framework of law and administration – capitalism and growth will follow. In a speech at the Woodrow Wilson International Center in Washington, explaining what it takes for capitalism to flourish, Federal Reserve Chairman, Alan Greenspan, concluded that, “the guiding mechanism of a free market economy – is a bill of rights, enforced by an impartial judiciary”. Isn’t it significant that Alan Greenspan did not mention democracy.

In the 1770s an apocryphal conversation between the dauphin and court physician Francois made the rounds of the café’s and salons of Europe. In it the dauphin asked the doctor what he would do if he were king. “Nothing,” de Quesnay replied. “Then who would govern”, the dauphin asked in alarm. De Quesnay replied, “the law”.

The importance of Rule of Law in all societies, democratic or undemocratic, is eloquently expressed in an exchange in Robert Bolt’s play “A Man For All Seasons”. The fiery young William Roper, who yearns to battle evil, is exasperated by Sir Thomas More’s devotion to the law. More gently defends himself.

More: What would you do? Cut a great road through the law to get after the Devil?

Roper: I’d cut every law in England to do that!

More: And when the last law was down and the Devil turned on you – where would you hide Roper, the laws all being flat?

So long as there is a judiciary marked by rugged independence, the citizen’s civil liberties are safe even in the absence of cast iron guarantees in the constitution. But once the judiciary becomes subservient to the executive, 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.

General Musharraf will be doing a great service to Pakistan if he can develop constitutional liberalism – which Pakistan has not known since the death of the Quaid – remove the obstacles to democracy and make the terrain more hospitable for the evolution of a civil society.

Today the most useful role that the international community, and most importantly, the United States, can play is – instead of pressing for early elections and return of democracy – to encourage constitutional liberalism in Pakistan. Once constitutional liberalism takes roots, democracy will become irreversible. Democracy without constitutional liberalism is not simply inadequate, but dangerous bringing with it the erosion of liberty, and the abuse of power. Democracy sans constitutional liberalism has no chance of survival in Pakistan.

Eighty-two years ago, Woodrow Wilson took America into the 20th century with a challenge to make the world safe for democracy. General Musharraf's challenge in the 21st century is to make democracy safe for Pakistan.

Seize the Moment

“What a terrible revolt!” exclaimed the king. “No Sire,” replied the duke de Liancourt, “it is no revolt, but a great revolution”. In Pakistan, as in geology, things can look perfectly stable on the surface – until the tectonic plates shift underneath. On October 12, when the epic test of wills and the historic collision between Nawaz Sharif and General Pervez Musharraf took place, the tectonic shift was already underway. All the symptoms which one had ever met within history previous to great changes and revolutions existed in Pakistan at that time. The country appeared to be adrift. Nobody knew where it was headed without effective leadership to guide or direct it. We were on the verge of political, economic and social collapse. The social contract between the rulers and ruled had collapsed. The dialogue between the government and the people had broken down. Fundamental issues of far-reaching significance were churning beneath the placid surface of life. Nawaz Sharif made his fateful move when the volcano was about to erupt. His senseless act of sacking the Army Chief triggered a chain reaction, which led to his overthrow, incarceration and collapse of the old order. Like the Berlin wall, Pakistan’s pallid, stunted democracy came tumbling down because nobody believed in it strongly enough to defend it. For Nawaz Sharif, what a melancholy reflection it must be that after conquering all the commanding peaks and destroying all the political institutions, in two hours of bungling and senseless confrontation with the army, he ruined himself and, in the process, risked the very survival of the country on a single throw of the dice.

What happened on October 12 was not really a coup but a bloodless revolution triggered by a combinations of factors. Coup is a seizure of power for power sake. It is politically neutral. It does not aim at changing the social and political structures. It does not represent a threat to the elite. And most important of all, the broad masses are indifferent to the coup and are not involved, directly or indirectly, in the success or failure of the coup. In public perception, what happened on October 12, was not seizure of power for power sake. It was not simple substitution of existing authority by fresh authority. It sounded the death knell of a corrupt, discredited, rotten socio-economic political order. A revolution of expectations had taken place in men’s minds. It is destined to have far-reaching consequences in the days to come. It is the embodiment of the fears, apprehensions, hopes and aspirations of the people of Pakistan. That is why it has their full support. Millions of people throughout the length and breadth of the country regard it as the Dawn of a new era and pray for its success. The Revolution of October 12, 1999, as I like to call it, therefore, marks a major divide in the political history of Pakistan.

The old order has collapsed and is dead and gone. The new order is yet to be born. General Pervez Musharraf has 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. The West is pressing for early elections and return to democracy, but it is axiomatic that elections alone do not a Political democracy make. What the country needs is not early election, not a cosmetic change, but a purifying, cleansing, surgical operation to purge the country of all corrupt elements and robber barons, followed by urgent structural changes, institutional reforms and measures to revive lost faith, in political institutions, the country's future, the Rule of Law; the sanctity of the ballot box; the electoral process and the independence of Judiciary.

The recent history of China, South Korea, Taiwan and our own experience has shown that it is not possible to generate economic growth and cross the poverty line in an impoverished country without enlightened authoritarianism and that only a strong hand can steer a poor country out of economic misery and chaos. Many people in our part of the world have, therefore, great difficulty with the doctrinaire American approach to the promotion of American democratic ideals and what is called La pensee unique - that is the American - rooted ideology that democracy is good for mankind everywhere and at all times because it is good for America. While this may understandably seem apparent to most Americans, the American experience hardly covers all social and economic scenarios worldwide, and thus extrapolating it to all other situations is both naïve and hazardous. There is nothing in the stars that says that either the American model of democracy or the British Westminster system of Parliamentary democracy is uniquely suited to every place on the globe. I am not suggesting that we in Pakistan are predisposed to live under an authoritarian government or that it is encoded in our genes or embedded in our Islamic culture as Huntington would have us believe or that we are otherwise unsuited to democracy. All I am saying is that the obstacles to democracy must be removed first and the terrain made hospitable for the evolution of a civil society. In Taiwan and South Korea, democracy sprouted when per capita income reached about US \$ 4000. China is likely to surpass this level by the year 2015 and as Henry S. Rowen predicts around that date we are likely to see the emergence of democracy in China. If, therefore, it is correct that development engenders democracy, we in Pakistan have to attain a certain minimum level of development first and then wait for a critical mass of people with democratic principles, a high quality of leadership and a democratic culture before we can hope to have a genuine democracy. There is no other choice if we want to stop Pakistan from swinging between fake democracy and naked dictatorship, going from one extreme to the other, as has been the case throughout the troubled history of our country.

General Pervez Musharraf has assumed an awesome responsibility and is facing a daunting task. He has one big advantage over most other military rulers. His accession to power was hailed with jubilation and quite genuinely acknowledged as the only way out of the mess created by Benazir and Nawaz Sharif. Now he must demonstrate to the people that the assault on “democracy” and suspension of the Constitution was justified by his subsequent performance; that he is qualitatively superior to the deposed politicians and that military rule is superior to civilian rule. Unlike his democratic predecessors, he commands absolute power and has no excuses. He has one big asset. He has the solid support of the people. He cannot, therefore, fail. He must not fail because behind him is the abyss. There is no reason why he cannot challenge the corrupt system that he has inherited. And nothing should prevent him from bringing about an egalitarian social and economic order. Nothing should prevent him from turning the exploitative upper-class world upside down. Nothing should prevent him from identifying himself with the poor people of Pakistan who listen to him and believe in him. He does not have to promise them a new heaven and a new earth, but nothing should prevent him from confronting their main anxieties. This and this alone should constitute his agenda and if he sticks to it, he has nothing to fear.

When the history of our benighted times comes to be written, it will be noted that the Pakistan Army was the only institution which served the nation most meritoriously in its our of greatest need. It intervened to save the country at the darkest hour when we had almost given up hope. And it did so because it had being baptized in the waters of public opinion and had the solid support of the people behind it.

“So many deeds cry out to be done always urgently”. Mao said in one of his poems. “The world rolls on. Time Passes. Seize the day. Seize the hour”. General Pervez Musharraf must also Seize the day. Seize the hour. Seize the moment. He has the power and, I hope, the will to give the country a new agenda, one that does not replace one set of corrupt leaders by another, and offers the genuine hope of a new order to take us into a new millennium.

The Storm Isn't Over

The historian Charles Beard once said that a lifetime's reflection on history has taught him four things. When darkness comes, the stars begin to shine; the bees that rob the flowers provide the honey; whom God wishes to destroy he first makes mad, and the mills of God grind slowly but they grind exceedingly small. This is what is happening in Pakistan these days. Mighty trees are falling and the political storm raging outside shows no sign of abating. For sometime past, I had a presentiment of sorts that the lots were drawn and accounts might have to be settled soon; but I could never imagine in my wildest dreams that the storm would burst upon us the way it did on October 12, 1999.

I am fascinated with the theme of falling greatness. 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 saw aides moving in and out, whispering in the ears of new masters - moths circling the flame of power. I also saw the mighty fall. How I wish I could re-incarnate the loneliness and sorrow which enveloped the high and mighty when they fell from greatness. Political life is a merciless affair and the man who has been at the top of the tree is most ruthlessly "clawed" to use one of Churchill's favorite words - when he falls or even slips. In a rare moment of self-pity, Churchill told a friend, "here I am after almost 30 years in the House of Commons, after holding many of the highest offices of State. Here I am discarded, cast away, marooned, rejected and disliked.

The Greek Goddess Nemesis had a fiendish way of punishing her victims by granting their wishes. Nemesis follows hubris. Overnight King Kohl became King Lear. Only a few months ago, on the 10th anniversary of the fall of the Berlin Wall, he seemed an unchallenged national hero. When he walked down Unter Den Linden, people approached him, like the old Kaiser, just to touch his sleeve. It was as if they still believed in the Royal touch. Today, he is in disgrace, facing criminal investigation, his party in total disarray.

With little or no political experience, no intellectual pretensions, with a great deal of contempt for the bureaucracy, established methods and regular procedures, Nawaz Sharif had reached the top of the greasy pole. His problem was how to stay there. He was short on talent but long on determination. He was a mix of several things; good luck, dullness, mediocrity and perseverance. He succeeded as long as he kept on lugging along with these same characteristics and understood the limitations of his power. Too much success can be dangerous. Power breeds its own special isolation. What a melancholy reflection it is that

after conquering all the commanding peaks, in a bid for total power, in two hours of bungling and senseless confrontation with the army, Nawaz Sharif ruined himself, his family and his party. 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 awaiting an uncertain future. It is not your enemies who did you in, Mr. Nawaz Sharif, it is yourself. You have it all wrong, still and to this day. That is why, it is not good-bye, Mr. Sharif. That is why it is good riddance.

My greatest misjudgment however, was of Benazir, now a fugitive from justice living abroad in self-exile. Nature had given her a distinct advantage over all other rulers of Pakistan. But with all her glamour, western education, natural and inherited advantages and awesome power, she turned out to be a great disappointment. When the history of her tenure, comes to be written – the contours of historical judgement are already emerging, she will be remembered for destroying financial institutions, rampant corruption, loot and plunder, widespread lawlessness, political vindictiveness and senseless confrontation with the Superior judiciary and the President. I never had very high hopes of her but I never realized that her top priority was corruption; that her performance would be so poor and she would be such a disaster. Be this as it may, she surprised friends and foes alike when she staged a comeback in 1993. Political genius, said Bismarck, consists of hearing the distant hoofbeat of the horse of history and leaning to catch the passing horseman by the coattails. Nobody not endowed with this kind of genius could have accomplished what Benazir did. She was prepared to sup with the devil if it could help her make a comeback. This is exactly what she did. She bounced back, returned from the political wilderness, out-maneuvered both Ghulam Ishaq Khan and Nawaz Sharif, and captured all the commanding peaks. That was undoubtedly her finest hour.

Earlier, at her darkest hour in 1988, when everything looked so bleak and she was beginning to feel that she must doubt her lucky star, Providence intervened and struck down her greatest enemy. I was reminded of the turning point in the Seven Years War when Frederick the Great faced overwhelming odds against an alliance of Russia, Austria and France. Frederick said, he would give up the fight and commit suicide; addressing Frederick, Carlyle wrote his apt and dramatic words in his History of Frederick the Great, "Brave King! Wait yet a little while and the days of your suffering will soon be over. Already the sun of your good fortune stands behind the clouds, and soon it will rise upon you". Shortly afterwards, the miracle had come to pass. Czarina Elizabeth of Russia, Frederick's most deadly enemy, died. Her successor became an ally and Frederick went on to victory. On August 17, 1988, at about 4:35 PM, Zia, Benazir's worst enemy, died in the mysterious crash of his C-130 aircraft. It was like the death of Czarina Elizabeth. With Zia's death, the sun of Benazir's good fortune which had been hidden behind the clouds, shone upon her. Benazir

joined hands with Zia's successor and went on to victory. Such are the weird twists of history.

To Benazir, now marooned, discarded, discredited and rejected by her people, all we say is:

"Most gracious queen, we thee implore

to go away and sin no more

or if that effort be too great

to go away at any rate".

Others leaders in Pakistan had only one term in which to govern, but both Benazir and Nawaz Sharif had the good fortune to receive a second opportunity, and history will not forgive them for frittering this unique gift. Both had been in the wilderness before, but had staged a comeback, although their pilgrimage from the wilderness to the center of the arena had, as subsequent events demonstrated, not been a very humbling experience.

What will the political landscape look like when the storm is over and the dust has settled down? Will the sun of their good fortune rise upon Benazir and Nawaz Sharif again? Or have they lost the mandate of Heaven forever, and are they through as a political force and has the time come to write their political obituary? It is too early to answer such questions. We have to wait and see. All we know is that in this sad country no politician, no matter how corrupt, is condemned forever.

It Is Not the Economy, stupid!

Today more than fifty years after independence, Pakistan, handcuffed to history, has become an international synonym for religious extremism, political uncertainty, poverty and despair. Pakistanis react with wounded pride and indignation which make serious national self-examination impossible. In this frame of mind, they cannot begin to understand what really went wrong. If the people of Pakistan cannot summon the courage and humility to accept that they themselves are to blame for what went wrong, then the country has no hope.

A year before the outbreak of the French Revolution, Schiller wrote prophetically in the History of the Revolt of the Netherlands that people (like us) whom fortune has surprised with a reward for which there is no natural reason flowing out of their actions are easily tempted to lose sight of the necessary relationship between cause and effect. They introduce into the natural order of things the higher power of miracle and end up by recklessly trusting to their luck, like Caesar. I have a feeling that we Pakistanis always read such sentences too late, if we read them at all, or that we understand them too late.

Pakistan will never be all it can be, let alone all it will need to be, without ruthless accountability of all those who robbed the people of everything, their past, their present, their future, their dreams. The country is on the verge of economic collapse and bankruptcy, but we all feel confident that the IMF will somehow bail us out because we are a nuclear power and America cannot afford to let us sink. At the same time, Pakistan does not like American recipes for growth. It wants to dream a little, however treacherous its illusions. Every year the IMF consults with each member country about the state of its economy and its economic policies. It dispatches a team of what Joseph Stiglitz, a former World Bank chief economist, famously scorned as second-rate economists from first-rate universities, to assess the economy of the host country, measure its performance, and recommend corrective measures and remedial action. They are all well-meaning people, and I am sure they want to help. But their visits are painful reminders of riots in Bolivia and Indonesia, strikes in Nigeria, and bread riots in Cairo. Why does the IMF instill such fear and loathing? When the Fund prescribes austerity, health budgets are cut down; children are forced to leave school; workers are thrown out of work. So the next time there are riots against the IMF - mandated fuel rises, street demonstrations against spreading hunger and destruction anywhere in the world, do not be surprised. The IMF will have been there peddling misery, leaving devastation in its wake. U.S. decision-makers blithely ignore the Fund and do what they like. But for developing countries like Pakistan, the IMF prescriptions are force-fed, and my economist

friends tell me that we have to swallow the IMF prescribed medicine because we have no choice. Some of their recommendations are like a doctor stemming the bleeding of your arm by stopping your heart. The IMF is the locomotive of history. The best way to trigger a revolution and topple a government in a Third World country is to dispatch an IMF team there and make sure that all its recommendations are expeditiously implemented.

Economics is the dismal science as Carlyle described it. There is no longer an ideological formula which purports to solve all the problems of society: hunger, disease, illiteracy etc. The demise of communism has left an intellectual void and there is no available theory to provide an easy answer to the dilemmas of society. Deng Xiao Ping once used a parable to describe how we should run the economy: Crossing the river by feeling the stones, one at a time. May be, we should for a change, follow Deng's advice.

One thing is clear. Economic progress will never be sustainable without peace and political stability. More than fifty years after its creation Pakistan's quest for a stable political order remains elusive. Since 1947, Pakistan has been racked by instability and has been subjected to recurrent cycles of army rule, political turmoil, civil strife and commotion. This is the root cause of all our problems. Our woes are primarily political, not economic. Economic tribulations are only a manifestation of the loss of faith by the people in their political institutions and the future of the country. This has been the principal cause of the instability of Muslim rule all over the world during the last 1400 years. The absence of an agreed law of political succession inevitably led to uncertainty, civil wars, wars of succession etc. Today Pakistan faces the same problem of orderly succession. What is needed is a stable political system, based on the rule of law, 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.

In the long run, no economic agenda has any chance of success unless fundamental political issues are first resolved. 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. Towards the end, he saw the entire constitutional edifice crumbling before his eyes and all his reforms denounced. In an effort to appease the opposition, he even agreed to demolish the basic democracies system and revert to adult franchise. Too late. Nothing worked.

A Year After

Dreams and Disappointments

Every now and then, I unburden myself of the things that weigh upon my spirit: The sense of being in a blind alley, the perception of our collective guilt, the knowledge of all that has been irrevocably lost. On the eve of the Army takeover of October 12, I threw discretion to the winds, gave vent to my pent up feelings and wrote, "The state of things has been so insufferable that one longs for it to be decided as it must be now, one way or another. Unfortunately, the tyranny of the statusquo is too strong and only a crisis can produce a real change.... 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 elan 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. This is of course, asking for the impossible. But pursuing the impossible and asking for the impossible is one good definition of a Revolution....

"Is the dark long night about to end? And has the time come for us to leave the valley of despair and climb the mountain so that we can see the glory of another dawn? The darkest hour is just before the dawn and as generally happens in history, it is at the darkest hour that a bright star arises when you had almost given up hope. When a nation is in crisis, it needs a man to match the time. 'You don't create such a man, you don't discover such a man. You recognize such a man'. The time cries out for leadership. Cometh the hour, cometh the man. The hour will find the man who has the will and power to restore the Pakistan dream. The people are anxiously scanning the horizon waiting to see if the cavalry will come riding down the hill to restore the Pakistan dream".

When the history of our benighted times comes to be written, it will be noted that the Pakistan Army was the one institution which served the nation most meritoriously in its hour of greatest need. It intervened to save the country at the darkest hour when we had almost given up hope. When General Pervez Musharraf seized power on October 12, like millions of my compatriots, I welcomed the change and heaved a sigh of relief. Our long national nightmare was over. 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. For a brief ethereal moment, the country fell in love with him. His first address to the nation was a welcome relief to a people torn apart by corrupt leadership, rising crime wave and a sinking economy. His quiet dignity and lack of pretense provided exactly the stabilizing force that people sought.

In popular perception, what happened on October 12, was not a coup but a bloodless revolution triggered by a combination of factors including Kargil and nomination of General Zia Uddin as Army Chief by Nawaz Sharif. A coup, as every student of political science knows, is a seizure of power for power sake. It does not aim at changing the social, economic, and political structures of a society. It does not represent a threat to the elite and the corrupt, and most important of all, the broad masses are indifferent to its success or failure. What happened on October 12, was not a simple substitution of existing authority by fresh authority. It sounded the death knell of a corrupt, rotten socio-economic order. It was the expression of a revolution of expectations that had already taken place in the minds of the people. It was the embodiment of their fears, apprehensions, hopes and aspirations. That is why they welcomed it with tears of joy in their eyes. They gave it their full support because they regarded it as the Dawn of a new era. The old order represented by corrupt politicians had collapsed and was dead and gone, or so we thought. General Musharraf now 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. What the people wanted was not a cosmetic change, but a purifying, cleansing, surgical operation to purge the country of all robber barons - politicians, civil servants, judges and Generals.

On October 12, General Musharraf assumed an awesome responsibility and faced a daunting task. He had one big advantage; his accession to power was hailed with jubilation and quite genuinely acknowledged as the only way out of the mess left behind by Benazir and Nawaz Sharif. Now that he was in power, he had to demonstrate to the people and the outside world that the assault on "democracy" and suspension of the constitution was fully justified by his

subsequent performance and that his military rule was qualitatively superior to civilian rule. Unlike his democratic predecessors, he commanded absolute power and had no excuses. There was no reason why he could not challenge and demolish, brick by brick, the corrupt system he had inherited. Nothing could prevent him from bringing about an egalitarian economic and social order. Nothing prevented him from identifying himself completely with the poor people of Pakistan who looked upon him as a messiah. They did not expect a new heaven and a new earth but nothing prevented him from confronting their main anxieties.

There is nothing more important to the success of an actor, it is said, than his performance in his first scene and in his last. One shapes his character for the entire play, the other the memories that the audience carries from the theatre. The same applies in politics and other fields of leadership. The true significance of the first year of a ruler is this. It is the most precious time in the life of a leader to define who he is and what he is seeking to achieve through his leadership. In those first twelve months, more than any other time in his tenure, he sets the stage for his entire stewardship. The public judgement forms in a matter of weeks and once formed, soon calcifies. By the end of the first twelve months, the story of the new ruler takes shape in the public mind and it tends to remain in that shape for a long time thereafter. Very rarely is he able to reinvent himself later.

General Musharraf started out on the wrong foot. He made one fundamental mistake. Every ruler needs a strong team. General Musharraf failed to create a team that could govern or inspire confidence or trust. He slipped on one banana peel after another. The shock over some of the key appointments he made and the mediocrities he gathered round himself created a public narrative that will plague him for the remainder of his tenure. When the choice was between a competent man and a safe and inept man, he preferred a safe man.

As a new Chief Executive, especially one with so little time to prepare, General Musharraf had to scramble just to get on top of the major issues. And because no one else was in charge, his colleagues in the cabinet and the Security Council were stepping all over each other, uncertain what their marching orders were; playing by the seat of their pants. Conflict and confusion reigned. If a strong Chief of Staff had been in place at the start, a lot of this confusion could have been avoided.

As we approached the October 12 anniversary, the hopes raised on that day dimmed and faded away. Even revolutions have a "morning after". 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, has evidently not taken place. The economy shows little sign of recovery. Poverty has deepened. Investor's confidence has not been restored because the law and order situation shows no sign of improvement and nobody knows what Pakistan will look like two years hence.

A year ago, ruthless accountability of corrupt holders of public office was on top of General Musharraf's agenda. What prevents 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 is the accountability process so painfully slow? 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? Are there any legal impediments? If so, why can't these be removed? Unless the people's representatives are strictly called to account now, sent to prison, disqualified and prevented from recapturing the Parliament and provincial assemblies, the entire democratic process, if and when restored, will be reduced to a farce once again.

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. But with the passage of time, the future has quite literally shrunk and the present has stretched out. Murmurs of protest are already beginning to be heard. Soon they would grow into a deafening nationwide roar. Passive resignation could lead to bitter resentment and that could end in a new social crisis and dangerous confrontation which could create a menacing storm front and suddenly bring a tempest.

How will history remember General Musharraf's first twelve months of power? There is no doubt that he pulled the country back from the edge of the precipice. He rescued the country from the thugs who looted and plundered it in the name of democracy. His greatest challenge, however, lies ahead. Can he stop Pakistan from swinging between fake democracy and naked dictatorship, going from one extreme to the other as has been the case throughout the troubled history of our country and does he have the will to institute a just, egalitarian, clean and

durable system of rule, so that the person, property and honour of the people are not periodically imperiled?

General Musharraf has only the briefest time to make his mark before his power seeps away. Power is evanescent. It comes in a rush, but it also tends to evaporate. He must hurry up. Time is not on his side and time will win.

Case of Failed Leadership

“What I want you to do”, said Harry Hopkins to Lorena Hickok in July 1933 when America was in deep economic trouble, “is to go out around the country and look this thing over. I don’t want statistics from you. I just want your own reaction, as an ordinary citizen. Go talk with preachers and teachers, businessmen, workers, farmers. Go talk with the unemployed, young and old. And when you talk with them don’t ever forget that but for the grace of God you, I, any of our friends might be in their shoes. Tell me what you see and hear. All of it. Don’t ever pull your punches”. Hopkin had all the data but he wanted to touch the human face of the crisis. He wanted to taste in his mouth the metallic smack of the fear and hunger of the unemployed. Lorena did not disappoint him. She set out in quest of the human reality of the crisis facing America. Her reportage vivified real faces and voices out of the statistical dust. She found that and much more besides.

“The government”, General Musharraf told the Pakistani Americans a few days ago, “had stopped the economy’s downslide and turned it upwards as indicated by all economic indicators”. However, the articles in the press, he said, sometimes presented a different picture whereas the fact was that economy was not bad. This is good news and very reassuring. Does it mean we have passed the worst? Has the momentum of the crisis been arrested and the corner turned? Have we hit the bottom of the cycle and are now beginning to see the signs of revival? Or is the apparent bottom only a way station to a still deeper crisis? Have we slowly started climbing out of the depths of the abyss or is the country still teetering at the brink? Has our faltering, stumbling economy been steadied? Instead of wasting his precious time, scanning insipid intelligence reports and rivers of data flowing across his office, why doesn’t General Musharraf choose a perceptive observer, like Lorena, who could be counted on to see without illusion and report the ground reality fearlessly, with brutal frankness, candor and insight.

But whatever the state of the economy, what is the situation on the ground? 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 crisis. I have seen hundreds of these defeated, demoralized, hopeless men and women cringing and fawning as they come to ask for help. I have also seen respectable people murder their pride, descend from security, 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 sire, is the stuff that revolutions are made of. Against the backdrop of this abject poverty, the best economic strategy can sometimes be summed up in these words: just keep quiet. That advice, however, is anathema to people in power who seem to believe that the public will be reassured by verbiage and statistical rigmarole. In such situations, silence is often the most articulate message a ruler can send.

On accountability, 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 will definitely suffer 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 accountability process is selective and not transparent. In America, 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. When he stood up to hear the sentence, US District Judge Norma Holloway rebuked him for he had violated the faith of his constituents. "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. When will our accountability courts convict holders of public office for abusing their office and betraying the trust of their constituents and send them to prison? That will be the finest hour of our judiciary and the accountability bureau.

On law and order situation, 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. And 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? 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!

Pakistan was descending into chaos when the army intervened on October 12. Its democracy was thoroughly corrupt, rotten to the core and neither representative nor effective. "It is a great tragedy", Bonaparte confided to Talleyrand after the Fructidor coup, for a nation of 30 million inhabitants in the 18th century to have to call on bayonets to save the state". What a melancholy reflection it is that in Pakistan, a nation of 140 million inhabitants, the army had to intervene on the eve of the 21st century to save it from its corrupt politicians!

Today, Pakistan is caught between a hard place and many rocks, with a nuclear bomb in one hand and a beggar's bowl in the other. These are times that try men's souls and moments when love for your country overrides all other considerations and calls for supreme sacrifice. We live in an age of midgets. The public stage is filled by weak-kneed triflers, mountebanks and charlatans begrimed with corruption. 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? When will Pakistan ever catch the flood tide of History?

General Musharraf is no crusader. He is no Tribune of the people. He is no enemy of entrenched privilege. But he is well-meaning, sincere and what is most important, his hands are clean. With all his limitations, he cannot fail. He must not fail, because he has awakened too many expectations, too many dreams, too many desires, too many hopes. I hope to God that when the time for him to leave comes, he does not turn the nation's car keys to those who robbed us of everything, our past, our present, our future. They come asking for another chance, another shot. Our answer? Never again. It is not the time for third chances. It is time for new beginnings.

Politics, no less than nature, abhors a vacuum. I shudder to think what might rush into the void when the army returns to the barracks. Today, it is the only cohesive force, the only glue that is keeping the Federation together. Perhaps this

is one of those moments when a mass movement might wrest the initiative from the established political authorities and impose its own agenda on the nation. Who might lead such a movement? Extraordinary times generate extraordinary candidates, and in extraordinary profusion. One thing is clear. The mysterious patience of our people in the face of adversity is showing signs of rubbing thin.

“What will happen to the next generation if it all fails”? Mao asked “there may be a foul wind and a rain of blood. How will you cope? Heaven only knows”.

View From Margallah

A brisk early morning walk in the Margallah, followed by a hot cup of tea, a reclining posture in bed with a good book in your hands and soft music in the background, are great helps to attention and thinking. Like many others of my generation, I had the good fortune to be present when hopes and dreams created Pakistan. The experiences of the years since then have brought the country and particularly the younger generation to a mood of depression, disillusion and withdrawal from the effort to arrest the downward slide. My sadness in following the subsequent events is deepened by bittersweet memories of the euphoria of the Pakistan dream that was being dreamed in the heady days of 1947 when Pakistan was all so very new and hopes were so very high.

Sadly, the view from Margallah is murky. A chasm separates most Pakistanis from a political class seen 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 on the ground that the other side does it too. The result is a landscape teeming with demystified, antiheroic, ethically compromised leaders begrimed with corruption of whom we demand and expect less and less. We do not look to these political figures for guidance in our own lives, either by example or in the moral preaching they offer. So, it is not surprising that there is such a shortage of inspiring or even reassuring political figures today. Which one of our so-called elected leaders has the moral authority that people will respect.

The real test of a politician's human greatness comes after his fall from power. Deprived of their imposing desk secretaries, acolytes, and the trappings of rank and positions, they look like old men shivering in a Turkish bath. They are dead men on furlough as Lenin called these tired, exhausted men groaning under the weight of an inglorious past that is telling on them. History has squeezed them out to the last drop. A steady debasement of the political coin has taken place. The cost of election in time, money and privacy has grown so great that many of the ablest persons flee from the prospect of running.

Economic depression and political rancor have already turned Pakistan into a Quasi-battlefield.

Hate is threatening to explode suddenly without warning, out of nowhere, at street corners, at shopping centers and even mosques. Hates scourges the land as the victims of depression turn on those more fortunate than themselves. The millions of unemployed envy those with jobs. Thousand of university students find the future barred to them and turn their despair on the establishment. Peasants despise city people while the masses of white-collar unemployed envy the peasants their crops. Beggars haunt every street corner. What is the answer to the multitudes of these casualties of years of loot and plunder by corrupt rulers.

I have not given up on politics. I still nourish the notion that one of these years we will get it right and will elect someone who will bring out the best in the country. We might even find a leader willing to take an unpopular position occasionally because it is the right one to take. Just now, a new class, whose education and philosophy of life is different from ours, has taken the Wheel of History in its hands and is alone on the bridge. We wish them good luck and hope and pray that they succeed. However, the lesson of history is that by itself no army, no matter how strong, has ever rescued a country from internal disorder, social upheaval and chaos or been able to prevent its disintegration. If it could, no army was more powerful than the Red Army which destroyed the might of the German army and chased it all the way to Berlin; but this mighty army could not prevent the demise of Soviet Union, a superpower not too long ago, which has now become the laughing stock of the world.

I am not a chronic malcontent who sees the only clouds and no silver linings. But nothing seems to work. Somehow our history has gone astray. Was our cause still-born from the start. An evil spell hangs over Pakistan. General Musharraf faces an uphill task. Nobody doubts his good intentions but his administration is not delivering and has not come up to the expectations of the people. Under more or less similar circumstances but in a different situation, Lord Salisbury, the Secretary of State, wrote to Lytton, Viceroy of India.

“I think you listen too much to the soldiers. No lesson seems to be so deeply inculcated by the experience of life as that you should never trust experts. If you believe the doctors, nothing is wholesome: if you believe the theologian, nothing is innocent: if you believe the soldiers, nothing is safe. They all require to have their strong wine diluted by a very large admixture of insipid common sense.” Words of wisdom that General Musharraf would be well advised to ponder

We have a horrible past, a troubled present and an uncertain future. But we don't have to succumb to dooms day prophecies.

Supreme Court Reborn?

“Mein Lieber Goring”. Hitler was replying to a Goring complaint that the Judges had behaved disgracefully in the Reichstag Fire Case. “You would think that we were on trial not the Communists”, said Goring. “It is only a question of time”. Replied Hitler. “We shall soon have those old fellows talking our language. They are all ripe for retirement anyway, and we will put in our own people”. Both Benazir and Nawaz Sharif were never very comfortable with the superior judiciary. Their main concern was how to subjugate it and do away with the rule of law. Surprisingly, they did exactly what Hitler had done more than 60 years ago. They resorted to court packing.

In Pakistan, as in all Federations, the Supreme Court plays a crucial role. It is the sole and unique tribunal of the nation. 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; It is to them that the Executive appeals to resist the encroachment of the Parliament; the Parliament to defend itself against the assaults of the executive; the federal government to make the provinces obey it; the provinces to rebuff the exaggerated pretensions of the federal government, public interest against private interest etc. They decide whether you and I shall live or die. Their power is immense. But they are all-powerful only so long as the people and the government consent to obey the laws. They can do nothing if and when they scorn it. An awesome responsibility rests on the shoulders of the Supreme Court. 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.

Sometimes, I wonder if it ever occurred to Mr. Jinnah that one day Supreme Court judges would be appointed not because of their ability and character, but their loyalty to the executive and their political affiliations, or that the executive would be free to pack the court with corrupt party loyalists with limited knowledge and experience. If the idea was to degrade the Supreme Court and find the worst men, our governments, specially the elected ones, succeeded brilliantly in doing so. No wonder, the people are disgusted at some of the appointments to high judicial offices. Is it surprising that, from the very inception of Pakistan, they tried to match their constitutional ideas and legal language to the exigencies of current politics and shifted with political winds?

On March 20, 1996, the dark clouds on the judicial horizon lifted and the situation changed dramatically. On that fateful day, the Supreme Court, headed

by Justice Sajjad Ali Shah, delivered the famous land mark judgment in the judges' case which made the arbitrary appointment of inexperienced, ill-trained, ill-qualified persons of doubtful integrity and party loyalists to the court almost impossible. We all thought this decision was a major divide in the constitutional jurisprudence of Pakistan and in the decisional philosophy of the Supreme Court. It was hoped that it would fundamentally alter the character of the court's business, the nature of its decisions and will help restore public confidence in its independence and objectivity. On March 20, 1996, the relationship amongst the three pillars of state shifted dramatically or so we thought. An era of deference by the Supreme Court to the executive gave way to judicial independence, if not judicial supremacy. A line had been drawn in our judicial history. The Supreme Court on that day underwent a major transformation. It had altered its views on a major constitutional issue and it had done so because it had been baptized in the waters of public opinion. After years of subservience, the court was on its feet and holding its head high. On March 20, 1996, the Supreme Court of Pakistan was reborn. With the eighth amendment repealed; the President stripped of all powers; and Parliament gagged, the only institution left to safeguard the citizen's civil liberties and check the arbitrariness of the executive was the Supreme Court.

All was not lost. There was hope for the country. Because, so long as there is a judiciary marked by rugged independence, the citizen's civil liberties are safe even in the absence of cast iron guarantees in the constitution. But once the judiciary becomes subservient to the executive and 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 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".

Unfortunately, our euphoria did not last long. The Constitutional Revolution of 1996 and the excitement it generated reminded one of the Hungarian revolt of 1956 against Soviet occupation and how it was crushed by Soviet tanks while the democracies of the world stood aside. On November 28, 1997, the Supreme Court of Pakistan was attacked by thugs organized and led by the Government. General Jahangir Karamat, the Chief of the Army Staff, to whom an appeal had been made by the Chief Justice for protection, stood aside and watched the fun. On that day, the rule of law gave way to the rule of man. A day earlier, the Chief of Army Staff accompanied the Prime Minister, Mian Nawaz Sharif, to the Presidency along with DG ISI, the Speaker of the National Assembly and the Law Minister to "persuade" the President to appoint Ajmal Mian as Chief Justice.

The President resisted the pressure brought to bear upon him and resigned. The time for verbal threats and bullying was now over. The time for the application of the final solution had come. The attack on the Supreme Court was launched in broad daylight. The Honourable Justices had to flee for life. The same day Chief Justice Sajjad Ali Shah was forced to go on leave and then officially retired on February 16,1998.

I know that I am treading on live cinders. What I say must in some respect offend some persons. Nevertheless, I shall say all I think. November 28,1998 will go down in the history of the Supreme Court as a day of infamy. No one raised his little finger to protect the court. Supreme Court should be the barrier that protects the citizens from the winds of evil and tyranny. If we permit it to be desecrated or demeaned and it crumbles, who will be able to stand in the winds that follow? But the unkindest cut of all, the cruellest blow, the coup de grace, the finishing stroke was dealt not by the executive but by the Honourable judges of the Quetta and Peshawar benches of the Supreme Court who took advantage of the temporary absence of their Chief from the country and declared his appointment illegal. Why blame Benazir or Nawaz Sharif only?

Cohabitation is the only Answer

Tiberius, the ageing emperor of Rome, was once told that his unspeakable depravities and morose seclusion on the island of Capri had brought his popularity to an all-time low. People cursed his name in the streets. Instead of promising to put more legionaries on the beat or cut the waiting list for crucifixions, Tiberius grunted, "I don't mind if they hate me as long as they fear me". He had a few senators executed to drive home the point. In U.K., Margaret Thatcher passed the Tiberius test with flying colours. Of all our rulers, Zia ul Haq and Zulfiqar Ali Bhutto are probably the only ones who cleared this test. Our last two elected leaders excited neither fear nor hatred, let alone love, but both brought Pakistan to its knees. They did it through a combination of arrogance, greed, corruption and despotism.

Benazir was undoubtedly our best hope. Nature had given her a distinct advantage over all other rulers of Pakistan. It is a great tragedy that with all her glamour, western education, natural and inherited advantages, she turned out to be such a disappointment. Who can match her eloquence or analytical power? From whose lips but Benazir's could such purple prose spring? She writes the way the rest of us breathe. But beautiful prose alone is not enough. To govern you must have credibility. What you say people must believe in? Benazir had great gifts now lost to the nation. Where has it all gone, her lightsome innocent youth, her empathy with the poor, her grand love affair with the people of Pakistan? Not long ago, we saw her at the top of Fortune's wheel, her word a law to all and now surely she is at the bottom of the wheel living in exile awaiting an uncertain future. How has she come to this pass? History gave her (like Goethe's Faust) a second chance, but she botched it. She had the good fortune to receive a second opportunity, and history will never forgive her for frittering away this unique gift. As Talleyrand said of the Bourbon kings, "they have forgotten nothing and they have learned nothing". Like the Bourbons, Benazir learned nothing from her first disastrous stint in office and her second regime proved to be an even greater catastrophe.

While all countries experience occasional streaks of bad luck and unfortunate confluences of events, Pakistan has had a worse run than usual from the very beginning - the untimely death of Mr. Jinnah, a succession of corrupt, incompetent leaders, a combination of man made disasters and human bungling. Fate and folly seem to be making a concentrated attack on the very foundations of Pakistan. Pakistanis wonder: has bad Karma set in and is there no hope to get out of this vicious circle. To all this cynics will say, "So this is Pakistan. What, pray, did you expect". And anyway, why get so excited when you and I know

there is nothing that can be done? They have a point, what is sad about Pakistan is not that we have such a nasty habit of producing such corrupt leaders. That happens all over the world. It is that we seem to have such difficulty getting rid of them without simply replacing them with others.

October 12 was the best thing that could have happened to Pakistan. The most striking thing about the inglorious fall of Nawaz Sharif was the utter unpreparedness and suddenness of it all. There was a strange sense of unreality, like living through a dream or a fairy tale. Things happened too fast for daily life to stop and for people to take it all in. People fell in love with October 12. Just imagine, there was a revolution in Pakistan and not a single drop of blood was spilled. It was also said to be a single national act without opposition. October 12 expressed the spirit of the entire people. "Pakistan had arisen". There was hope for the country.

The fate of Pakistan is now in General Musharraf's hands. He is no crusader. He is no Tribune of the people. He is a bourgeois liberal, albeit in uniform, incapable of riding the storm of a people's revolution. Isn't it a miracle that we have a ruler whose hands are clean and money-making is not on his agenda? He has not delivered all that he promised but he is making sincere efforts. In doing so, he has made some avoidable mistakes and errors of judgment but the jury is still out and we must await its verdict.

General Musharraf must guard against any dialogue with the dead. He should have nothing to do with these wretched, corrupt, discredited groups of opportunists, partners in crime and accomplices of Nawaz Sharif, all guilty by association; people who abetted all his crimes when he looted and plundered the country or assaulted the Supreme Court, stripped the President of all his powers, gagged the Parliament and reduced civil servants to the level of domestic servants. To those among them who have escaped the arm of Justice, and there are quite a few, and want to stage a comeback through the back door, we say: you are miserable bankrupts, your role is played out; you belong to the dead past; you cannot be resurrected; go where you ought to go into the "dustbin of history". The country has so radically vomited up the corrupt past that it can never crawl down the people's throat again. You should thank your lucky stars that the army handled you with gloves and saved you from the wrath of the people. Unfortunately, the past is not dead. It is not even past. And ofcourse, it is easy to forget that the past was once the future and to expose failures in foresight with the benefit of hindsight. Today almost invariably misreads tomorrow, sometimes grossly. Be that as it may, there are some constant factors which would determine the future shape of things in Pakistan?

Briefly stated, these are:

1. That army is a permanent reality in the politics of Pakistan and is likely to remain so in the foreseeable future. The sooner we come to terms with this reality the better.
2. That the sword of Martial Law or political intervention by the army, by whatever name it is called, will continue to hang over all over democratic institutions as has been the case throughout our troubled political history.
3. That “Le Pouvoir” will continue to play its traditional role of a referee with a strong whistle in the political power game in Pakistan.
4. That the highest power our citizens, unrestrained by law, will continue to reside where the coercive power resides.
5. That no political institution in the country is strong enough to confront the army and challenge its authority because it continues to enjoy wide popular support.
6. That army is the only organized force which can protect our political institutions. After all, who was there to defend the Supreme Court when it was assaulted by goondas organized and led by a fascist government?
7. And most important of all, that no political system has any chance of survival if the army has no role in it and the pendulum will, therefore, go on swinging from one extreme to the other as has been the case throughout our troubled history.

Unless and until our politicians and the intelligentsia recognize the need to cooperate with the army in the construction of a new constitutional order on the ashes of the old, instability and uncertainty will continue and the army would remain the only real protection against the threat of anarchy. Politics, as we all know, is the art of the possible. Circumstances bring strange bedfellows together. Acceptance of cohabitation by our political leadership would be a defining moment in our political history, an act of realism, statesmanship, wisdom and political maturity. Any other course would be fraught with dangerous consequences for the very survival of the country. It is time to end the permanent civil war among the people of Pakistan.

On To The Summit

There is always a war between India and Pakistan. The difference is only whether the guns are firing or not. Today the guns are silent but the war is on. What animosities thrive under conditions of excessive proximity?

“India has made a big mistake”, Daniel Patrick Moynihan, the American ambassador, told Indira Gandhi in May 1974. “Here you were the No.1 hegemonic power in South Asia. Nobody was No. 2 and call Pakistan No. 3. Now in a decade’s time some Pakistani General will call you up and say: I have four nuclear weapons and I want Kashmir. If not, we will drop them on you and we will all meet in heaven. And then what will you do”. Prophetic words! Not that any sane person in Pakistan will ever think of dropping nuclear bombs on India for the sake of Kashmir. But the grim reality is that Kashmiris are up in arms and Kashmir is on fire, while the armies of India and Pakistan, armed with nuclear weapons, are facing each other across the line of control. The danger is that a local conflict like Kargil, or any misstep, any wrong move, could trigger an all out war any moment with disastrous consequences for both India and Pakistan.

The Kashmir dispute reminds me of a couple who for years have suffered through a bad marriage. They separated years ago but the divorce lawyers are still working on the divorce deed. And the only unresolved issue is: who gets the custody of the child. The limited wars we fought in Kashmir have achieved no more than a defacto partition of the state. There is no guarantee that any further conflict, more extensive and of greater intensity, and perhaps carried beyond the borders of Jammu & Kashmir and Metropolitan India and Pakistan, would do any better; and it might in the process destroy the very fabric of both the countries.

Failing a general war, there are three possible solutions of the dispute.

First: Matters could be allowed to continue more or less as they are, with the cease-fire line gradually evolving into a full acknowledged international border. This is the form of solution toward which India would naturally incline.

Second: International arbitration or mediation. Although most of the western countries are now firmly on the side of India and the international situation could not be more favourable from their perspective, for some odd reason, this too is not acceptable to India.

Finally, there is the possibility of a compromise of sorts which could follow the general lines indicated by Sir Owen Dixon in his suggestions for some kind of a partition or break-up of the state by means of "regional plebiscites". This too has been a non-starter.

The clash of arms between China and India in late 1962 provided Pakistan with a unique opportunity to force a Kashmir settlement. A Pakistani move at that juncture, particularly with Chinese collaboration, might have brought on an Indian debacle of the first magnitude. President Ayub, however, decided under American pressure, not to exploit this opportunity. Instead, he agreed to begin a fresh round of talks with the Indians on the whole question of the future of Kashmir. Such talks were also then being urged by Duncan Sandys and Averall Harriman on behalf of the British and American governments. They were both advocating a formally negotiated partition of the State of Jammu & Kashmir (not just the acceptance, with the occasional adjustment of the existing cease-fire line). This is how the Pakistan side understood the Sandys proposal. The Indian position, however, was that the cease-fire line, perhaps with very minor alterations (generally in India's favour) would be made the agreed Indo - Pak international border. This was not what Sandys had in mind. India was, however, determined to give no territory away which threatened its main line of communication with the Eastern end of the old Northern Frontier: Whatever happened it would have to retain absolute control over the route from Pathankot, via Srinagar, Kargil and Leh to the front line of Sino - Indian confrontation in Ladakh. This strategic and geographical consideration (now as in the past) presents grave problems for any partition of the valley of Kashmir satisfactory to both India and Pakistan.

Against this background, a marathon sequence of talks at a Ministerial level between India and Pakistan began at Rawalpindi on December 27 - 29, 1962. Swaran Singh led the Indian delegation. Pakistan was represented by Z. A. Bhutto, now Foreign Minister. Solutions to the problem other than plebiscite were considered seriously by the Pakistan side. India is said at one point to have offered to cede to Pakistan all of the State of Jammu & Kashmir which Pakistan then 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 had proposed to transfer to Pakistan any land which it actually held in the disputed state. Pakistan refused. What it wanted was the bulk of the vale of Kashmir plus Indian acceptance of both Azad Kashmir and Pakistan control over the Northern Areas. Pakistan refused to accept any partition scheme which did not give it the entire Chenab Valley in Jammu (cutting the Pathankot - Srinagar road, though it was proposed to give India temporary transit rights through Jammu). India rejected this suggestion which it did not consider to provide a lasting answer to the problem of the Northern Frontier. A real chance of settlement, albeit a slight

one, may have existed in late 1962 when Indian leaders were still shocked by their defeat in the Himalayas by the Chinese. By the middle of 1963, however even this chance had disappeared.

When the two sides met in January 1966 at Tashkent following an inconclusive war, their bargaining positions were as far apart as ever. The Tashkent Declaration did not deal with the Kashmir dispute other than to note its existence. In effect, it suggested that the issue should be put into cold storage while other more urgent problems were being solved. The people of Pakistan felt betrayed and as a result of popular uprising Ayub was hounded out of office. No Pakistani leader can survive if he is seen to lose Kashmir just as no Chinese leader can survive if he is seen to lose Taiwan.

India forgot all about Kashmir (as did we) after it, with our help, broke Pakistan in two and humiliated the Pakistan army. The Simla Agreement turned the cease-fire line into a line of control which to all intents and purposes, became the defacto border between India and Pakistan. The agreement studiously avoided the problem of Jammu & Kashmir beyond the reference to the need to resolve by peaceful means, "the basic issues and causes of conflict". Henceforth, the Kashmir dispute ceased to be an active territorial dispute between India and Pakistan. During the entire Zia era, I don't remember having heard the word Kashmir being mentioned in any meaningful manner in any cabinet meeting. We were too preoccupied with Afghanistan.

The credit for resurrecting the dispute and putting it back on the front burner and the international diplomatic scene goes to the people of Kashmir. They refused to accept the statusquo and rekindled the whole issue with their blood. It is now abundantly clear that in Kashmir India is faced with what can only be described as a terminal colonial situation. India can barely hold its own in Kashmir solely by the application of brute force only. The people resent their presence and would not vote for the continuation of its control in any electoral process that was remotely free and yet the massacre of innocent men, women and children by the Indian security forces continues unabated. At some future time there ought to be someone capable of writing about the suffering of the Kashmiris without his hand shaking uncontrollably or his notepaper becoming wet with tears. But that person will not be me.

In November 1943, Churchill told General De Gaulle, "the Russian occupation of (Eastern Europe) would not last. After the meal comes the digestion period". The Indians have strong appetite but poor teeth and weak stomach and are, therefore, having digestive problems in Kashmir. Indian occupation of Kashmir is the last military occupation in the world and the occupied are merely demanding the right to freedom and self-determination. The world has seen the collapse of the

Roman empire; the Soviet empire; the British and French empires. How can the Indian empire be an exception and survive history? Sooner or later, they will have to quit Kashmir. Everything is against them - History is against them. The people are against them. Terrain is against them. The rise of the Indian empire in Kashmir is not an edifying story, its decline will be if it dissolves with dignity and grace. But how many more innocent Kashmiri men, women and children have to die before India realizes this?

Blissfully, India and Pakistan have agreed to walk through the door and take their place at the negotiating table once again. There is reason to believe that the leadership of both countries has developed the will to at least examine possible solutions to the Kashmir problem by means short of outright war, even though they might have very different views as to what would be the preferred alternative. Destiny has brought Prime Minister Atal Bihari Vajpayee and President Musharraf together. They have an historic opportunity to reverse history and change the subcontinent. Both share this beautiful dream. Such dreams come in a flash but the two leaders have to explore all avenues and leave no stone unturned in order to make their dream come true. At the summit where all decisions are reduced to yea and nay; where events transcend the faculties of men; where all is inscrutable, Vajpayee and Musharraf have to give the answers. Theirs is the function of the compass needle. Right or left? Advance or retreat? Quit or persevere? War or peace? These are the battlefields of Vajpayee and Musharraf. The brunt of such supreme decisions and awesome responsibility now rests upon them. Do they have the capacity to look out from the mountain top foresee the trend lines of the future, and bend history to serve the interests of their two countries and above all, the interests of the people of Kashmir. In a more or less similar case, General De Gaulle went to Algeria; addressed the people; told them he had heard their voice; returned to Paris; took a bold decision in the teeth of opposition and allowed Algeria, part of mainland France, to secede from the Republic. Can Vajpayee demonstrate such statesmanship and provide such leadership? Compromise solutions satisfy nobody. There is need sometimes to pick the hard right over the easy wrong. Can General Musharraf sell it to the hard-liners?

Several years after the defeat of Nazi Germany, commenting on the tragedy of Munich, Churchill wrote, "It may well be here to set down some principles of morals and actions which maybe a guide in the future. Those who are prone by temperament and character to seek sharp and clear-cut solutions of difficult and obscure problems; who are ready to fight...have not always been right. On the other hand, those whose inclination is to bow their heads, to seek patiently and faithfully for peaceful compromise, are not always wrong. On the contrary, in the majority of instances they may be right, not only morally but from a practical standpoint...these are the tormenting dilemmas upon which mankind has

throughout history been so frequently impaled...There is however, one helpful guide, namely, for a nation to keep its word and to act in accordance with its treaty obligations to allies. This guide is called honour”.

Both India and Pakistan are honour bound to enable the Kashmiris to exercise their right of self-determination and not to impose an unjust and unfair solution on them. The interests of the people of Kashmir must not be sacrificed for the sake of reducing tension between India and Pakistan. There are other more honourable ways of achieving this objective. But denying the Kashmiris the right of self-determination, and subjecting them to Indian sovereignty or suzerainty against their wishes is certainly not one of them. If no just and equitable solution emerges from the summit talks and there is an impasse, we should follow the Mao doctrine of leaving the matter to history and to Pakistan’s manifold destiny. Some disputes are not decided by arguments. They are decided by history. The journey from conflict to cooperation does not end in a day.

Today there is little that Pakistan can do by way of forced resolution of Kashmir. India too must realize that it has lost the battle for the hearts and minds of the people and it cannot keep Kashmir by force. The wheels of Fate will someday compel the Indians to give up their Kashmir empire. But what kind of Kashmir will they leave behind? What stark misery? When the stream of their colonial administration runs dry at last, what killing fields and what a waste of mud and filth they will leave behind?

Failure of Pakistan's Leadership Class

Justice Antoniu Scalia once described the Supreme Court of the United States as a reluctant constitutional firebrigade. "We are called in to correct mistakes. When you call us in, some one has screwed up; something has gone terribly wrong". In our case, it is the Pakistan army which performs the function of a fire brigade every now and then. Because democratic institutions don't function, as they should, they require periodic course corrections and the army steps in.

Pakistan was descending into chaos when the army intervened on October 12. Its democracy was thoroughly corrupt, rotten to the core and neither representative nor effective. 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. And when the winds blow and the rain descends and the house is about to collapse, they all vanish in a night to enjoy their ill - gotten wealth in the false paradises of the west or the holy land, leaving the poor people of Pakistan to face the music and the consequences of their misdeeds. 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 any one of them face the court like Nelson Mandela and say, "what ever 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".

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 ever 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 was our last and only lion. He roared and almost singlehanded led a nation of rabbits to victory.

All we expect our current 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? A tell - all approach to high level corruption has negative consequences as well. After being subjected to the bombardment of these corruption cases, Pakistanis have begun to question not only the violators but the laws themselves. If everybody seems to be indulging in corruption, then one can only conclude that the virtue in question - honesty, integrity - are themselves something of a sham. When every holder of public office is corrupt, it is hard to make the case to the next generation - that honesty is the best virtue in public life.

In America, Presidents retire, with their hands clean, to some place they call home. They are no angels but they don't abuse their power to make money while in office. Mr. Ford was the first to sense that Presidency could be merchandised. Bill Clinton will shortly turn the corner from a debtor to a rich man. For his first speech, he is said to be receiving US \$ 100,000 from a brokerage firm. They all make a bundle, writing books, after their release from their vows, but nobody makes money while in office. Our Prime Ministers begin to loot and plunder immediately after taking their vows. The last two went about it with a relish that really knew no shame. They thought the country really didn't care and made the P.M's office the stepping stone to fabulous riches. Is it any wonder that when the axe fell on them, the people heaved a sigh of relief and welcomed the army?

The tragedy of Pakistan is that while many once assumed that Benazir and Nawaz Sharif's past would preclude their ever becoming Prime Ministers, they are not so sure now. There is no true exile for Pakistani politicians. How eager they all are to do business with the army and end their exile from power. "No man", Roosevelt once remarked, "ever willingly gives up public life - no man who has ever tasted it". With luck, these corrupt rulers will soon disappear as mist before the sun and will be consigned to the dustbin of history. "The water passes. The stones remain".

Pakistan is a nation of teahouse politicians, where despite the names of the political parties, there are no ideas and no commitment to principles. It is all

vanity. Politics in Pakistan are defined by a high level of energy, with sterile results. Here we have pocketbook liberals, concerned only with their short - term profits. With fragmented politics, corrupt politicians, a privatized civil service, weak institutions, political stability is unattainable and army intervention inevitable.

General Musharraf faces a daunting task. He is trying to cleanse the stains of the Nawaz Sharif and Benazir's years. To paraphrase Churchill, those were the years that the locusts had eaten. 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 people and those at the bottom of the social ladder are forced to resort to crime, drugs and vagrancy merely to survive. My doctor friends tell me grim stories of hordes of desperately poor people, in urgent need of medical treatment, who can not afford to buy life - saving medicines. Anyone who does not see the suffering of the poor escalating to a boiling point must be blind. The farmer casts an eye to the sky and wonders about the weather. People who live near a volcano look for the first wisp of smoke. City dwellers look for similar telltale signs - a broken window, a spate of murders, what does it all mean? What? I dread the thunderous eruption of the volcano. When will the closed horizon burst asunder? And when will a gap of light open in the dark existence of our people? Will justice ever come down from heaven like a dazzling fairy vision?

The army intervened on October 12, because the politicians had screwed up. Some thing had gone terribly wrong. Some times, once in a long while, you get a chance to serve your country. General Musharraf has that chance today. He must not walk away from the commitment he made to the people of Pakistan on October 12. But the lesson of history is that by itself, no army, no matter how strong, has ever rescued a country from internal disorder, social upheaval or prevented its disintegration. No army was more powerful than the Red army which faced the full might of the Wehrmacht, chased it all the way to Berlin and smashed it to pieces but this mighty army could not prevent the demise of Soviet Union, a Super power not too long ago which, thanks to unworthy successors of Lenin and Stalin, has now become the laughing stock of the capitalist world.

The army must return to the barracks as soon as possible, but not before it has extinguished the fire; not before it has sorted out those who looted and plundered this poor country; and not before it has put the country back on course.

Democracy In America

On the morning of May 11th, 1831, two young men walked down the gangplank of the steamer *President* from Providence, just berthed at Cortlandt Street at the foot of Manhattan. They were remarkable young men but not many of their fellow passengers had remarked upon their landing in America. They had come on an official mission for their government in France. At the moment they were tired; they had been so eager to see America that they had hardly slept since first sighting the shores of Long Island. The two young men, Alexis de Tocqueville and Gustave de Beaumont, were French noblemen and their official mission was to study the prison system in America. After completing their official mission, they decided to follow their principal purpose in coming to America, the analysis of democracy as a working principal of society and of government.

“I confess”, Tocqueville wrote in his book ‘*Democracy in America*’, “that in America I saw more than America; I sought there the image of democracy itself, with its inclinations, its character, its prejudices, and its passions, in order to learn what we have to fear or to hope from its progress”.

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.

“Why the Americans are so restless in the midst of their prosperity?” Tocqueville asked. A native of the United States, he wrote, clings to this world’s goods as if he were certain never to die. He clutches everything, he holds nothing fast, but soon loosens his grasp to pursue fresh gratifications. In the United States a man builds a house in which to spend his old age, and he sells it before the roof is on; he plants a garden and lets it just as the trees are coming into bearing; he brings a field into tillage and leaves other men to gather the crops; he embraces a profession and gives it up; he settles in a place which he soon afterwards leaves to carry his changeable belongings elsewhere. If his private affairs leave him any leisure, he instantly plunges into the vortex of politics, and he will travel 1500 miles in a few days just to shake off his happiness. Complaints are made in France that the number of suicides is on the increase; in America suicide is rare, but insanity is said to be more common than anywhere else!

How did Tocqueville view the office of the President? 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 at 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!

When the National Convention met in Philadelphia with George Washington as its President, a deliberate decision was taken to create a weak and subordinate executive power, which could without danger be made elective. The nation possessed, in the words of Tocqueville, two of the main causes of internal peace; it was a new country, but it was inhabited by a people grown old in the exercise of freedom. Besides America had no hostile neighbour to dread; and the American legislators profiting by these favourable circumstances created a weak Presidency.

It then remained for them only to choose the least dangerous of the various modes of election. Their object was to find the mode of election that would best express the choice of the people with the least possible excitement and suspense. It was admitted, in the first place, that simple majority should decide the point, but the difficulty was how to obtain this majority without an interval of delay, which was most important to avoid. The means by which it was proposed to overcome this obstacle was to delegate the electoral powers of the nation to a body that should represent it. It then remained to be decided whether this right of election was to be entrusted to the legislature itself, the ordinary representatives of the nation, or whether a special Electoral College should be formed for the sole purpose of choosing a President. The Americans chose the latter alternative from a belief that those who were chosen only to make the laws would represent but imperfectly the wishes of the nation in the election of its Chief Magistrate; and that as they are chosen for more than a year, the constituency they represented might have changed its opinion in that time. It was thought that if the legislature was empowered to elect the head of the executive power, its members would, for some time before the election, be exposed to the maneuvers of corruption and the tricks of intrigue; whereas the special electors would, like a jury, remain mixed up with the crowd till the day of

election when they would appear for a moment only to give their votes. It was therefore determined that every state should name a certain number of electors, who in turn should elect the President; and as it had been observed that the assemblies to which the choice of the Chief magistrate had been entrusted in elective countries inevitably became the centers of passion and Cabal; that they sometimes usurped powers which did not belong to them; and that their proceedings, or the uncertainty which resulted from them, were sometimes prolonged so much as to endanger the welfare of the state, it was determined that the electors should all vote the same day without being convoked to the same place. This double election rendered a majority probable, though not certain, for it was possible that the electors might not, anymore than their constituents, come to an agreement. In that case it would be necessary to have recourse to one of three measures, either to appoint new electors, or to consult a second time those already appointed, or to give the election to another authority. The first two of these alternatives, independently of the uncertainty of their results, were likely to delay the final decision and to perpetuate an agitation which must always be accompanied with danger. The third expedient was therefore adopted, and it was agreed that the votes should be transmitted sealed to the President of The Senate, and that they should be opened and counted on an appointed day in the presence of the Senate and the House of Representatives. If none of the candidates has received a majority, the House of Representatives, then proceeds immediately to elect the President, but with the condition that it must fix upon one of the three candidates who have the highest number of votes in the electoral college. But the decision of the question by the House of Representatives does not necessarily offer an immediate solution of the difficulty, for the majority of the assembly may still be doubtful, and in that case the constitution prescribes no remedy. The House of Representatives, Tocqueville observed, has only twice exercised its constitutional privilege of deciding in cases of uncertainty; the first time was at the election of Mr. Jefferson in 1801; the second was in 1825, when Mr. J. Quincy Adams was named. These were the questions that awaited the great men whom the American Revolution had thrown up. George Washington was the President of the Convention and it included some of the finest minds and the noblest characters like Madison, Hamilton and the two Morrises that had ever appeared in the New World.

The Electoral College was designed at the founding of the country to help one group, white southern males. James Wilson of Pennsylvania proposed direct election of the President. But James Madison of Virginia worried that such a system would hurt the south, which would have been outnumbered by the north in a direct election system. The creation of the Electoral College got around that. It was part of the deal that southern states, in computing their share of electoral votes, could count slaves (albeit with a two-fifths discount) who of course were given none of the privileges of citizenship. Virginia emerged as the big winner,

with more than a quarter of the electors needed to elect a President. A free state like Pennsylvania got fewer electoral votes even though it had approximately the same free population. The constitution's pro-southern bias quickly became obvious. For 32 of the constitution's first 36 years a white slaveholding Virginian occupied the Presidency .Thomas Jefferson won the election of 1800 against John Adams from Massachusetts in a race in which the slavery's skew of the electoral college was the decisive margin of victory. The system's sex bias was also obvious. In a direct presidential election any state which chose to enfranchise its women would have automatically doubled its clout. Under the electoral college system, however, a state had no special incentive to extend suffrage- each got a fixed number of electoral votes, regardless of how many citizens were allowed to vote.

Today the President of the United States is the most powerful Chief Executive in the world. The Primary electors have long since circumvented the founding father's constrictive device. They have respected the letter but have overridden the spirit of the Constitution. The scaffolding interposed between the primary electors and the presidency has been removed. The electors have reduced the institutional functions of the Electoral College to nullity by binding over the members of the College in advance, as a condition of their being elected, to execute a mandate that the electors imposed upon them. The Electoral College was turned long ago into a superfluous cog in the wheel of electoral procedure and the virtual elimination of the electoral college is by now such ancient history that, in a normal election , the very existence of the electoral college is forgotten.. A combination of unusual circumstances, however, brought the College to light for a moment in the course of the presidential election of 1960 and the electorate were then amazed and amused to learn that, on this occasion, the Electoral College might prove to be something more than a cipher.

How would the founding fathers have reacted to the bizarre drama unfolding itself in the Presidential election of 2000?It is an event in history that we can now say that we watched. The Americans voted for their next President on Tuesday 7th November, and believe it or not , we still do not know who won! America holds its breath. The people, as President Clinton aptly remarked, have spoken but the nation has yet to figure out what they said. The world watched, the world waited, the world was extremely puzzled. Here was the most powerful country on earth in suspended animation: In the age of the Internet, in the age of instant information, the race between Al Gore and George. W. Bush was frozen by a laborious manual recount involving a few thousand votes. To make matters worse, as many as 19000 votes might be excluded from the count on the ground that they were double-punched because the voters were confused by the deceptive layout of the ballot papers. In Third World countries, where election irregularities and turmoil are common and counting of votes always a long

process, people wonder how this could happen in America. How could a country with economic , political and cultural clout in the farthest reaches of the globe be plunged into an electoral limbo?

Before concluding his analysis of Democracy in America, Tocqueville said, “Let us not turn to America in order slavishly to copy the institutions she has fashioned for herself but in order that we may better understand what suits us”.

Keeping the Government Clean

Prime Minister

I have been feeling very sad and depressed for the last two weeks. I feel responsible for the occurrence of this unfortunate incident and I feel I should accept full responsibility. As an oriental gentleman, I feel it is only right that I should pay the highest penalty for my mistake.

Yours faithfully

Teh Cheang Wan

Teh Cheang Wan was Minister for national development in Singapore. In November 1986, one of his old associates admitted under questioning that he had given Teh two cash payments of S\$400,000 each in one case to allow a development company to retain part of its land which had been earmarked for compulsory government acquisition, and in the other to assist a developer in the purchase of state land for private development. He denied receiving the money and tried to bargain with the prosecutor for the case not to be pursued. A week later, on the morning of December 15, 1986, Lee Kuan Yew, the prime minister, was informed that Teh had died and had left a letter (reproduced above) for him. Lee Kuan Yew visited the widow and viewed the body lying in his bed. He had taken his life with a massive overdose of Sodium amytal. Teh preferred to take his life rather than face disgrace and ostracism. In Singapore it is not punishment which is a disgrace but the commission of crime?

How did Lee Kuan Yew establish a climate of opinion which looked upon corruption in public office as a heinous crime, a threat to society, and the perpetrator as an enemy of the state.

When Lee and his ministers took the oath of office, they all wore white shirts and white slacks to symbolize purity and honesty in their personal behavior and public life. Lee made sure from the day he took office in June 1959 that every dollar in revenue would be properly accounted for and would reach the beneficiaries at the grass roots as one dollar, without being siphoned off along the way. He decided to concentrate on the big takers in the higher echelons. For the smaller fish he set out to simplify procedures and remove discretion by having clear cut published guidelines. As he ran into problems in securing convictions in prosecutions, he tightened the law in stages. In 1960 he changed

the outdated 1937 anti-corruption law and widened the definition of gratuity to include any thing of value. The amendment gave wide powers to investigators, including arrest and search and investigation of bank accounts and bank books of suspected persons, and their wives, children or agents. It became unnecessary to prove that the person who accepted a bribe was in a position to carry out the required favour. The existing law that the evidence of an accomplice was unworthy of credit, unless corroborated, was changed to allow the judge to accept the evidence of an accomplice. The most effective change made in 1960 was to allow the courts to treat proof that an accused was living beyond his means or had property his income could not explain as corroborating evidence that the accused had accepted or obtained a bribe.

High profile cases made the headlines. One of Lee's ministers was Wee Toon Boon. He took a free trip to Indonesia for himself and his family members, paid for by a housing developer on whose behalf he made representations to civil servants. He also accepted a bungalow worth S\$500,000 from this developer and took two over drafts totaling S\$300,000 in his father's name against the personal guarantee of the developer to speculate in shares. He was charged, convicted and sentenced to four years and six months in jail

Lee had inherited a thoroughly corrupt administration in which customs officers would receive bribes to speed up the checking of vehicles smuggling in prohibited goods. Personnel in the central supplies office provided information on tender bids for a fee. Officers in the import and export department received bribes to hasten the issue of permits. Contractors bribed clerks to allow short-piling. Public health laborers were paid by shopkeepers and residents to do the job of clearing refuse. Principals and teachers received commission from stationery suppliers. There were temptations everywhere. For example, the first official contacts foreigners entering Singapore made were immigration and customs officers. At the airport, travellers found themselves delayed at customs clearance until a suitable inducement was forthcoming. Lee found the same tiresome practice among traffic police; when stopped for alleged speeding, drivers had to hand over their driving licenses together with the ongoing rate in dollars to avoid further action. Even hospital admission after a traffic accident needed a bribe to get prompt attention. Lee rolled up his sleeves, attacked these organized rackets, hammer and tongs, and cleaned them up. When the countries of East Asia from South Korea to Indonesia were devastated by the financial crisis in 1997, corruption and cronyism aggravated their woes. Singapore weathered the crisis better because there was no corruption and cronyism that had cost the other countries many billions in losses.

The Singapore of today, a bastion of meritocracy, is Lee's testament. He transformed what was a poor, decrepit colony into a shining, rich and modern

metropolis. Annual per capita income has grown from less than \$1,000 at the time of independence to nearly \$30,000 Today's safe, tidy, corruption-free Singapore bears the stamp of Lee's personality. He is probably the only world statesman who, after leaving office, finds an open door to any head of state and government anywhere in the world.

"Experience", writes Lee Kuan Yew "Shows that it is easy to start off with high moral standards, strong convictions and determination to beat down corruption. But it is difficult to live up to these good intentions unless the leaders are strong and determined enough to deal with all transgressors and without exception "General Musharraf started off on a good footing. When he took over, great expectations were aroused that he would lance the poisoned carbuncle, purge the country of all corrupt elements, especially the holders of public office, mete out exemplary punishments, make a horrible example of the rotten big fish and then make a fresh beginning. Ruthless accountability was once on top of his agenda. Today, instead of carrying out a quick surgical operation, the accountability bureau is busy making clandestine deals with enemies of the people-arch criminals who pillaged this poor country in broad daylight, making a mockery of the entire accountability process. "What would become of public safety", said Frederick the Great "if we punished commoners and excused noblemen". Firing a few officials and recovering an insignificant amount of the loot from a few politicians is about as effective as swatting a few mosquitoes in a swamp. Has the country gained anything from these deals? I am not too sure. But General Musharraf blew a golden opportunity and lost the high moral ground he once occupied. The real loser is the country. I have a presentiment of sorts that all these people will survive General Musharraf, return to power sooner than we imagine and resume their unfinished agenda of loot and plunder. Over the next few years, like Marco's cronies and immediate family, some would tiptoe back into the country one by one-always to the public's revulsion and disgust. Others hope to return triumphantly with flags flying and drums beating, showing that there was nothing that hidden, ill gotten money and thick hides could not withstand. Time, I am afraid, is on their side and time will win.

How did the Singapore miracle come about? "When we started in 1959" Lee wrote, "We knew little about how to govern or how to solve our many economic and social problems. All we had was a burning desire to change an unfair and unjust society for the better.... I sought out able men and placed them in positions of authority to administer an honest, efficient system and be responsive to the needs of the people" Lee goes on to say "My experience of development in Asia has led me to conclude that we need good men to have good government. However, good the system of government, bad leaders will bring harm to their people. On the other hand, I have seen several societies well governed in spite of poor systems of government, because good, strong leaders were in charge. I have

also seen many of the over 80 constitutions drafted by Britain and France for their former colonies come to grief, and not because of flaws in the constitutions. It was simply that pre-conditions for a democratic system of government did not exist. "General Musharraf should concentrate on creating these pre-conditions before he calls it a day. That will be his greatest service to Pakistan. He secured a certain Darwinian political legitimacy for himself on October 12. But to rule effectively he must now find moral authority.

The Road to Foreign Intervention in Afghanistan

Afghans are no strangers to foreign military interventions in their country. On the eve of the First Afghan War, Burnes, Lord Auckland's special envoy, wrote: "The British government have only to send Shuja-ul-Mulk to Peshawar with an agent and two of its own regiments, as an honorary escort and an avowal to the Afghans that we have taken up his cause to ensure his being fixed forever on his throne". Leaning on this statement, Lord Auckland set forth on his perilous Afghan journey.

In the autumn of 1839, Britain's army of the Indus marched into the heart of Afghanistan, stormed the reportedly impregnable fortress of Ghazni, entered Kabul in triumph and installed Shah Shuja, their favorite candidate, on the throne of Kabul as the ruler of Afghanistan. For two years the conquerors lived in a fool's paradise, they sent for their wives and children and servants, set up cricket and polo fields. The Afghans bided their time. Then suddenly struck. Burnes was slain horribly, and the entire band of invaders - troops, families, camp followers - was compelled to set out for India, through 100 miles of mountain defiles in the depth of the Afghan winter. Seven days later, one bruised and weary horseman arrived at a British garrison (Jalalabad) 90 miles away - the only European (Dr. Brydon) from that enormous caravan who was not either killed or captured.

Commenting on this Fraser Tytler wrote: "they (Government of India) were infact groping their way forward amid a fog of uncertainty. Each step they took was the logical outcome of the previous one, but was taken with little or no idea of where it was leading or what the next step should be. We may consider that they were steps taken by a man (Lord Auckland) who may have been a good administrator but who possessed nothing of the vision required of a statesman, and who was advised by men who lacked that peculiar quality of 'political sense' to instruct their actions. Or we may be more charitable. We may say, as we look back along the pages of history at the great movements of nations which connect the first attempt of the British to reach the Hindu Kush with all that has preceded and followed it, that here was just an incident, a paragraph on a page of history, here was just another of the conquerors striving to master that problem of India's security which had baffled so many of his predecessors. There is a fate about this restless frontier which has been too strong for mankind ever since the days when the Greek rulers of Bactria died fighting in face of the invading nomads till now when we have handed over the problem still unsolved to the Pathan races of the Hindu Kush. The First Afghan War was only a brief incident in this long story, and Lord Auckland might well plead that if he failed he failed in good company, and at the hands of a destiny which was too strong for the man".

140 years later, on Christmas Eve, the Soviets followed the British example, invaded Afghanistan and assassinated Hafeez Ullah Amin. In the early hours following Amin's death, Kabul radio broadcast a message from Babrak Karmal announcing the formation of a new government under his leadership. The Soviets, it now appears, invaded Afghanistan, not out of a desire to drive to the Indian Ocean, but out of a fear of a U.S. supported Afghan Tito.

It all started on April 12, 1977 when Sardar Daoud clashed directly with Brezhnev during a Moscow visit that helped to set the stage for the climactic events to follow. Recalling this encounter, Abdul Samad Ghaus, the deputy foreign minister and Daoud's long-time confidant, writes that the Soviet leader objected to what he called a 'considerable increase' in the number of experts from NATO countries working in Afghanistan. In the past, Brezhnev said, the Afghan government did not allow experts from NATO countries to be stationed in the northern parts of the country, but this practice was no longer followed. The Soviet Union took a grim view of these developments and wanted the Afghan government to get rid of these experts who were nothing more than spies. A chill fell on the room. Some of the Russians seemed visibly embarrassed... In a cold, unemotional voice Daoud told Brezhnev that what was just said could never be accepted by Afghans who viewed his statement as a flagrant interference in the internal affairs of Afghanistan... Daoud said, and I remember clearly his exact words: "we will never allow you to dictate to us how to run our country and who to employ in Afghanistan. How and where we employ foreign experts will remain the exclusive prerogative of the Afghan State. Afghanistan shall remain poor, if necessary but free in its acts and decisions". After saying this, Ghaus concludes, Daoud and all the Afghans present abruptly stood up and were starting to walk out when Brezhnev, "rising from his chair with difficulty" hurried after him. Reminding Daoud of his request for a private conversation, the Soviet Leader offered to meet whenever convenient for you". Daoud replied, "in a clear, loud voice for all to hear, I wish to inform your Excellency that there is no longer any need for that meeting". That sealed the fate of Daoud and launched Brezhnev on his perilous intervention in Afghanistan. According to one study the Soviet dead and missing in Afghanistan amounted to almost 15,000 troops. Far more telling were 469, 685 other casualties, fully 73% of the overall force, who were wounded or incapacitated by serious illness. Some 415, 932 troops fell victim to disease. Like the United States in Vietnam, the Soviet military's inability to win the Afghan war decisively brought home the negative aspects of the war: battlefield deaths, POWs and MIAs (missing in action) wounded veterans, mentally and physically ill veterans and veterans with drug addiction... veterans from Afghan war, all conscripts, rotated back home at periodic intervals, which permitted the travails, frustrations, self-doubts and horror stories of the common soldiers to be shared by the entire population.

Once again dark clouds of war hover over Afghanistan. I was in Washington on September 11 and 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 at a friend's house in Washington, 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. Within days of the tragic occurrence and in anticipation of the result of investigation, Osama Bin Laden, living somewhere in the remote, innermost recesses of mountainous Afghanistan, was identified as the prime suspect. And then the entire might of the United States was mobilized to capture him, dead or alive, and topple the Taliban government who harbour him. Why this display of such overwhelming military force? Where do you send an aircraft carrier to encounter an invisible enemy? How many F-16s does it take to capture a single terrorist in Afghanistan? What good does it do to invade an impoverished Third World Country already devastated by decades of war? Who is naïve enough to think that the possible capture of Osama Bin Laden will do more than satisfy the need for someone to punish? One man, one martyr, and thousands more to take his place. The US display of overwhelming military power will only further infuriate those already burning the Stars and Stripes in the streets of Peshawar, Quetta, Gaza or wherever. And an invasion into Afghanistan will only bring tragedy in its wake. American soldiers entering Afghanistan will only revive tragic memories of similar interventions by the British army of the Indus and the Red Army of Soviet Union. Clearly the United States must act but how? It must not let its need for revenge blur its judgement, for the rage of a wounded giant can be irrational, its direction unpredictable. But surely, the consequences of its decisions will affect us all.

We in Pakistan are worried about what may happen next. I find it difficult to understand people claiming that all-out assault against the Taliban would work. The argument goes that the people of Afghanistan have been reduced to such a pitiful state that they would rise against the monsters who rule them. I happen to think that's wrong. People in the west are being told day in and day out that Afghans have good reason to hate their rulers - specially the women. They have been treated diabolically - humiliated, denied education etc. All that - and much more - makes it tempting to assume that the Afghans will unite with the invading force. When bombs begin to fall, the people beneath them tend not to thank the bombers; they rally to their leaders - whoever they may be. It might be possible to topple the Talibans. But even if they were defeated, the Talibans and their supporters would not simply disappear. The Americans can not kill them all. These are men who fought to gain power and would fight to retain it.

In the end, the Americans will, of course, do what they will do. But people in Pakistan, if they are to help and assist the Americans in their adventure in a neighboring Muslim country, are entitled to ask some serious questions. Is Osama Bin Laden really guilty? Where is the evidence of his guilt and where is the smoking gun? Is the war really necessary? And how does Taliban's refusal to surrender Osama Bin Laden, presumed innocent until proven guilty, justify invading and bombing the most devastated, ravaged, starvation - haunted, tragic and sad country in the world, raped and eviscerated by the Russian army for ten years, abandoned by its friends, about to be attacked by its erstwhile friend, the surviving super power.

America's Arab allies had been warning for months that anti-US feeling has been rising, fueled, as Palestinian casualties have mounted, by the Arab belief that an American hands-off approach to the conflict was encouraging Israel to crush the Intifada. Indeed, in June of this year Crown Prince Abdullah of Saudi Arabia warned that the lack of western action could lead to a wave of terrorist attacks in despair at US policies. He called off a visit to the White House well before September 11. Egypt and Jordan had been arguing vigorously that the US in its own interest should contain popular anger in the Arab world by a more involved and more even-handed approach. Given the powerful Israeli lobby in congress this will not be easy but on it much depends.

When I returned to London on September 23, I noticed that a debate had begun in Europe over whether the inconsistencies of US foreign policy and its sheer weight of dominance in the world mean that resentment of the US and even, in extreme cases, hatred are inevitable. Their view is that the US has been confronted with a sobering reality and that it must try to understand. For these critics, Americans are viewed as now facing unsurprising retaliation from an important part of the Islamic world that considers the US to have declared war on its Faith.

The arguments are sometimes simple - America should expect war in return for bombing Iraq regularly, for example.

European writers and intellectuals have pointed to a catalog of actions that include the bombing of one of Sudan's pharmaceutical factories on the challenged ground that it was linked to Osama Bin Laden. They have also cited US aid to Israel to buy weapons used against Palestinians.

Mathew Paris, a former conservative party member of the British Parliament wrote in the Times of London: "do they not know that when you kill one Osama

Bin Laden you sow 20 more? Playing the world's policemen is not the answer to that catastrophe in New York. Playing the world's policemen is what led to it".

One hears other voices in Europe that pointed to Bin Laden's various enemies, not just the US but also the autocratic Islamic governments in the Middle East that Washington supports.

We in Pakistan are concerned that fighting in Afghanistan could so destabilize a divided Pakistan that its rulers will have power seized from them by extremist factions within the country. To the White House and its international allies, the single most important thing, President Musharraf can do right now is to stay in power. The Americans must not, in their own interest and in the interest of peace in the region, place too heavy a burden that President Musharraf can not carry.

These are some of the suggestions that US should consider as it formulates its policy of retaliation for the terrible attacks of September 11. If terrorism is to be crushed, America must fashion a mindset to find an approach that begins to address the roots of the problem.

Speaking in an interview with a Russian newspaper (August 14) President Musharraf said that Taliban were a dominant reality in Afghanistan, and the international community should engage rather than isolate them. He felt that sanctions on Taliban are not a solution to the Afghan problem, and one-sided arms embargo is a sure recipe to prolong the civil war. He added that the Northern Alliance was receiving generous supplies of arms which will encourage it to seek a military solution. "We feel", he said, "that political engagement coupled with economic incentives would lay the foundations of a durable piece in Afghanistan". It must have been one of the most painful decisions of President Musharraf's life to reverse this sound policy which enjoyed overwhelming support in the country. We all share his pain and anguish. Circumstances beyond his control had placed him in an unenviable position. It is certainly not a matter of pride or gratification, as some would like us to believe, that we succumbed to outside pressure and allowed the use of our facilities against a neighboring Muslim country which, it is worth recalling, did not stab us in the back when we were at war with India. But as the Athenians told the intractable Melians long ago, "the strong do what they can and the weak suffer what they must".

One hopes and prays that President Bush is not as badly served by his advisors, as Lord Auckland and Brezhnev were in dealing with the problems of Afghanistan. In fairness to Auckland it must be said that, unlike Brezhnev and President Bush, he had to contend with all the additional hazards which encompass the pioneer.

Pakistan is caught between a hard place and many rocks. These are times that try men's souls and moments when love for one's country overrides all other considerations and calls for supreme sacrifice.

At this time all those who see the perils of the future must draw together and take resolute measures to secure our safety. Let us make sure that we ride out any storm that may blow with reasonable hope of coming safely into port.

The role of military - bureaucratic Oligarchy

What was Mr. Jinnah's concept of the role of the military and civil bureaucracy in the affairs of independent Pakistan? And how has this role changed during the last more than fifty years of its existence?

On the day of Pakistan's independence, August 14, 1947, Mr. Jinnah, who had just become Governor General, scolded one young Pakistani officer. The officer, according to Asghar Khan, 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 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".

Months later, during his first and only visit to Staff College Quetta, he expressed his alarm at the casual attitude of "one or two very high-ranking officers". He 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. I want you to remember, and if you have time enough, you should study the Government of India Act (of 1935), as adapted for use in Pakistan which is our present constitution, that the executive authority flows from the head of the Government of Pakistan, who is Governor General and therefore any command that may come to you cannot come without the sanction of the executive head".

The supreme irony of the event is that the Constitution of Pakistan was to be abrogated or suspended by some of the officers present in Mr. Jinnah's audience. Years later, General Zia, while addressing a press conference in Tehran, said, "What is the Constitution? It is a booklet with ten or twelve pages. I can tear them up and say that tomorrow we shall live under a different system".

“The reason why I wanted to meet you is that I wanted to say a few words to you who are occupying very important positions in the administration of Pakistan”, said Mr. Jinnah in an informal talk to civil servants in Government House Peshawar in April 1948.... “Governments are formed, governments are defeated. Prime Ministers come and go, ministers come and go, but you stay on and, therefore, there is a very great responsibility placed on your shoulders. You should have no hand in supporting this political party or that political party, this political leader or that political leader – this is not your business. Whichever government is formed according to the constitution and whoever happens to be Prime Minister, coming into power in the ordinary constitutional course, your duty is not only to serve that government loyally, faithfully, but at the same time fearlessly, maintaining your high reputation, your prestige, your honor and the integrity of your service”.

From 1947 to 1951, Pakistan was ruled by a civilian leadership, namely, Mr. Jinnah and his successor, Liaquat Ali Khan, under a system of representative government, assisted by civil servants who effectively controlled the administration both at the center and in the provinces. Mr. Jinnah’s personal authority was supreme and unchallenged. It was reinforced by constitutional powers vested in the Governor General under the Government of India Act 1935 and Indian Independence Act 1947. Notably section 9 of the Indian Independence Act 1947 invested the Governors General of the successor governments with virtually unlimited powers to amend the constitution by a simple decree. At the time of partition, Mr. Jinnah was a very sick man and in no condition to attend to the hurly-burly of the crisis-ridden affairs of the Pakistan State in those difficult days. All such matters were, therefore, left in the hands of Liaquat Ali Khan, the Prime Minister of Pakistan. Nevertheless, no major decisions were taken or could be taken without Mr. Jinnah’s approval. When some disaffected members of the Constituent Assembly complained about being by-passed on some matters of great importance, the Prime Minister, Liaquat Ali Khan, told the assembly: “under the present constitution, the man who has been vested with all powers is the Governor General. He can do whatever he likes”.

On the premise that Pakistan would encounter insurmountable problems in setting up the new state in the chaotic conditions that attended partition, it was decided that an official controlling the entire government machinery, working directly under Mr. Jinnah as Governor General, was needed for coordination and speedy decisions. Chaudhri Muhammad Ali was, therefore, appointed as Secretary General, a very able officer with long experience in the Finance Department of the Government of India, a man of prodigious energy and hard right wing views. By a cabinet resolution, the Secretary General was given the right to direct access to all the secretaries and all the files. To reinforce his position, Chaudhri Muhammad Ali set up a “planning committee” (as distinct

from the Planning Commission which was to be set up later in mid-1950s) of which secretaries of all the ministries were members. Through the mechanism of the Planning Committee presided over by the Secretary General, the entire state apparatus was able to function as a unified machine under a single head, more or less, independently of the cabinet. The Planning Committee was in effect a "parallel cabinet" of civil servants, with the secretary general functioning, in effect, as 'Prime Minister'.

When Mr. Jinnah died, Khwaja Nazimuddin was installed as Governor General. He was a thorough gentleman but a weak and ineffective person who lacked authority and chose to regard the office of Governor General as purely formal and ceremonial and left the affairs of state in the hands of Liaquat Ali Khan, with Chaudhri Muhammad Ali as his right hand man to assist him.

With the assassination of Liaquat Ali Khan in 1951, and the elevation of Ghulam Muhammad, an ex-bureaucrat, to the high office of Governor General, the post of Secretary General was abolished. As a consequence, while in one respect the power of bureaucracy was consolidated through the high office of the Governor General now held by one of them, in another respect it was less effective as it had now to be mediated through the cabinet. Paradoxically, therefore, the political leadership now acquired greater significance, for the power of bureaucracy could not be exercised without manipulation of the political leadership and occasional confrontation with it.

Ghulam Muhammad was a strong man with a long career behind him as a senior official of the Finance Department of British India and later Finance Minister of Hyderabad State. In April 1953, he dismissed the Nazimuddin Ministry on the grounds that it was incapable of maintaining law and order in the country and of mishandling the food crisis. It reflects sadly on the calibre of our parliamentarians that in the event they did not utter a word of protest, having only a week earlier voted overwhelmingly for Nazimuddin's budget. Among other changes, Khan Abdul Qayyum Khan, the strong man of NWFP, was replaced as Chief Minister by Sardar Abdur Rashid, the Inspector General of Police. The province of Punjab, nominally ruled by politicians, was already in the iron grip of Khan Qurban Ali Khan, the Inspector General of Police.

The political leadership at the center resented Ghulam Muhammad's authoritarianism and dictatorial methods and resolved to rein him in. In October 1954, proposals were introduced in the constituent assembly to curtail powers of the Governor General, in particular to abolish the arbitrary powers under the government of India act, 1935, which allowed him to dismiss any ministry even if it enjoyed the confidence of the parliament. Before these amendments could have effect, Ghulam Muhammad declared a State of Emergency on October 4, 1954,

dissolved the parliament with a nod from the military and assumed full powers. The Governor General's illegal act was given semblance of legitimacy by the superior judiciary under the dubious "doctrine of necessity". Ghulam Muhammad then appointed a new cabinet. Muhammad Ali Bogra continued as Prime Minister. Chaudhri Muhammad Ali was asked to carry on as Finance Minister. And the biggest surprise of all surprises, General Ayub Khan, Commander-in-Chief of the Pakistan Army, became defence minister although he retained his position as Commander-in-Chief of the army. Iskandar Mirza, the defence secretary, Pakistan's eminence grise, became the Minister of Interior. They called themselves the 'Ministry of all Talents' which essentially represented the power of the military-bureaucratic oligarchy now ruling Pakistan. Initially, the army was a junior partner but its power and influence increased rapidly through the 1950s. Ghulam Muhammad then turned to General Ayub Khan to take over power in the name of the army. Ayub Khan declined. He had his own plans and his own timetable and could afford to wait.

Failing to obtain a positive response from Ayub Khan, Ghulam Muhammad had little option but to restore parliament which was summoned in July 1955. A new constituent assembly and parliament was elected on an indirect basis by the provincial assemblies as before. The new assembly began the business of framing a constitution, a task which was completed in 1956. Iskandar Mirza, a powerful member of the military - bureaucratic oligarchy, was elected the first President of the Republic of Pakistan under the new constitution.

With the framing of the constitution, the demand for holding the much-postponed general elections grew in intensity and the pace of events quickened. The strategy developed by the oligarchy was to preempt the elections by dismissing the parliament and abolishing the constitution with the active support of General Ayub Khan. On October 8, 1958, President Iskandar Mirza declared Martial Law, abrogated the 1956 constitution, and dismissed the central and provincial assemblies. Mirza continued as the President of Pakistan. Ayub Khan was designated Chief Martial Law Administrator. Mr. Aziz Ahmed, a senior civil servant, was designated as Deputy Chief Martial Law Administrator. The coup dismantled the apparatus of constitutional government which, given the prospects of general elections, threatened to bring into field a new political leadership that would be less pliable. The myth that General Ayub was not the co-author and co-sponsor of the coup was quickly dispelled when Mirza was dismissed on October 24, and Ayub Khan appointed himself as President in his place. For a few weeks, the military was demonstratively up front but was soon called to return to barracks and asked to stop "assisting civilian authorities".

Recognizing the need for an institutional basis of legitimation of state power, American experts worked with Pakistanis to hammer out a novel system of

'Basic Democracy'. It was an imaginative scheme expertly designed to give a semblance of democratic legitimacy to the new military dispensation. It was remarkably well designed for direct patronage and manipulation of the local level power-holders. Vast amount of funds were poured into their pockets in the name of Rural Works Programme. In due course, Ayub Khan's 'Basic Democracy' was overthrown along with Ayub Khan, in the wake of a massive uprising against his regime that shook the country in the winter of 1968-69. General Yahya Khan stepped in where Ayub Khan had left off.

At this point a new philosophy of the role of the military in the structure of state power emerged. Yahya Khan received advice by way of a letter from General Sher Ali, a senior right wing general who was Pakistan's Ambassador to Indonesia at the time. Sher Ali put forward an elaborately reasoned philosophy of the most profitable role of the military in the state. The nub of Sher Ali's advice was that Yahya should immediately withdraw military officers from the field and leave the business of administration to civilians; establish a cabinet of civilians ministers, even if only nominally, at the center to act as a buffer between the administration and the military rank and file, and finally, and not least, to promise immediately that general elections would be held on a free and fair basis. There were some suggestions that this long and sophisticated letter was masterminded by the CIA. Be that as it may, it impressed Yahya and all that Sher Ali had recommended was promptly accepted.

The central concept in Sher Ali's thought was that the reason the military was able to snatch the initiative from politicians after the fall of Ayub was not because of its firepower. He wrote (in effect): "If we had to shoot our way through Nawab Pur road (the main road in Dhakka) we would have had a conflagration on our hands that no amount of fire power in our control could have handled". The strength of the army which enabled it to seize the initiative from incompetent politicians in March 1969, he argued, lay in its charisma. This was a precious political resource that once lost would not be easily retrieved. It existed because the mass of the people had not actually encountered the army directly. For them it was a mythical entity, a magical force, that would succour them in time of need when all else failed. In the minds of the people, unlike the bureaucracy and the politicians with whom they had daily contact and whom they knew to be corrupt and oppressive, the army was the final guarantor of Pakistan and its well being. This charisma, Sher Ali argued with much candour, was based on false premises and was, therefore, extremely fragile. It existed only because the common people had no actual contact with the army and did not realize that army personnel were fashioned by Almighty from the same clay as other Pakistanis. Direct contact with army would disillusion the people and destroy the charisma, a resource that had to be cherished and conserved for it was invaluable in time of crisis. The logic of Sher Ali's strategy was not that the army should give up

power. On the contrary, it was meant to be a prescription for the perpetuation and safeguarding of the power of the army in the state and national affairs. His argument was grounded in a distinction between power and responsibility. Power was a resource to be prized and firmly retained. Responsibility was not only a burden, but by making the holder of responsibility the target of popular discontent, it undermined power. Nothing was to be gained by military men holding high office in the state, which could be counter – productive. As long as the military held the reality of power, a decisive say in the affairs of the state, unrestricted access to resources and privileges and veto over matters that the military was concerned about, it was better for civilians to carry the responsibility of holding high office in the state. As long as we have the power, let them carry the responsibility, was his formula. This philosophy called for general elections to install politicians in office, and Yahya promptly announced these.

A necessary condition for the Sher Ali formula to work in the interest of the oligarchy was to have a badly divided parliament and warring political parties, so that the army could assume the role of a referee. A great deal of effort was devoted to supporting weak parties to ensure that they make a good showing. The result of the 1970 elections, therefore, came as a rude shock to the ‘establishment’ and not for the first time, for in 1954 the result of the East Pakistan Provincial elections had astounded everyone. The Awami League won a massive majority not only in East Pakistan but an absolute majority in the national parliament as a whole. In West Pakistan, Mr. Bhutto’s party had swept the board but he ran the risk of being a permanent leader of the opposition, given the Awami League absolute majority. The result was acceptable neither to him, nor, which is more to the point, to the ‘establishment’, - the military bureaucratic oligarchy. The defeat of the 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, destroyed the cherished charisma of the army and the credibility of its leadership. The crisis of power was resolved only by the military inviting Mr. Bhutto, the majority leader in West Pakistan, to form the government in what Mr. Bhutto called a new Pakistan.

Mr. Bhutto was conscious of the role of the military – bureaucratic 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, a disreputable police officer – 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 - bureaucratic 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.

Once again the military was back in power and once in power, Zia and the military had no intention of leaving. In order to consolidate his power, Zia followed the Sher Ali formula, coopted political parties opposed to Mr. Bhutto and PPP and inducted their leaders in his cabinet. Instead of alienating civil servants, he utilized their talents and picked up Mr. Ghulam Ishaq Khan and Mr. Aga Shahi, two very experienced and highly respected civil servants and gave them key position of trust and responsibility (Finance and Foreign Affairs) in his cabinet.

Zia's sudden death in August 1988 in a mysterious air crash created a wholly new situation in the country. After discussing various options, the top army brass decided to follow the constitutional procedure and invited the chairman senate, Mr. Ghulam Ishaq Khan, a close associate and trusted confidant of Zia, to assume office as the President of Pakistan. This could be seen as a reversion to the Sher Ali formula of holding on to power but devolving responsibility on to a civilian government.

The kaleidoscopic politics of Pakistan that followed - the dismissal of Benazir and Nawaz Sharif governments by the president, the role of the superior judiciary, the manipulation of political leadership by the army chief, the Byzantine intrigues, the moves and counter-moves need not be elaborated here. The point that is central to this analysis is that, like it or not, in the final analysis, political sovereignty in Pakistan 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.

All our political leaders from Iskandar Mirza onwards committed a fatal error in not realizing that army was a permanent reality in Pakistan; that it was the final arbiter in the affairs of the state; that it was a fact of life that no civilian ruler could afford to ignore as the fate of Bhutto and Nawaz Sharif has amply demonstrated. The lesson of our history is that no political system, parliamentary, presidential or any other, has any chance of survival if the army has no role in it. However, by itself, no army, no matter how strong, can govern a country or has ever rescued a country from internal disorder, social upheaval or prevented its disintegration. Examples abound.

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, a natural ally of the military in the past, 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. Contrary to the Sher Ali formula of indirect military rule, President Musharraf has involved military officers directly in government at every level and has created a vested interest by giving military personnel at all levels access to opportunities for profit and corruption. Military officers have replaced career diplomats and civilian employees of government and public enterprises in numbers larger than ever before. This has caused wide spread resentment and discontent. Not surprisingly, for the first time in the history of Pakistan, a military government has alienated the civil bureaucracy and lost its good will.

The hands of the nation's clock stopped the day the Quaid's heart stopped beating. Pakistan is a case of failed leadership, not failed state. The oligarchy has contributed, directly or indirectly, to our generation's anguish and sense of betrayal, to our loss of confidence in our rulers, in our country, in our future, in ourselves and bears a heavy responsibility for the mess it has left behind. We have a horrible past, a troubled present, and an uncertain future but we don't have to succumb to doomsday prophecies. Unfortunately, nobody can undo the past. We can't go back in time and fix the tragic mistakes of the past, but we can make sure that we don't repeat them in the future. Einstein once said that to keep trying the same thing over and over with the expectation of a different result is the definition of insanity. There is nothing President Musharraf can do about yesterday, but he has an obligation not to repeat the mistakes of the past and do something constructive and durable tomorrow and in the next hour that will survive him. The only way the lessons of history stay learned is when they are embodied in institutions.

A New Beginning ?

*"When to the sessions of sweet silent thought,
I summon up remembrance of things past."*

My sadness in following the events since independence, is deepened by bittersweet memories of the euphoria of the Pakistan dream that was being dreamed in the heady days of 1947 when Pakistan was so very new and hopes were so very high.

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. I witnessed its dissolution and the emergence of two independent sovereign countries.

"For the old order changeth yielding place to new and Ceasar too passes into the story of things that had happened and ceased to be."

I was in Srinagar on 14th August 1947, the dawn of independence, holidaying in the company of my father and Ghulam Ishaq Khan, the future President of Pakistan. The fate of Kashmir was hanging in the balance. There was a profound divide between the Muslim Conference and the National Conference represented by Mirwaiz Muhammed Yousuf Shah and Sheikh Abdullah respectively. No one knew for sure what would happen, were the question of the future of the state of Jammu and Kashmir to be put to the entire electorate in a fair and free manner. In this charged atmosphere in Srinagar, Ghulam Ishaq Khan would ask his driver to slow down, address the nearest Kashmiri, ask him to say "Pakistan Zindabad", dip into his pocket and pay him a rupee.

As a young subordinate judge, I presided over the Referendum held in Swabi on 6th July 1947, to decide the future of my home province. The result was a foregone conclusion. The province was in the grip of wild excitement. An atmosphere of mystic frenzy prevailed everywhere. Students and teachers, young and old, men and women, poured their idealistic zeal into the emotionalism of Pakistan. We perceived Pakistan as a bright dream, a passionate goal, the vision of paradise on earth.

Recalling in late middle age what the French Revolution had meant to his generation, Robert Southey wrote that few persons but those who had been young at the time could comprehend how the Revolution had opened a visionary world. 'Old things seemed passing away, and nothing was dreamt of but the regeneration of the human race.' That is how I felt on August 14.

Memories come back to me like shards of glass, prompting tears, sorrow, and anger. 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.

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-an essential condition for the imposition of Martial Law in peacetime according to Dicey. The country was abuzz with politics, but that happens in all democracies, especially on the eve of election.

"Service is the backbone of the state," Mr. Jinnah told civil servants in an informal talk in Government House Peshawar on 14 April 1948. His words are still ringing in my ears. "Governments are formed, governments are defeated, Prime Ministers come and go, ministers come and go, but you stay on-maybe some of you will fall victims for not satisfying the whims of ministers. I hope it does not happen, but you may even be put to trouble not because you are doing anything wrong but because you are doing right." The people who followed Mr. Jinnah knew what to do. They stripped civil servants of constitutional and legal protection and reduced them to the level of domestic servants.

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. Sometimes, I wonder if it ever occurred to Mr. Jinnah that one day Supreme Court Judges would be appointed not because of their abilities and character, but because of their loyalty to the Executive and their political affiliations.

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 civilian dictators? Why did it acquiesce in the desecration of the Supreme Court? Why did it strip the President of all powers at the behest of a civilian dictator?

Why did Pakistan become a land of opportunities for corrupt, unscrupulous, unprincipled politicians; 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?

These are some of the questions that continue to haunt me. Every now and then, I unburden myself of the things that weigh upon my spirit and torment my soul: the *cri de coeur*, the sense of being in a blind alley, the perception of our collective guilt, the knowledge of all that has been irrevocably lost.

Just when we thought all was lost, Fate intervened. Nawaz Sharif was toppled. General Musharraf seized power in what might be described as a consensual coup d'etat on October 12. Like millions of my countrymen, I too welcomed the change and heaved a sigh of relief. Our long national nightmare was over. It was morning again in Pakistan. After the trauma of Nawaz Sharif and the loot and plunder of Benazir and Asif Zardari, the emergence of General Musharraf was widely regarded as an opportunity for a new beginning. Boundless hopes and expectations were invested in the unsullied young military leader. General Musharraf has assumed an awesome responsibility and faces a daunting task. He has one big advantage. His accession to power was hailed with jubilation and quite genuinely acknowledged as the only way out of the mess left behind by Benazir and Nawaz Sharif.

But now it looks like the honeymoon is over. Even revolutions have a "morning after". 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 economy shows little perceptible

sign of recovery. Poverty has deepened. Investors' confidence has not been restored, partly because the law and order situation shows no sign of improvement and nobody knows what the future shape of things will look like.

The accountability process seems to have run out of steam and is painfully slow. Many known corrupt holders of Public office are still at large. Is it too difficult to prove that they had abused their power or betrayed the trust reposed in them by their constituents? Are there any legal impediments? If so, why can't these be removed? Unless the "people's representatives" are strictly called to account now, sent to prison, disqualified and prevented from recapturing the parliament, the entire democratic process will be reduced to a farce once again. Can general good be done without bruising a few individual interests? Can we make an omelette without breaking eggs? Has anything great ever been achieved without hurting entrenched vested interests?

President Musharraf deserves full credit for the thaw which has developed in the icy tensions which had become normal between India and Pakistan. His performance at the breakfast session with Indian editors and intellectuals was brilliant and impressed friends and foes alike. He spoke with deep conviction, sincerity of purpose and great passion. It is unfortunate that the honeymoon summit which started so well ended in a whimper without a mutually agreed framework for future talks and without a joint declaration or even a joint statement. But Indo-Pak diplomacy has been ventilated by fresh winds now. There is a growing realization that for India and Pakistan the only way to avoid the fate of what Toynbee calls "corpses in armour" is to have a civilized dialogue and resolve the Kashmir dispute. It is time for us to break out of violence and break through to peace and reconciliation.

How have we played our part since independence? Our generation has nothing to be proud of. We are leaving behind a splintered, impoverished country, plagued by political, ethnic, sectarian divisions. Isn't it a great tragedy that more than fifty years after its creation, Pakistan's quest for a stable political order remains elusive? Isn't it ironical that today it is the armed forces and armed forces alone which are preventing the country from disintegration and economic collapse? But the lesson of history is that by itself no army, no matter how strong, has ever rescued a country from internal disorder, social upheaval and chaos. No army was more powerful than the Red army which faced the full might of the wehrmacht, chased it all the way to Berlin, smashed it to pieces but it could not prevent the disintegration of Soviet Union, a super power not too long ago, which has now become the laughing stock of the world.

We are citizens of no mean country, a country earned for us by the sweat of one man. I am proud of the land of my birth, and also of my choice, proud of our

people, our culture and our traditions. However that pride should not allow us to forget our many weaknesses and failings and blunt our longing to be rid of them. Looted and plundered and ravaged again and again by corrupt rulers, Pakistan bounced back and managed to survive. Surveying the past, Pakistan looks somewhat wistfully and longingly at the progress made by other countries in our part of the world. It is not inconceivable that if Fate had been less malignant and our rulers less corrupt and greedy, today Pakistan might have been not only more secure and stable, but also more prosperous and more advanced in all that makes life worth living.

My generation may carry on for a little while longer. Some of us already feel the icy touch of death pass by in darkness. Being over seventy is like being engaged in a war. All your friends are gone or going, and you survive amongst the dead and dying as on a battlefield. Our day will soon be over and we should give place to others, and they will live their lives and carry their burdens to the next stage of the journey. They have a long way to go and much leeway to make up. And they have to hurry up for the time at their disposal is limited and the pace of the world ever faster.

How will history remember President Musharraf? He was pushed into history but he cannot be pushed out of history. There is no doubt that he pulled the country back from the edge of the precipice. He rescued the country from the marauders who looted and plundered it in the name of democracy. His greatest challenge, however, lies ahead. Can he deliver on his promises? Can he prevent the corrupt from recapturing the parliament; can he stop Pakistan from swinging between fake democracy and naked dictatorship going from one extreme to the other, as has been the case throughout our troubled history and leave behind a stable political order?

To borrow one of Mao's phrases "the road is tortuous, but the future is bright." If we are not careful, the road ahead of us maybe more tortuous and the future darker than anticipated. "What will happen to the next generation if it all fails?" Mao asked. "There maybe a foul wind and a rain of blood. How will you cope? Heaven only knows."

The Summit That Never Was

In the final days of May this year, Prime Minister Atal Bihari Vajpayee sprang the surprise of inviting General Musharraf to India for talks. The Indian government at first shunned General Musharraf for they held him responsible for Kargil and the two-year interruption in the high-level talks between India and Pakistan. The surprise invitation changed all that and provided clear evidence that a slight but discernible thaw was developing in the icy tensions which had become normal between India and Pakistan. It is likely that Mr. Vajpayee, 76, his knees weak from arthritis and approaching the end of his long career, wanted to leave a legacy as the first Indian leader to promote peace with his country's longtime foe.

On July 14, President Musharraf flew to Delhi for the fateful summit meeting with the Indian Prime Minister. As his plane took off from Islamabad, millions of people hoped and prayed that nothing would mar the prospects for the success of the meeting which many considered would prove to be a turning point in relations between India and Pakistan. The die was cast. President Musharraf had crossed his Rubicon. Evidence favours Plutarch rather than Suetonius in the matter of what Caesar actually said when he crossed the Rubicon. Pollio, who was there, says that Caesar quoted some of a couplet from the new comedy poet and playwright Menander, and quoted it in Greek, not in Latin. "Let the dice fly high"! Not "the die is cast". "The die is cast" is gloomy and fatalistic. "Let the dice fly high" is a shrug, an admission that anything can happen. Caesar was not fatalistic. He was a risk taker. So is Musharraf.

On the eve of the Agra Summit, I wrote (DAWN, July 12, 2001) "when President Musharraf flies to Delhi on July 14 in search of peace and freedom for the people of Kashmir, some would compare the event to Neil Armstrong's, 'one small step for man, one giant leap for mankind' on the moon. And when he shakes hands with Prime Minister Atal Bihari Vajpayee, others would draw a parallel with the fall of the Berlin wall. Neither comparison is quite right, yet both contain elements of truth. President Musharraf's expedition to what seems to most Pakistanis an alien world may prove to be just the start of a long journey whose end nobody knows.

Today Pakistan has produced a new leader who has taken up the journey for peace with India from a position of strength and out of conviction. It is an extremely important step he is taking, but it is also a risky step on an unknown and tortuous road. President Musharraf carries, to the summit, the hopes,

expectations, aspirations, fears, apprehensions and prayers of million of people in Pakistan and Kashmir”.

On Saturday July 14, India extended an elaborate welcome to President Musharraf in New Delhi, greeting him with a 21-gun salute. President Musharraf sprinkled rose petals at the memorial of Mr. Gandhi. He wore a white achkan (a bit too long) for the official welcome ceremony and a sport shirt and khakis for a visit to his boyhood home. When Vajpayee invited President Musharraf to “walk the high road of peace with him, the General expressed a desire to take a stroll down the memory lane. The shabby compound in the working-class Daryaganj area was renovated completely for the brief homecoming by the General who spent his early childhood there before his family migrated to Pakistan. As he went round the area, General Musharraf was exploring the corridors of memory.

With the marble domes of the Taj Mahal’s symbolic backdrop to their landmark meeting, President Musharraf and Prime Minister Vajpayee, appeared relaxed during a prolonged handshake that preceded their talks. They talked through a working lunch of soups, kebabs and Indian dishes before a late afternoon break so that President Musharraf and Begum Sahiba could visit the Taj Mahal. The talks were described as “cordial, frank and constructive”. Indo-Pak diplomacy had suddenly been ventilated by fresh winds. We had entered the age of what is called “odd couples”. Leaders of two hostile nations with different backgrounds and different credentials were holding a civilized discourse as partners in a journey toward peace in south Asia. People all over the world rubbed their eyes at this spectacle.

But summitry has its dangers too. At the Paris summit held in May 1960, President de Gaulle, presiding, had not even finished calling the meeting to order, before Khrushchev was on his feet, red-faced, loudly demanding the right to speak. General de Gaulle looked rather quissically at Eisenhower, turned to Khrushchev and allowed him to speak. All hell then broke loose. The chairman of the Soviet delegation then launched on a long diatribe against the United States because of the U-2 incident, and dramatically revoked the invitation that he had previously extended to Eisenhower to visit the Soviet Union. Deadlock was apparent, and Khrushchev with his entire delegation stalked out, saying that he was going to give a written statement to the press, at the moment of his own choosing. Both President de Gaulle and Prime Minister Macmillan suggested that Khrushchev was acting more like a student reciting a difficult lesson than as a person who was speaking his own convictions and beliefs.

Very soon it became clear that the talks had run into difficulties and that hardliners on the Indian side were preventing any tendency toward accommodation. The highlight of the visit, however, was President Musharraf’s

breakfast session with Indian editors and intellectuals. His performance was brilliant. He spoke with deep convictions, sincerity of purpose, and passion. The logic of his argument that Kashmir was the core issue was irresistible. Without a clearly defined goal, the President told his Indian guests, the so-called confidence building measures had no chance of achieving their purpose. Confidence is not an abstraction that exists for its own sake, it assumes meaning in relation to a goal - it is confidence that the goal can be achieved. "Confidence-building measures" can only mean steps that lead Kashmiris to believe that they will achieve their goal, their destiny. But if that goal remains unconfirmed, what meaning could "confidence-building measures" conceivably have. President Musharraf made it abundantly clear that Kashmir is the only key if there is to be any peace in South Asia. Admission of the centrality of Kashmir issue by the Indian government might take time but most the Indian and international media is now convinced that normalization of relations between Islamabad and New Delhi is not possible without coming to grips with the core issue of Kashmir.

It is unfortunate that President Musharraf could not convince the Indian side that Kashmir was a disputed territory or that it was a core issue bedeviling relations between the two countries. The "honeymoon summit" which started so well ended in a whimper without a mutually agreed framework for future talks or without a joint declaration or even a joint statement. The Indian leadership lacked the political will, statesmanship and courage to take the next step on the tortuous road to peace.

Indians seems to think that they can keep Kashmir by force. They don't realize that everything is against them. History. The people. The terrain. "In matters of state", Richelieu wrote long ago in his Political Testament, "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". A Maxim rarely contradicted in the intervening centuries. Wisdom, however, is born only when such illusions of grandeur die. "As for India which is now emerging as the major power in South Asia", wrote Kissinger, "its foreign policy is in many ways the last vestige of the heyday of European imperialism, leavened by the traditions of an ancient culture". There can never can be any progress toward a peace settlement in South Asia unless and until the Indians liberate themselves from the staggeringly unrealistic delusion that they can keep Kashmir by force.

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". For India and Pakistan, the only way to avoid the fate of "corpses in armour" is to have a civilized dialogue and settle their

disputes, beginning with the core issue of Kashmir. A country can choose its friends and allies, but it can't choose its neighbours. Both India and Pakistan are handcuffed to history and geography. One day they will realize that a close neighbour is better than a distant brother.

The summit is in sight but a lot of hard climbing remains to be done.

Where - If Not at the Summit?

When President Musharraf flies to Delhi on July 14 in search of peace and freedom for the people of Kashmir, some would compare the event to Neil Armstrong's, 'one small step for mankind' upon the moon. And when he shakes hands with Prime Minister Atal Bihari Vajpayee, others would draw a parallel with the fall of the Berlin wall. Neither comparison is quite right, yet both contain elements of truth. President Musharraf's expedition to what seems to most Pakistanis an alien world may prove to be just the start of a long journey whose end nobody knows.

Today Pakistan has produced a new leader who has taken up the journey for peace with India from a position of strength and out of conviction. It is an extremely important step he is taking, but it is also a risky step on an unknown and tortuous road. President Musharraf carries, to the summit, the hopes, expectations, aspirations, fears, apprehensions and prayers of million of people in Pakistan and Kashmir.

The phrase "summit diplomacy", in which the two leaders will be participating, goes back to Winston Churchill. "The idea appeals to me of a supreme effort to bridge the gulf between the two worlds, so that each can live their life, if not in friendship at least without the hatreds of the cold war". Churchill went on to propose East - West negotiations at the highest level. Between 1955 and 1960 he proposed such negotiations on more than forty occasions. His persistence was resisted by many of his own colleagues and, especially, by leaders of the United States. Some attributed his insistence on summit meetings to his advanced age and personal vanity. Nevertheless, he had coined a durable phrase in asking, "if there is not at the summit of the nations the wish to win the greatest prize of peace, where can man look for hope". But in Washington where real power lay, President Eisenhower was austere reluctant to indulge in the dramatic temptations of summitry. From Potsdam in 1945 to Geneva in 1955, no American President took part in a summit meeting. Moreover, the first summits in the 1950s were not very fertile. The major heads of states came together in Geneva in 1955, at Camp David in 1959, and in Paris in 1960. It would be hard to prove that they left the international scene in greater serenity than they found it.

It seems, however, that scepticism about summitry is in direct proportion to the personal distance of the sceptic from the summit. Thus in 1957, when he was perched on the lower slopes, Kissinger could hold that many of the arguments advanced on behalf of summit meetings were "fatuous in the extreme". He argued that the proposition that only heads of state could settle intractable

disputes was not borne out by experience. Problems of great complexity, which had divided the world for a decade and a half, were not likely to be resolved in a few days by harassed men meeting in the full light of publicity. He believed that summitry would give birth to a vogue of "intellectual frivolity, the evasion of concreteness, the reliance on personalities, the implication that all problems can be settled with one grand gesture".

These arguments appears sound, but their fragility is illustrated by the speed with which they are relinquished whenever the theoretician becomes the practitioner. Kissinger's criticism of summitry vanished when he himself qualified not only as the free world's most eminent and skillful negotiator, but "the only US secretary of state under whom two presidents served".

The most serious defect of summitry is its negative influence on the status and dignity of embassies. But the plaintive protest of ambassadors against summitteering appears to be futile. The best course is to abandon denunciation and bow to the inevitable. Negotiations at lower level of authority was inevitable in the eras of limited communication simply because it was not feasible for sovereigns to meet each other frequently. In the early part of the 18th century, for example, a British Prime Minister, Sir Robert Peel, informed his colleagues in London that he had found a way of making the voyage from Rome to London in "a mere thirteen days". A journey from Boston to New York used to take four days. The highest rate of travel in those days was ten miles an hour. It is clear that in the era of six hundred miles an hour, it would be absurd for heads of government to behave as if the communication revolution had not occurred. In a letter to his Secretary of State, President Jefferson wrote: "we have not heard from our ambassador in Spain for two years. If we do not hear from him this year - let us write him a letter".

It was in world war II that summitry came into its own with the publicized and dramatic encounters of Roosevelt, Stalin and Churchill. Yet even then, the hardships and hazards of prolonged travel were still so acute that each occasion gave hostages to fortune in the physical as well as in the diplomatic sense. Only the emergency of war could have impelled these elderly men to accept such frequent toil and risk. Today there is not much risk and very little toil.

The wholesale deprecation of summitry is ill founded. The balance sheet of result is ambivalent. There have been occasions when summit meetings have left the international atmosphere even more disturbed than it was before. Such was the Khrushchev - Eisenhower - Macmillan - De Gaulle summit in Paris in 1960, which exploded on the U-2 issue. Yet it is difficult to believe that the error ascribed to Yalta - delivering Eastern Europe into Stalin's hands - would have been avoided if the negotiators had not been heads of governments. The

American opening to China was only conceivable if it could be enacted conspiratorially at high levels of decision. The Camp David accords of 1979, with their sensational climax in an Egyptian - Israeli peace treaty, could never have been concluded without the intimacy of three leaders in secluded encounter, free from the pressures of domestic constituencies.

Up to the end of the 1930s, it was possible for a statesman to be a Prime Minister even of Britain or France without ever having met a President of the United States. This was actually the case with Neville Chamberlain who never met Franklin D. Roosevelt. Today, a pilgrimage to major countries - especially Washington - is the first care of every elected, appointed, or self-appointed leader.

Paradoxically, if summitry has its dangers, these are reduced by multiplication. When a summit meeting was rare, conspicuous, and dramatic, there was a chance that its failure would generate deadlock or despair. A device that was designed to alleviate world tensions would end up by aggravating them. Now that summit meetings have become prosaic and even routinized, their failures, if not too frequent or drastic, can be absorbed without shock.

In any case, decisions about the frequency of summit meetings depend on the personal inclinations of the world leaders. The lack of super power summitry between 1945 and 1955 was because Truman and Eisenhower tended to rely on strong secretaries of state, Dean Acheson and Foster Dulles. Most of the adverse criticism of summitry comes from professional diplomats. Their principal accusation is of superficiality arising out of haste. There is no time for the careful, meticulous study of problems. One of the difficulties in the controversy about summit meetings arises from the ambiguity surrounding the ideas of success and failure. What do these words mean? The critics of summit meetings believe that if the encounter of powerful leaders ends up on a contentious note, it is assumed that injury has been done to the international cause. This may not necessarily be the case. The idea that a summit meeting is successful only if it ends in fatuous declarations of harmony ought surely to have died a permanent death after the fateful Munich conference in 1938. How will the Agra summit between President Musharraf and Prime Minister Atal Bihari Vajpayee end? We have to wait and see.

It is significant that President Musharraf is beginning his historic journey for securing freedom for the Kashmiris on Bastille day when an armed mob of Parisians stormed Bastille, a castle of darkness and secrecy, a place into which men would disappear without warning and never again see the light of day until their bones were disinterred by revolutionary excavators. Today, the whole of occupied Kashmir is one vast prison and millions of Kashmiris are busy

scampering over the monstrous cliff - like ramparts of this Bastille, that can only be conquered by the super human courage and will of the people of Kashmir.

When the prison barber was brought to him, Linguet made the grim quip that became famous. "He', Monsieur, you wield a razor? Why don't you raze the Bastille? Are President Musharraf and Prime Minister Vajpayee destined to demolish and raze the Bastille in Kashmir?"

Case of Failed Leadership

“What I want you to do”, said Harry Hopkins to Lorena Hickok in July 1933 when America was in deep economic trouble, “is to go out around the country and look this thing over. I don’t want statistics from you. I just want your own reaction, as an ordinary citizen. Go talk with preachers and teachers, businessmen, workers, farmers. Go talk with the unemployed, young and old. And when you talk with them don’t ever forget that but for the grace of God you, I, any of our friends might be in their shoes. Tell me what you see and hear. All of it. Don’t ever pull your punches”. Hopkin had all the data but he wanted to touch the human face of the crisis. He wanted to taste in his mouth the metallic smack of the fear and hunger of the unemployed. Lorena did not disappoint him. She set out in quest of the human reality of the crisis facing America. Her reportage vivified real faces and voices out of the statistical dust. She found that and much more besides.

“The government”, General Musharraf told the Pakistani Americans a few days ago, “had stopped the economy’s downslide and turned it upwards as indicated by all economic indicators”. However, the articles in the press, he said, sometimes presented a different picture whereas the fact was that economy was not bad. This is good news and very reassuring. Does it mean we have passed the worst? Has the momentum of the crisis been arrested and the corner turned? Have we hit the bottom of the cycle and are now beginning to see the signs of revival? Or is the apparent bottom only a way station to a still deeper crisis? Have we slowly started climbing out of the depths of the abyss or is the country still teetering at the brink? Has our faltering, stumbling economy been steadied? Instead of wasting his precious time, scanning insipid intelligence reports and rivers of data flowing across his office, why doesn’t General Musharraf choose a perceptive observer, like Lorena, who could be counted on to see without illusion and report the ground reality fearlessly, with brutal frankness, candor and insight.

But whatever the state of the economy, what is the situation on the ground? 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 crisis. I have seen hundreds of these defeated, demoralized, hopeless men and women cringing and fawning as they come to ask for help. I have also seen respectable people murder their pride, descend from security, 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 sire, is the stuff that revolutions are made of. Against the backdrop of this abject poverty, the best economic strategy can sometimes be summed up in these words: just keep quite. That advice, however, is anathema to people in power who seem to believe that the public will be reassured by verbiage and statistical rigmarole. In such situations, silence is often the most articulate message a ruler can send.

On accountability, 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 will definitely suffer 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 accountability process is selective and not transparent. In America, 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. When he stood up to hear the sentence, US District Judge Norma Holloway rebuked him for he had violated the faith of his constituents. "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. When will our accountability courts convict holders of public office for abusing their office and betraying the trust of their constituents and send them to prison? That will be the finest hour of our judiciary and the accountability bureau.

On law and order situation, 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. And 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? 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!

Pakistan was descending into chaos when the army intervened on October 12. Its democracy was thoroughly corrupt, rotten to the core and neither representative nor effective. "It is a great tragedy", Bonaparte confided to Talleyrand after the Fructidor coup, for a nation of 30 million inhabitants in the 18th century to have to call on bayonets to save the state". What a melancholy reflection it is that in Pakistan, a nation of 140 million inhabitants, the army had to intervene on the eve of the 21st century to save it from its corrupt politicians!

Today, Pakistan is caught between a hard place and many rocks, with a nuclear bomb in one hand and a beggar's bowl in the other. These are times that try men's souls and moments when love for your country overrides all other considerations and calls for supreme sacrifice. We live in an age of midgets. The public stage is filled by weak-kneed triflers, mountebanks and charlatans begrimed with corruption. 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? When will Pakistan ever catch the flood tide of History?

General Musharraf is no crusader. He is no Tribune of the people. He is no enemy of entrenched privilege. But he is well-meaning, sincere and what is most important, his hands are clean. With all his limitations, he cannot fail. He must not fail, because he has awakened too many expectations, too many dreams, too many desires, too many hopes. I hope to God that when the time for him to leave comes, he does not turn the nation's car keys to those who robbed us of everything, our past, our present, our future. They come asking for another chance, another shot. Our answer? Never again. It is not the time for third chances. It is time for new beginnings.

Politics, no less than nature, abhors a vacuum. I shudder to think what might rush into the void when the army returns to the barracks. Today, it is the only cohesive force, the only glue that is keeping the Federation together. Perhaps this is one of those moments when a mass movement might wrest the initiative from

the established political authorities and impose its own agenda on the nation. Who might lead such a movement? Extraordinary times generate extraordinary candidates, and in extraordinary profusion. One thing is clear. The mysterious patience of our people in the face of adversity is showing signs of rubbing thin.

“What will happen to the next generation if it all fails”? Mao asked “there may be a foul wind and a rain of blood. How will you cope? Heaven only knows”.

Moment of Truth

“Though thou exalt thyself as the eagle and though thou set thy nest among the stars, thence will I bring thee down, saith the Lord”.

Former Naval Chief, Mansur ul Haq, was picked up from his ‘safe haven’ in Texas in the United States and produced before the Accountability Court No. 1, which granted NAB a 14-day remand of the admiral. He is now in FIA custody in Sihala Police Station, facing charges of taking kickbacks to the tune of US \$ 3,369,386 in defence deals including the purchase of Agosta submarines from France.

Insatiable greed and lust for money have landed Admiral Mansur in Sihala Jail, all his dreams shattered and gone, shunned by friends and foes alike, awaiting an uncertain future. “Short while ago, we saw him at the top of fortunes’ wheel...and now surely he is at the bottom of the wheel...to such changes of fortune what words are adequate. Silence alone is adequate”. The worst part of imprisonment is being locked up by yourself. You come face to face with time. And there is nothing more terrifying than to be alone with sheer time. Then the ghosts come crowding in. They can be very sinister, very mischievous, raising a thousand doubts in your mind about people. In the darkness of the night in his cell, when he has only the past for company, Admiral Mansur must be applying to himself Job’s words: “For the thing which I greatly feared is come upon me, and that which I was afraid of is come unto me”.

In public interest, Mansur’s trial should be open and conducted in broad daylight. More importantly, the case against him should, under no circumstances, be withdrawn by the state. On the first point, the legal position is quite clear. It was held in *Ali Nawaz V. Mohd Yousuf* by S. A. Rehman J., “that the circumstances that a high officer of government who also held a military rank was cited as an accused officer, by a private complainant, and this at a time when the country lay under Martial Law, were compelling considerations that favoured an open trial - so that justice should not only be done but should manifestly be seen to be done. The learned trial judge therefore does not appear to have exercised his discretion improperly in ordering an open trial”.

In the Province of west Punjab *V. Khan Iftikhar Hussain Khan of Mamdat respondent (PLD 1949, Lahore 572)*, it was held by Muhammad Munir, C. J. and Cornelius J. that where allegations of misconduct against an ex-minister were the subject of inquiry before the High Court under the Public and Representative offices (Disqualification Act 1949) and the evidence, led on the charges, in certain

respects directly referred to very high matters of state, public disclosure of which might be fraught with the gravest consequences to the state, it was ordered that instead of 'in camera' trial, for the present, it will be sufficient to restrict publication to a limited extent, and we accordingly direct as under: The press will be entitled to publish everything appearing on the courts' Record of Proceedings, except matter the publication of which is expressly forbidden by the court".

On the question of withdrawal of prosecution, it was held by Davis C. J. and Wenton J., in Emperor V. Sitaldas, disciple of Navalram (A.I.R. 30 1943 Sind 109), "That the ground of 'Public Policy' is not a proper and sufficient ground for withdrawal of a case. Ordinarily, it should be left to the trial magistrates' free and judicial discretion whether to allow the case to be withdrawn or not. We wish therefore to make it clear beyond all doubt that we will not accept the ground of public policy as a proper and sufficient ground for withdrawal of a case".

In Dhani Parto V. Munthar and another respondent (PLA 1978 Karachi 371 before Mushtak Ali Kazi, J.) it was held "withdrawal of prosecution - to be allowed on merits and not because some person or authority desired such withdrawal - fact of public prosecutor being instructed by District Magistrate to make application in that behalf - no sufficient ground for court to allow withdrawal - court to pass judicial order briefly stating facts, grounds and reasons for allowing withdrawal to show matter having been judicially considered".

In Ch. Muhammad Yaqoob and others V. the state and others (1992 SCMR 1983) it was held by Ajmal Mian, Sajjad Ali Shah and Saleem Akhtar JJ that state or the Public Prosecutor has no absolute power to withdraw a criminal case and the consent of court is required - court is obliged to apply its mind to the question, whether request for withdrawal is bonafide, warranted by the facts of the case and is intended to foster the cause of Justice and is not made in bad faith with the object to throttle the prosecution or to favour the accused person.

On the basis of the above authorities, the case against Admiral Mansur should, in all fairness, be tried in broad daylight in open court and decided on merit. The law does not give power to any Executive Official to usurp the functions of the court, and it does not allow any court to permit withdrawal just because some Executive Official desires so.

Whatever be the legal position, public interest demands - that light be shed on this sordid episode in the name of the people of Pakistan who have suffered so much at the hands of their corrupt rulers. I realize what storms it is going to stir

up, but truth and justice are sovereign over all else, for they alone make a nation great. Political interests or special interests may blot them out momentarily but any nation that did not base its *raison detre* on truth and justice would today be a nation doomed. I am striving for the honour of the armed forces and the greatness of the nation and nothing else. It is my conviction that without ruthless accountability of corrupt politicians, corrupt civil servants, corrupt judges, and last but not least, corrupt generals, Pakistan will remain weak and sickly and will suffer as from a cancer gnawing at its flesh. If some corrupt people, who once held sensitive positions of trust and responsibility, have to be brought to justice and given exemplary punishment to make Pakistan healthy again, why shield them? Why not make a horrible example of them?

I realize that the interests involved are too great and the men who wish to stifle the truth and protect the guilty, are too powerful and, therefore, truth may not be known for some time. But there is no doubt that ultimately, every bit of it, without exception, will be divulged. It will be difficult. It will require a great deal of effort, but truth will be revealed. And those who are combating the truth will find, to their dismay, that as the poet (Euripides) said: "Quos vult perdere Jupiter" (Jupiter drives to madness those whose downfall he desires).

Thanks to General Musharraf, the first step against high level corruption in the defence forces has been taken. He deserves full credit for this. Another step will follow; then another. It is a mathematical certainty. No one can prevent the truth from continuing its onward march any more than clouds that momentarily darken the sky can prevent the daylight from reaching us. Truth carries a power within it that sweeps away all obstacles. And whenever its way is barred, and whenever someone does succeed in burying it for any time at all, it builds up underground, gathering such explosive violence that the day it bursts out at last it blows up everything with it. You may keep it walled up a few months longer behind closed doors, but ultimately you will see that you have only paved the way for the most shattering disaster. No matter how deep you bury the truth, it burrows ahead underground and one day it will surface again everywhere and spread like vengeful vegetation. Truth, and not just truth but the whole truth, will awaken, and clamour, and unleash storms; where they will come from, I do not know, but come they will. I know that truth will find some other way of revealing itself, and that I dread. But you and I will not be able to live with ourselves if we do not see to it that the prosecution against Admiral Mansur is not throttled and the guilty do not go unpunished.

But where is the unanimous outcry of disgust, and where is the sense of moral outrage and loathing in the country? Why this public passivity? Here is a crime which at any other time would have kindled the public fury and brought forth demands for instant punishment. Why is it being treated as a civil suit? I worry

about one thing only: that light may not be shed in full and may not be shed immediately. A judgment behind closed doors, or a plea bargain resulting in a money decree against the admiral would not put an end to anything. For only then would the "affair of the admiral" truly begin: for people would have to speak up, since keeping silent would make them accomplices. What folly, it is, to think that one can prevent history from being written! Well, the history of this affair shall be written, and not one person with any responsibility in it, no matter how slight, shall go unpunished. How can such a corrupt person provide leadership? How can he inspire and motivate the troops to face the enemy bullets and make the supreme sacrifice when they know that he is begrimed with corruption and his hands are dirty? In a case like this no punishment can be too severe. The nation will applaud the guilty person's humiliation and incarceration. If such persons are allowed to get away, truth itself and justice itself would have been slapped in the face and Pakistan's cheek sullied by that supreme insult.

But first the passionate search for truth. "Truth", Oscar Wilde wrote, "is simply ones' last mood". Let the Admiral speak the truth, plain straight truth. Let Pakistan hear his side of the story. Let him take the revolutionary step of revealing everything, sparing none, ripping away all pretence. Let his voice not be stifled, Justice will come later.

Visit to St. Quentin State Prison, U.S.A.

In April 1981, I was invited by the U. S. Government to visit the States to study the working of a number of State institutions of special interest to me. At my request, a visit to the High Security St. Quentin State Prison was arranged. An official of the State Department was attached to me to act as my guide and conductor. St. Quentin was established in July 1852 at Point Quentin in Marin County as an answer to the rampant lawlessness in California at that time. During the construction, inmates slept on the prison ship, the Waban, at night and labored to build the new prison during the day.

As the official car pulled up to the front gate, I felt a number of things: curiosity, fear of the unknown, and rising tension. As a District Magistrate, I had visited a number of Jails in different parts of our country but this was a visit with a difference. I was on foreign soil about to be shown California's oldest and best known correctional institution as the Americans like to call some of their prisons. The States' only gas chamber and death row for all male condemned inmates are located at St Quentin.

Visiting jails, local or foreign, is not a very pleasant experience and can be very disturbing. When I entered the inner prison, I experienced an eerie feeling as I walked past the death row, accompanied by the prison warden and his staff. Before the tour ended, I was taken down in a lift to the holding area (9 by 14 feet) where condemned prisoners spend their last full day. As I entered the gas chamber, I felt the hair on the back of my neck stand up and experienced a deep chill inside me not related to the weather. The warden was explaining the execution procedure but I was not listening and walked out of the gas chamber as quickly as I could, badly shaken, numb with fear and feeling a bit queasy. "It is kind of hard to explain", the warden told me in a matter of fact tone, " what you actually feel when you talk to a man, and you kind of get to know that person, and then you walk him out of a cell and you take him in there to the chamber, and strap him to the gurney on which he is to be killed and tie him down, and then a few minutes later, his is gone". It is chilling to hear the process of what goes on, the ritual of execution. "I wonder", the warden told me, "whether people really understand what goes on down here and the effect it has on us". "How can you like this business of executing human beings who have done you no personal harm"? I asked. "It is like being a lavatory attendant. It is dirty and it stinks but someone has to do it", the warden replied. "And how does the condemned prisoner cope with imminent death"? I asked. "Death is a fearful, frightening happening". The warden replied. "But when the last ray of hope

vanishes, darkness engulfs the prisoner and he confronts the moment of truth. At that fateful moment, he comes to terms with the inevitable. There is in Japan the concept of flowing water: you let go as the unseen power leads you. In the end, you get over the wall of fear of death. When you finally get over that wall, it is like opening a door”.

Blissfully, I have never witnessed an execution myself, but I know the effect it had on my father. One of his duties as a magistrate was to witness this fearful business of executing fellow beings. He would come back home after the execution, in deep distress, a little disoriented and almost a nervous wreck. For hours, he would read the Holy Quran and not talk to us. It must have been a shattering experience which left an indelible mark on him.

Before I left St. Quentin, I was taken to a crowded reception hall where prisoners (not death row) met their families and girl friends. What I saw was shocking and revolting... prisoners, their wives or girl friends, in compromising positions, stripped of all human dignity, with their children playing at their feet. It was a disgusting, dehumanizing, pathetic sight. I wanted to throw up. I was told that the prison had two or three rest houses where prisoners could spend a few hours with their families in privacy, away from public gaze. “But such facilities are limited and hopelessly inadequate”, the warden observed. “I don’t have the heart to enforce the rules. The least I can do is to turn a blind eye to such activities and pretend that I had seen nothing”.

General Musharraf's Greatest challenge

The General was obviously well briefed and had done his homework. He had all the facts and figures on his finger tips. He reeled off statistics with which he overwhelmed the assembled journalists and columnists. As I watched his performance on T. V., I was reminded of Farooq Leghari who used to reel off statistics and, like the General, tended to be a bit long-winded with his answers. I was also reminded of Ghulam Ishaq Khan who had a memory that was remarkable not only for the huge amount of data it contained but for the astonishing speed and accuracy with which he was able to retrieve the facts he wanted. All other Heads of State or Government, elected or un-elected, civilian or military, who ruled Pakistan, left economics, the dismal science as Carlyle described it, to their Finance Ministers.

All in all, it was a very good performance, unprecedented in the history of Pakistan. But why was everybody, especially the three members on the panel, so studiously and embarrassingly quiet and polite? The General had come prepared to face tough questioning but very few prickly questions were asked. He was not put on the mat and got off rather lightly; perhaps a bit disappointed because nobody pierced through his armour; nobody got under his skin; nobody challenged his facts or conclusions. No wonder, the discussion was lackluster, insipid, dull, tasteless, lacking in vigour.

As for content, the General's replies were generally unconvincing. This is not surprising because unrealistically high hopes and expectations aroused on October 12 have since dimmed and faded away. The euphoria following the dismissal of Nawaz Sharif's Government has given way to the sobriety of the morning after and frustration. The radical changes we all expected and which seemed so certain at the time have not materialized. The economy shows no perceptible sign of recovery. Poverty has deepened. Investor's confidence has not been restored because the law and order situation is showing no sign of improvement. And nobody knows what Pakistan will look like after October 2002.

A year ago, ruthless accountability was on top of General Musharraf's agenda. Now it has been reduced to clandestine deals and plea bargains with criminals who bartered away the nation's trust and plundered the country's wealth.

General Musharraf genuinely believes that economic recovery is the key to progress and a panacea for all our ills including the mess we are in today. This is

only partly true. Economic progress can never be achieved and will never be sustainable without peace and political stability. There is no doubt that General Musharraf rescued the country and pulled it back from the edge of the precipice. But his greatest challenge lies ahead of him. And it is not economic recovery or good governance. Even on these two fronts, the law and order situation being what it is and showing no sign of improvement, a sullen bureaucracy, with the National Reconstruction Bureau bent upon experimentation and determined to demolish the existing District setup and create confusion, the danger is that the situation, instead of improving, might deteriorate further. Be this as it may, within the time limit fixed by the Supreme Court, General Musharraf stands very little chance of achieving any concrete results in these fields. I am not suggesting that efforts to improve the economy or the quality of administration should be given up or slowed down. All I am saying is that economic recovery and good governance are, no doubt, important but both are long term goals and must be treated as such.

It is now crystal clear that our primary problem is, and has always been, political, not economic. More than 50 years after its creation Pakistan's quest for a stable political order remains elusive. General Musharraf's economic agenda has no chance of success unless fundamental political issues are first resolved. His greatest challenge is the restoration of a stable democratic political order and, what is even more challenging, can he stop Pakistan from swinging between fake democracy and naked dictatorship, going from one extreme to the other, as has been the case throughout our troubled history? Or will the pendulum go on swinging as before with disastrous consequences for the country? He has very little time left. Events may overtake him and springtime may soon be a pleasant and all too distant memory for him. How will history remember General Musharraf? That will depend on how he responds to this challenge.

Sanctity of Oath Under 1973 Constitution

A Layman's View

The superior judiciary has played unusually important roles in determining Pakistan's fate during the last fifty years or so. It faced its first real test in October 1954 when the Governor General, Ghulam Mohammed, declared a state of emergency, stating that the constitutional machinery had broken down, the constituent assembly had lost the confidence of the people and could no longer function. However, here I intend only to examine the role of the judges of the Supreme Court with reference to their oath of office and the effect of their judgments on the validity of their appointment, as such judges, under the constitution.

I entirely agree with Chief Justice Said uz-zaman Siddiqui that the oath of office administered to judges of the superior judiciary is not a mere ritual which affects neither the nature of appointment of a judge of the superior court nor its jurisdiction. Taking of oath by a judge of the superior court is not a mere formality but a condition before he can assume his high office. It is this oath which lays down how he is to discharge his duties and perform his functions. In my opinion, the key words in the oath administered to the judges of the superior courts in the 1973 Constitution are; "that I will preserve, protect and defend the Constitution of the Islamic Republic of Pakistan". The first question, which arises for consideration, is; when Ayub Khan or Yahya Khan abrogated the Constitution were the judges of the Supreme Court not bound, under the solemn oath taken by them at the time they entered upon their high office, to preserve, protect and defend the Constitution? And if they failed to discharge their Constitutional obligation, how did it affect the validity of their appointment as such judges? In a subsequent judgment, the Supreme Court itself came to the conclusion that neither Ayub nor Yahya had any power to abrogate the Constitution; that the military rule of Yahya Khan was illegal and the assumption of power by him an act of usurpation. This being so, how could a judge of the superior court come to terms with a usurper, without violating the sanctity of his oath, just because the usurper had allowed the court to remain open for business and that too on his own terms? How could a judge accept limits and conditions that were not consonant or in harmony with the letter and spirit of his oath of office? How could the courts establish a practice of striking an unspoken bargain with those in power so that its ruling would be obeyed and those in power would not feel defied? How could the courts tailor their decisions

for expedience or, at times, simple survival without the judges violating their oath of office? Furthermore, how did Justice Yaqoob Ali Khan's observation, "that the judgments in Tamizuddin Khan's case, the 1955 reference and Dossos' case had made a perfectly good country into a laughing stock, that Iskandar Mirza and Ayub Khan had committed treason" affect the validity of the appointment of the judges who, in violation of their oath of office, sanctified and validated military rule?

On July 5 1977, when Zulfikar Ali Bhutto was ousted by a military coup the Constitution was held in abeyance and General Zia Ul Haq proclaimed Martial Law. The Supreme Court rejected the arguments that legitimacy on a coup was conferred by success, but validated the imposition of Martial Law as it was found to be dictated by considerations of state necessity and public welfare. Was this judgment consistent with the constitutional duty of the judges to "preserve, protect and defend the Constitution" and how did their failure to preserve, protect and defend the Constitution at that critical time, affect the validity of their own appointment under the Constitution? The court, as an Institution, had no power or jurisdiction to allow anyone to tamper with the Constitution. This was an exercise of power by the Court without precedent. The regime used the sword supplied to it by the superior judiciary itself to strike at the heart of the judicial power. Was it not violative of the solemn oath of office taken by the judges before they entered upon their high office?

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 had arisen—as regards the power and jurisdiction of the superior courts'. As a consequence of this power, judicial powers were extinguished and 1973 constitution effectively abrogated. The president/CMLA was given retrospective power by the Supreme Court to amend the constitution. The question arises: what happened to the oath taken by the judges to 'preserve, protect and defend the constitution?' How did all this affect the validity and legality of their appointment? Didn't they cease to be judges under the constitution as a direct result of the violation of their oath of office? And what about the legality of appointment of those judges who, instead of preserving, protecting and defending the constitution in accordance with their oath of office, elected of their own volition to take a new oath to uphold the PCO? The Supreme Court, the guardian of the constitution authorized the CMLA to dismantle the constitution brick by brick and change it beyond all recognition? How was this reconcilable with the solemn oath taken by the judges?

The PCO 1981, the attack on the Supreme Court masterminded by the executive and the latest Supreme Court Order no.1 of 2000, are the logical culmination of

the process started in 1955 with the judgments in Tamizuddin Khan's case, the 1955 Reference and Dossos' case, all violative of the oath taken by the judges before they entered upon their high office.

"No constitution", Dicey wrote many years ago in his 'Introduction to the study of the law of the constitution', "can be absolutely safe from revolution or from a coup de'tat". I agree with Late Justice Dorab Patel who, responding to criticism that the courts should have done more to forestall repression, referring to past judgements said, "how do you expect five men alone, unsupported by anyone, to declare Martial Law illegal?" This is correct but what circumstance prevented the honourable judges from resigning if circumstances prevented them from "protecting, preserving and defending" the constitution? The history of Pakistan might have been different if the judges of the superior courts had stood their ground and upheld the sanctity of their oath of office at a time when Pakistan was still very young and the dream had not gone sour.

If the oath of office prescribed under the constitution for the Chief Justice and judges of the Supreme Court is a mere ritual or a ceremonial act with no real significance and is honoured more in breach than in observance and its sanctity cannot be upheld by the judges, why not scrap it altogether, or amend it and delete the words: "that I will preserve, protect and defend the constitution of the Republic of Pakistan" and relieve the judges of this heavy burden which they obviously cannot carry? Why not shift this awesome responsibility to the Members of the Armed Forces, make them the guardians of the constitution, amend their oath, and add the key words "and protect, preserve, defend" before the words "and uphold" in their oath prescribed under Article 244 of the constitution? If nothing else, with this amendment no civilian dictator will dare assault and desecrate the Supreme Court of Pakistan again.

Rule of Law or Rule of Man

The Rule of Law is now a trait common to every civilized and orderly state. This was not always the case. In the year 1725, Voltaire, then the literary hero of France, was sent to the Bastille for a poem he had not written, of which he did not know the author, and with the sentiment of which he did not agree. What is worse, Voltaire was unable to obtain either legal or honourable redress because France was ruled by Royal arbitrariness and caprice. When we say that Supremacy of Law or the Rule of Law is a characteristic of our Constitution we mean that no man is punished or can be lawfully made to suffer in body or goods except for a distinct breach of law established in the ordinary legal manner before the ordinary courts of the land. In the second place, when we speak of the Rule of Law, we mean not only that no man is above the law but that every person, whatever his rank or condition, is subject to the ordinary law of the country and is amenable to the jurisdiction of ordinary courts.

Today Pakistan is not at war. There is no civil commotion in the country preventing the judges from going to courts. Civil courts are functioning normally. And yet, in a major departure from established law, President Musharraf amended the anti-terrorist law providing that anti-terrorist courts, now manned exclusively by judges, will, henceforth, include army officers not below the rank of lieutenant colonel as their members. The military member will be nominated by the Federal Government and High Court will have no say in the matter. The induction of military in the courts has altered the basic structure of the judiciary and has undermined the confidence of the people in the independence and objectivity of courts. It has also made mockery of the concepts of Rule of Law and Separation of Powers. With the induction of Military Personnel in the courts, judiciary will become subservient to the Executive and the Rule of Law will be replaced by Rule of Man. When that happens, no enumeration of Fundamental Rights in the Constitution will be of any avail to the citizen because the Courts of Justice would then become Government Courts.

Nothing better illustrates the determination with which judges, in England, have always maintained the Rule of Regular Law, even at periods of Revolutionary violence, than Wolf Tone's case. In 1798, Wolf Tone, an Irish rebel, took part in a French invasion of Ireland. The man - of - war in which he sailed was captured, and Wolf Tone was brought to trial before a court-martial in Dublin. He was thereupon sentenced to be hanged. He held, however, no commission from the French Republic. On the morning when the execution was about to take place, application was made to the Irish King's Bench for a writ of Habeas Corpus. The

ground taken was that Wolf Tone, not being a military person, was not subject to punishment by a court - martial, in effect, that the officers who tried him, were attempting illegally to enforce martial law. When it is remembered that Wolf Tone's substantial guilt was established, that the court was made up of judges who detested the rebels, that in 1798 Ireland was in the midst of a revolutionary crisis, it will be admitted that no more splendid assertion of the supremacy of law can be found than the protection of Wolf Tone by the Irish Bench.

In another case, when German U-boats put eight saboteurs on US shores during World War II, one of the eight called the FBI to betray the mission, but was brushed off as a crackpot. Days later, he called again and managed to persuade the FBI that he was an authentic saboteur. Partly to keep this embarrassment of bungled enforcement from becoming known, the eight were secretly tried by a military court inside the FBI Head Quarters. Unexpectedly, a US army lawyer assigned to the Germans, mounted a spirited defence. Colonel Kenneth Royall, citing a Supreme Court decision - holding that martial law could not be applied where Federal courts were in business - challenged the secret Tribunal's legality. President Roosevelt told his Attorney General that he would resist any Supreme Court decision to give the accused saboteur a regular court trial. Confrontation was averted only when the Supreme Court acknowledged the extra-judicial power of the President because it was wartime and the President was armed with a Congressional Declaration.

The induction of military personnel in courts established by law is violative of the spirit and letter of our Constitution. Clause (1) of article 4 of the Constitution provides that to enjoy the protection of law and to be treated in accordance with law is the inalienable right of every citizen wherever he may be, and of every other person for the time being within Pakistan. Clause (2) thereof lays down that in particular no action detrimental to the life, liberty, body, reputation, or property of any person shall be taken except in accordance with law. Since military courts or quasi - military courts in which Military Personnel participate, do not fit in within the framework of the Constitution, if a person was to be deprived of his life on account of execution of death sentence awarded by such a court or Tribunal, same will be violative of Fundamental Right contained in Article 9 of the Constitution.

In the case of Mehram Ali and others, a full bench of the Supreme Court enunciated the following legal propositions:

1. That Article 175, 202, and 203 of the Constitution provide a framework of judiciary i.e. the Supreme Court, a High Court of each province and such other courts as may be established by law.

2. That the words “such other courts as may be established by law” employed in clause (1) of Article 175 of the Constitution are relatable to subordinate courts referred to in Article 203 thereof.
3. That our Constitution recognized only such specific Tribunals to share judicial powers with the above courts which have been specifically provided by the Constitution itself. It must follow that any court or Tribunal which is not founded on any of the Articles of the Constitution cannot lawfully share judicial power with the courts referred to in Article 175 and 203 of the Constitution.
4. That the hallmark of our Constitution is that it envisages separation of judiciary from the Executive in order to ensure independence of judiciary.
5. That the courts / Tribunals which are manned and run by Executive authorities can hardly meet the mandatory requirements of the Constitution.

When the matter came up before the Supreme Court in Liaquat Hussain’s case, it was contended that it was infact terrorists, who violate Article 9 by depriving innocent persons of their lives and not the federal Government which promulgated the Pakistan’s Armed Forces Ordinance 1998 with the object to punish terrorists. No patriotic person can have any sympathy with terrorists who deserved severe punishment, but the only question at issue is, which forum is to award punishment i.e. whether a forum as envisaged in the Constitution or by a military court or a court with the participation of military personnel which does not fit in within the framework of the Constitution. There in no doubt that when a terrorist takes the life of an innocent person, he is violating Article 9 of the Constitution, but if the terrorist, as a retaliation, is deprived of his life by a mechanism other than through due process of law within the framework of the Constitution, it will also be violative of Article 9.

It was further contended that the establishment of military court or courts in which military personnel participate, is a temporary phenomenon necessitated by the grave situation created by the terrorists and, therefore, establishment of these courts should not be treated as a displacement or substitution of normal judicial process which will stand revived as soon as the present situation is brought under control. On these premises, it was further contended that the setting up of military courts is to be viewed in this perspective and treated as a step to support or revamp the judicial system which had lost its effectiveness in the prevailing circumstances.

It was held by the Supreme Court that a government established under the Constitution must not deviate from the Constitutional path and must find solution to all its problems within the framework of the Constitution. Therefore, to justify the establishment of military court or courts with the participation of military personnel, support must be found from the provisions contained in the Constitution. The Constitution does not countenance the take-over of judicial functions by the Armed Forces at the direction of the Federal Government. No circumstance exists in the country which indicates the breaking down of the judicial organ, necessitating establishment of military courts. It is imperative for the preservation of the State that the existing judicial system should be strengthened and the principle of trichotomy of power is adhered to by following, in letter and spirit, the Constitutional provisions and not by making deviation therefrom on any ground whatsoever.

It follows:

1. that the Right to have access to justice through independent courts is a Fundamental Right and therefore any law which makes a civilian triable for a civil offence which has no nexus with the Armed Forces or defence of the country, by a forum which does not qualify as a court in terms of the law enunciated in Mehram Ali's case PLD 1998 SC 1445 will be violative of Articles 9, 25, 175 and 203 of the Constitution.
2. That Armed Forces can be called in aid of civil but calling in aid of civil power does not empower the substitution or replacement by the Armed Forces of a civil power.
3. That the Constitution does not countenance the take-over of judicial functions by the Armed Forces at the direction of the Federal Government.
4. That the amendment of the anti-terrorist law is a thinly disguised attempt to introduce martial law and establish military courts "by other means".
5. That any court which has a military officer as one of its members is not a court within the meaning of Articles 175, 202 and 203.
6. That any sentence awarded by such a 'court' will be illegal and not executable.
7. That all members, civil or military, who participate in the proceedings of such a 'court' will, in effect, be engaged in illegally enforcing martial law and will, thereby, render themselves liable to legal action.

8. That the impugned ordinance, in so far as it allows the participation of military personnel in anti-terrorist courts for the trial of civilians charged with offences mentioned in section 6, is unconstitutional, without lawful authority and of no legal effect.

“La ley est le plus haute inheritance, que le roy ad; car par la ley il meme et toutes ses sujets sont rules, et si la ley ne fuit, nul roi, et nal inheritance sera”.

“The law is the highest inheritance that the King has, for by the law, he himself and all his subjects are ruled, and if the law is not there, there will be no King and no inheritance”.

The lesson of history is that when the Rule of Law gives way to the Rule of Man, the dykes of Law and Justice break and Revolutions begin.

Restore Nation's Core Values

"We live in scoundrel times", wrote Eqbal Ahmed. "This is a dark age of Muslim history, the age of surrender, capitulation and collaboration". Eqbal wrote about the travails of imperialism, the internal and external threats to the world of Islam. He distrusted standing armies, frozen bureaucracies and persistent oligarchies. He talked about the low points reached by Islamic states and cultures. Eqbal was in severe abdominal pain when I received him outside the emergency block of Pakistan Institute of Medical Sciences. Death was staring him in the face but Eqbal was not afraid of death. He was at peace with himself and never lost his dignity.

What would Eqbal have said or done if he were alive today. At the end of the Millenium, Pakistan has a much better idea of what it is leaving behind than of what lies ahead. '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 anymore. The entire country seems crippled by a national 'defaillance'. Pakistan no longer exists, but by that I mean the country of hopes and pride. Of course, Pakistan is still there. But I am really astonished at the ease with which our people accustom themselves to the life of a herd of sheep.

For the first time since the war of 1812, US national territory has been attacked. America is at war with militant Islam. The nations of the world face a stark choice: join us in our crusade or face the consequences. Those who are not with us are against us. Under pressure from Washington, President Musharraf executed a 180-degree turn, disowned the Taliban and offered unstinted cooperation to president Bush in his war against Afghanistan. Pakistan has been critical in this war. We allowed Americans the use of our bases to subject the poor Afghans to relentless air strikes and topple their legitimate government. We are also assisting America with intelligence to capture Osama dead or alive. The war has ended. The Taliban government has been toppled. A new government has been installed in Kabul but the bombing continues. "It was no victory", as Spengler wrote, "for enemies were lacking". The bet that the United States placed on Pakistan is bigger today than it was at the start of the war against Afghanistan. Pakistan is now at the heart of what the American war on terrorism is all about: whether the notion of Jihad - armed struggle by Muslims against oppression - is now all over and whether Muslim nations are going to follow the social and political model of Turkey or the so called Jihadi groups who believe in the universal brotherhood of Islam that cuts across nation - states. The irony is that the whole notion of Jihad, now almost a term of abuse, as an international pan-Islamic movement was born when Soviet Union invaded Afghanistan and

the United States saw an opportunity to mobilize and militarize the entire Muslim world against USSR, against communism, against the evil empire. The notion of Jihad as a just struggle had remained dormant in the Muslim world since the tenth century until the United States revived it during its Jihad against the Soviet Union in Afghanistan. For America and its coalition partners, now that Soviet Union is dead and gone, the days of 'Askari' or armed Jihad are now over. Silent, mournful, abandoned, broken, bleeding Kashmir will now recede into oblivion and left at the mercy of Indians. And in the words of Gray's Elegy, 'to darkness and to me'. She suffered in every respect by her association with corrupt leaders of Pakistan who always had their own agenda. I believe the Kashmiris left to themselves and told they were going to get no help would probably had been able to get better terms than they are likely to get now.

President Musharraf is the key player in the American war against radical Islam. In his bold, televised address, he passionately denounced radical Islamic ideology. He pledged to root out, not just terrorists targeted by India or the West but religious preachers, madrassas and other institutions which foment religious intolerance. "The day of reckoning has come", he declared, rather than allowing Pakistan to become a Theocratic state, he would fashion an alternative: "a progressive and dynamic Islamic welfare state". If he succeeds in changing the nature of Pakistan itself, as he hopes to do, he can claim the mantle of Muhammad Ali Jinnah or Mustafa Kamal Pasha who ruthlessly forced Turkey to break free from Islam and its stultifying Ottoman past: Is the Turkish path the right path to follow and is Mustafa Kamal the right role model for us as a religious reformer and modernizer?

Ataturk, founding father of the Turkish Republic, defeated the Greeks in central Anatolia. He thwarted the victorious allies' plan to partition the Turkish core of the Ottoman Empire. Turkey alone of the Muslim populated regions of the Middle East emerged from the First World War as a fully independent country. Ataturk abolished the organized institutions of Islam. The Ottoman Sultanate was abolished in 1923 and the Caliphate in 1924. Waqf endowments and Ulema were put under the control of a new office of religious affairs. In 1924, the Sufi orders were declared illegal and disbanded. In 1927, the wearing of Fez was forbidden. In 1928, Latin script was introduced to replace the Arabic script. In 1935, all Turks were required to take surnames in the Western fashion. A new family law based upon Swiss Legal Codes replaced the Sharia. The family laws of 1924 abolished polygamy. Thus, Islam was disestablished and deprived of a role in public life. The Republic declared its independence from Islam, while continuing to control it as the Sultans had done before it. According to the journalist Falih Rifki, one hoca rushed into Mustafa Kamal office in the Assembly, crying, "Pasha, if it is your intention to do away with the Holy Book, say so, and we will find a way to do it". In Turkey today Ataturk is honoured, not as a

religious reformer but as the founding father of the Turkish Republic. His religious and social reforms are highly controversial and a law protects his memory from insult. Whether the Kemalist political model is the right one for Turkey or any other Muslim country remains to be seen. But it is inconceivable that any ruler of Pakistan will ever launch an assault on Islam as Ataturk had done in Turkey and survive.

Henry Adams once wrote that the essence of leadership in the Presidency is “a helm to grasp, a course to steer, a port to seek”. President Musharraf grasped the helm more than two years ago but the country still doesn’t know whether he has an inner compass, or a course to steer or a port to seek. A President’s central purpose must be rooted in the nation’s core values. In our case, these values can be found in Mr. Jinnah’s speeches before and after the creation of Pakistan: 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, egalitarianism, social justice, ruthless accountability of rulers, and above all, national interest above self and national needs above personal survival. Presidents depart from the Nation’s core values at their peril. In the circumstances of today when millions are disillusioned and worried that the country was on a slide, Pakistan could regain its glory only if it found its core values and the leadership who would lead the way. Today Pakistan is like a rusty ship. It is barely floating, and instead of trying to repair the ship, President Musharraf just grabs a bucket of paint and starts painting it in progressive, modern colours. That won’t do. Equally important for Presidential leadership is courage. No President can succeed in these turbulent times unless he is prepared to fall on the sword in national interest.

If you have integrity, nothing else matters. If you don’t have integrity, nothing else matters. President Musharraf’s integrity is beyond reproach. He will be remembered for that. Yet, a sense of aching disappointment hangs over his Presidency. We didn’t think he came just to fiddle with the controls. We thought he came to change the direction of the ship and restore Jinnah’s legacy. How much he could have achieved... How much went smash.

Walking Along the Constitution Avenue

The constables took Ustad Mangu to the police station. On the way and at the police station, he kept yelling, "the new constitution... the new constitution". But no one understood what he was referring to. "What are you shouting about... what new laws and rights are you shouting about...the laws are the same old ones..." And Ustad Mangu was locked up in a cell.

Saadat Hasan Manto

"New Constitution"

On a bright sunny day, I thought I would take a long walk, going straight ahead in the belief, like Candide, that to use one's legs as one pleased was a privilege of the human species as well as of animals. The best thoughts came after the first half-hour. Afterwards, I felt a glow for hours on end. There is no better way to clear your head. Walking past the Parliament, I was struck by how the Parliament, Presidency and Supreme Court are all on one wide boulevard, called the Constitution Avenue. The only thing not on Constitution Avenue is Pakistan's Constitution because it is suspended. Whenever the army strikes, and it has done so four times since the inception of Pakistan, the constitution is either abrogated or suspended or held in abeyance.

After a lot of hard work and political give and take, Chaudhri Mohammad Ali managed to produce a constitution which was promulgated on March 23, 1956. Ayub Khan described it as a document of despair and a hotch-potch of alien concepts. In the darkness of the night, President Iskandar Mirza and Ayub Khan, his Army Chief, conspired to abrogate the constitution and stab Pakistan's fledgling democracy in the back. President Iskandar Mirza issued a special Proclamation to explain the circumstances under which this decision had been taken: "It is said that the Constitution is sacred. But more sacred than the constitution or anything else is the country and welfare and happiness of the people. The Constitution which was brought into being on March 23, 1956 after so many tribulations is unworkable. It is full of dangerous compromises so that Pakistan will disintegrate internally if the inherent malaise is not removed. To remove this, the country must be taken to sanity by a peaceful revolution". Ironically, Iskandar Mirza, President of Pakistan, became the first victim of his own decision. The Army tolerated his presence on the scene for no more than three weeks. He was made to resign and sent into exile. Ayub Khan, the man on horseback, was home and dry - his principal rival having fallen at the last fence - The Ayub regime, heralded as a successful revolution, was recognized by the

Supreme Court of Pakistan as “a basic law - creating fact”. Ayub Khan recognized that “our eventual aim must be to develop democracy in Pakistan, but of a type that suits the ‘genius of our people’”. Eventually, Ayub too was hounded out of office in a popular uprising against him, but before leaving he saw his entire constitutional edifice crumbling before his eyes. He demolished the Basic Democracy system brick by brick with his own hands and reverted to adult franchise. Towards the end Ayub symbolized a hated regime. He was the first to stab Pakistan’s democracy in the back. It was Ayub who committed the original sin. It was Ayub who inducted the Army into the politics of Pakistan. It was he who set a bad precedent. Others merely followed his example. In the process incalculable harm was done to the country and to the army.

The sovereignty of Parliament is the dominant characteristic of all our political institutions. Today it stands dissolved, unsung and unwept and has an empty and deserted look. All the ‘chosen representatives of the people’ left the ship and swam ashore to safety. As I walked past the haunted Parliament, I remembered my favorite old quotation of Cromwell’s when he dismissed the Long Parliament: “you have sat too long here for any good you have been doing. Depart, I say, and let us have done with you. In the name of God, go”.

The defunct constitution was the creation of a Sovereign Act. It was the result of extraordinary legislation direct from the people, acting in their sovereign capacity, laying down the methodology and extent of the distribution of powers; the method and principles of its operations as well as the spirit of the nation, its hopes, aspirations and dreams. As Thomas Paine cautioned in the Rights of Man, a country’s constitution is “not the act of its government, but of the people constituting the government”. Unlike ordinary law, constitution is framed for ages to come and is designed to approach immortality as near as human institutions can approach. It may nevertheless perish in an hour, as happened in Pakistan, by the ambition, or folly, or corruption, or criminal negligence of its keepers, or people who swore to defend, protect and uphold it. Republics are created by the virtue, public spirit and intelligence of its citizens. They fall, when the wise are banished from the public Councils, because they dare to be honest, and the profligate and corrupt are rewarded because they flatter the rulers and tell them not what they ought to hear but what they want to hear.

Chatham once famously remarked: ‘I know that I can serve this country and no one else can’. President Musharraf’s exhilaration, I am sure, comes from a similar inner conviction, but it has a ring of *dejavu* about it. Pakistan’s quest for a stable political order remains as elusive as ever. We have gone through the valley of the shadows before. Do we have to go through it again? Einstein once defined insanity as doing the same thing over and over again in the expectation that it would produce a different result. “I have seen many worst things”, *Candide*

replied, "but a wise man who has since had the misfortune to be hanged told me that it is all for the best, these are only the shadows in a fair picture".

The Tragedy of Ambassador Zaeef

Islamabad can be quite boring and unexciting if you are not fond of the outdoor. Today is like yesterday, and tomorrow will be like today. Winter in Islamabad has never been lovelier. The skies are cloudless. There has been no rain for weeks. You can see people sunning themselves on their terraces. Crowds flocked this morning to an art exhibition. How care free and light hearted every one in this beautiful capital seems to be. How far are we from the brink of war? Is war unavoidable? How can it be averted? What price are we required to pay to escape the war? Will the slowly-gathered, long pent-up fury of the storm break upon us? These are some of the questions agitating the minds of the people in this city. Nobody knows the answers.

I always enjoy a mind-cleansing early morning walk seven days a week in the Margalla Hill. At the crack of dawn when residents of the posh E-7 sector are fast asleep, I encounter an old Afghan known here as the "man of the garbage". His work begins early morning, on a bicycle, collecting garbage rejected by the wild boars. He sifts through it, selects bits of plastic, cloth and other items suitable for recycling. He is deaf and dumb but he has character and he holds his head high. He salutes but does not cringe. When I see these old Afghans, I love the geography of their faces. They have faces that look like mountains and I love these mountains being free. They may be conquered by superior force but they will not capitulate.

My first direct exposure to the tragedy of Afghanistan was after the Soviet withdrawal - on January 20, 1988. Abdul Ghaffar Khan, the veteran Red Shirt leader and freedom-fighter, had died after a protracted illness. In accordance with his wishes, his body was to be buried in Jalalabad. Along with thousands of his admirers, I joined the cortege at Peshawar. On arrival at Jalalabad all hell broke loose when a series of bomb explosions occurred all around us in the parking lot near the burial site. I was thrown off my feet on to the ground but luckily escaped unhurt. When I looked around I saw dead bodies scattered all over the fields. Scores of injured persons, bleeding profusely, their limbs blown off, were crying for help. In a state of shock, I ran across the fields to the burial site and contacted the Afghan authorities. Doctor Najeeb Ullah, the Afghan President, was delivering his funeral oration. I suddenly realized that my compatriots had left for Peshawar leaving me alone with the dead and the injured. I spent the night at a hotel as guest of the Afghan government. Next morning, we left for Peshawar in a convoy of vehicles carrying the dead and the injured. As we approached the Pak-Afghan border, nothing gave me greater pleasure than to see the Pakistan flag fluttering in the breeze atop our check-post

at Torkham. This was my closest brush with death and also my closest encounter with the traumatic events in Afghanistan.

Soviet Union is dead and gone but Afghans continue to suffer. They are now being subjected to cluster - penetration and carpet bombing by the United States, their erstwhile friend and ally, resulting in the killing of thousands of innocent civilians. Once America was a haven of refuge for all the tired, all the poor, all the huddled masses of the world. This is no longer the case. America has lost its past glory, all its core values that made it great - the spirit of Appomattox (where Lee surrendered) - when enemies were not hanged, they were saluted; they were not jailed, they were honoured - it set American history apart from most other nations, where the wounds of strife did not heal for decades.

Today you have a president who has American troops on foreign soil; you have a president who is facing an enemy, he doesn't know who they are; You have a president who wants to be reelected; You have a president who is not expert on foreign affairs and is dependent on his advisors; You have a president who finds it quite easy to send the flower of America' youth, America's finest young men and women into battle in a totally unjustified war against poor, hungry, starving, defenseless Afghans, none of whom was involved in the September 11 tragedy. They are killed like chakors. And the human wreckage left behind in Kabul, Kandhar, Jalalabad and across Afghanistan - young and old, little children, men and women, without legs, or arms or faces or hopes. It does not take any courage at all for an American President, or a Congressman or a Senator to wrap himself in the flag and say they will continue to bomb Afghanistan and kill people, guilty or not, because they will it so and because it is not their blood that is being shed. The need for a decisive victory in Afghanistan, the capture of Osama Bin Laden, haunts President Bush as the king's ghost of Elsinore haunted Hamlet. At some future time there might be some one capable of writing about the suffering of the Afghans without his hand shaking uncontrollably or his notepaper becoming wet with tears but that person will not be me.

Today we are a coalition partner with America in the war against terrorism whatever that means. Under pressure from Washington we helped America topple the Taliban government and are assisting them with intelligence to capture Osama bin Laden. Americans have been allowed the use of our bases for military operations in Afghanistan. What are its implications and what do we hope to get out of it? 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 a weak nation to look for disinterested favours from a stronger nation...it must pay with a portion of its independence and its sovereignty for whatever it may accept under that arrangement". No

truer words have been spoken on the subject. This is exactly what is happening in Pakistan today.

Zaeef, the last Taliban Ambassador in Pakistan who had applied for asylum before being taken into custody by our secret services was picked up from his residence in Islamabad and forcefully repatriated to Kandhar in a US C-130 aircraft from Peshawar. I met Ambassador Zaeef twice at his spartan residence to deliver a truckload of blankets, warm clothing and a consignment of medicines for onward despatch to Afghanistan. The bespectacled 34-year old, soft spoken Pakhtoon Ambassador offered me green tea. He became famous as the Taliban's principle voice to the outside world. This was his only crime for which he may have to pay the ultimate price. I say it with a heavy heart and deep anguish that the day we arrested him and handed him over to his enemies will go down in our history as a day of infamy. The world will never see or hear from Ambassador Zaeef again. All self-respecting Pakistanis must hang their heads in shame for our role in this shameful act, unprecedented in the history of diplomacy and international relations. This, of course, is not the end of our humiliation. This is only the beginning. This is only the first sip, the first foretaste of a bitter cup which will be proffered to us in the days to come. Better far that the last of the Pakistanis should fall fighting and finis be written to our history than to be a colony once again and linger on as vassals. God help us! God have mercy on us.

Last night I wept in my dreams. This morning, I awoke with my eyes overflowing with tears. I go for long walks with Wordsworthian enthusiasm, wander about the Margalla Hill enjoying nature's richness and its luxurious fecundity. In solitude among nature's works and away from the selfishness of man, I seek Communion with nature and a place to lose myself - A curious compulsion to narcotize myself. All these years I had gone the way of the Commissar. I need a Yogi as an alter-ego.

A Response

Why is it that throughout history the great empires of the past flourished and fell, and why is it that some nations gain power while others lose it? 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". For a proper understanding of what went wrong in the Islamic world, we have to begin at the beginning.

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Shi'ism had become the leading form of popular resistance to the Abbasid empire. Ismailism was preached in Southern Iraq, Bahrain, Syria, Yemen, Eastern Iran and North Africa. Ismaili religio-political agitation led to a series of peasant and Bedouin rebellions in Iraq, Syria and Arabia called the Qarmatian movement. In the 920's the Qarmatians attacked Kufa and Basra, threatened Baghdad, cut the pilgrimage routes, pillaged Mecca; and to the great horror of the Muslims, made off with the sacred Black Stone of the Ka'aba, which they kept for twenty years. In North Africa, another offshoot of the Ismailis, founded the Fatimid dynasty which conquered all of North Africa and Egypt. The Fatimids were followed in this respect by the Umayyad dynasty in Spain. By 935 A.D the Caliphate had lost control of virtually all of its provinces except the region around Baghdad. One military group, the Buwahidys, who were Shia'as, took control of Baghdad in 945. The Caliphs were allowed to continue in nominal authority; indeed the Abbasid dynasty lasted until 1258 but they no longer ruled. The Abbasid empire had ceased to exist. Thus, from 950 to 1200 AD, the political unity of the Abbasid age was lost. The successor states were short-lived and

provincial in scale. As Baghdad dwindled, Samarqand and Bukhara, Nishapur, Isfahan, Cairo, Fez and Cordoba became the new capitals of Islamic civilization and culture.

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However, as pointed out by Pervez Hoodbhoy, the immediate successors of the enlightened and progressive Caliph, Mamun, persecuted the Shia'as, the Mutazilites and all those who did not conform to the orthodox interpretation of Islam. In Gibbon's words the reformers "invaded the pleasures of domestic life; burst into the houses of plebians and princes; spilt the wine; broke the instruments; beat the musicians and dishonoured with infamous suspicions the associates of every handsome youth". Inevitably, persecution encouraged rather than repressed the development of several most remarkable religious and philosophical movements, notable amongst them was the Qarmatian or Ismaili propaganda which culminated in the establishment of the Fatimid Anti-Caliphate of North Africa and Egypt. To a distinct degree, the fierce response to the Shi'ite religious challenge reflected and anticipated a hardening of official attitudes towards all forms of free thought.

The second characteristic of this period was the ascendancy of the Turks, who through sheer force of circumstances had become absolute masters of the Abbasid empire. It was an evil day for the Caliphate when Mu`tasim introduced the Turkish element into the army. That the Turks had become the virtual masters of the Caliph can well be illustrated by a story related by the author of Kitab-ul-Fakhri, Ibn-al-Tiqtaqa, who says "when Mu`tasim was appointed the Caliph, his courtiers held a meeting and summoning the astrologers asked them how long he (the Caliph) would live and how long he would retain the Caliphate. A wit present in the gathering said "I know this thing better than the astrologers". Being asked to specify the time, he replied, "So long as the Turks please", and everyone present laughed.

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. 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 faces the same dilemma today. So did Napoleon Bonaparte 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 constitutional experts to hold a national plebiscite. The people would vote yes or no to two questions: should Napoleon become consul for life and, if yes, should he be allowed to name his successor? Prior to plebiscite, the First Consul decided to form a Legion of Honour designed to reward past and present distinguished service to the nation, either civil or military. To an advisor who wished to limit membership to soldiers, Napoleon replied in words as pertinent to this day as they were to his day: "To do great things it is not enough to be a man of five feet ten inches. If strength and bravery made the general, every soldier might claim the command. The general who does great things is he who possesses civil qualities. The soldier knows no law but force, sees nothing but and measures everything by it. The civilian, on the other hand, only looks to the general welfare. The characteristic of the soldier is to wish to do everything despotically: that of the civilian is to submit everything to discussion, truth and reason. The superiority thus unquestionably belongs to the civilian". With the Legion of Honour on his side, the result was a foregone conclusion. The nation learned the result of the plebiscite? Some 3.5 million citizens had voted their assent for the First Consul to retain his office for life with the right to name his successor. Slightly over 8,000 citizens had voted down the proposal. On August 15, Napoleon's birthday, the nation celebrated the appointment. The First Consul for life had turned 33. No ruler wants to give up power voluntarily. "No Devil" Trotsky said once, "has ever yet voluntarily cut off his own claws".

While the Islamic world was caught up in wars of succession, civil wars and internal dissensions and stood still, the rest of the world moved on and advanced to the centre of the world stage. By AD 1661, the western society was just one among half a dozen societies of the kind that had arisen in the old world. It is true that by that date, the west had won the command of the ocean, and had thus

made itself the potential master of the whole surface of the planet. The western people had already discovered and monopolized the new world. But in the old world, the western people in AD 1661, were still perched precariously on the tip of the European Peninsula of the great Asian continent, and it was not yet certain that they might be pushed right off even this patch of the old world ground. When in AD 1682, Qara Mustafa Pasha led the Ottoman Turkish expeditionary force westwards, his objective was not merely to make a second Turkish attempt at taking Vienna; he was intending to carry the western frontier of the Ottoman empire up to the line of the Rhine; and if Qara Mustafa had reached the Rhine, the rest of western Europe would surely have succumbed to the Turks sooner or later. With the failure of the second siege of Vienna, 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 already achieved 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.

The first reaction to it was alarm; the second was emulation in self-defence. Within less than 40 years of the foundation of the Royal Society, Peter the Great was making the self-educational tour of the workshops of Holland and England. Other non-western countries - for example, Turkey and China were slower in reading the western signs of our modern times, and when they did reluctantly read them, they were less resolute in taking action. Contemptuous of European ideas and practices, the Turks declined to adopt newer methods. The armed services had become a bastion of conservatism. Despite noting, and occasionally suffering from, the newer weaponry of European forces, the janissaries were slow to modernize themselves. Their bulky cannons were not replaced by the lighter cast-iron guns. After the defeat at Lapanto, they did not build the larger European type of vessels. In the south, the Muslim fleets were simply ordered to remain in the calmer waters of the Red Sea and the Persian Gulf, thus obviating the need to construct oceangoing vessels on the Portugese model.

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Today the number of choices that are available to Muslims are fast diminishing. Hereditary monarchy, narrow nationalism, socialism, military dictatorship, liberal (and illiberal) democracy have all been tried in different Islamic countries and found wanting. Islam - not the scholastic, institutionalized, fossilized Islam coopted by corrupt rulers - but the true, dynamic, pristine, revolutionary Islam of its early years with its emphasis on equality, egalitarianism, social justice and accountability is emerging as a challenge to western concepts of governance, and is perceived by the west and the Muslim elite as the greatest threat to the established order based on exploitation, injustice and inequality of opportunity. It is now abundantly clear that the west, in its own interest, will not allow the emergence of truly Islamic governments anywhere in the Islamic world. It would prefer to maintain the statusquo and do business with corrupt, despotic, autocratic, pliant governments which it would protect and defend against its own peoples. The day is not far off when the Kashmiris' struggle for self-determination, the Palestinian Intifada and their struggle to recover their lands illegally occupied by the Israelis is dubbed as terrorism and the full might of the west used to crush them. We have finally returned to a dark time when might alone is right and law comes out of the barrel of a gun.

A Response

Muslims and the West What went wrong?

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The Myth of Independence

“Absolute Power is heady wine”, Churchill told Major General Templer. “Use it sparingly”. “High rank can be very dangerous”, said Pangloss, “all the philosophers say so”. Candide. Gazing out beyond the Alps, toward Austria, the Fuhrer declared: “Kommt Unter die Rader - who is not with me will be crushed”. Austria was too weak to defend herself and was all alone, as Afghanistan is today. Long after these chilling words were uttered, President Bush said in reaffirming the frighteningly wide thrust that is being given to the anti-terror campaign. “America has a message for the nations of the world. If you harbour terrorists, you are terrorist. If you arm or train a terrorist, you are terrorist. If you feed a terrorist or fund a terrorist, you are a terrorist, and you will be held accountable by the US”. In the eyes of a global audience, his remarks were remarkable for their insensitivity, bordering on blithe unawareness, to international concerns. And to remove any misconception in the minds of some gullible Pakistanis, the US Ambassador in India, Robert Blackwill, told reporters in New Delhi: “a terrorist is a terrorist. They are not freedom fighters”. No wonder there is such a hush among the Muslim countries, while they are wondering which one is going to be “liberated” next.

What is meant by terrorism and who is a terrorist? The participants in the discussion of this subject in the UN got bogged down immediately. They could not define terrorism and did not know how to identify a terrorist. It was like the Supreme Court Justice quoted once as saying that he could not define pornography but he knew it when he saw it. Terrorism, they say, is like an elephant on your doorstep. You recognize it when you see it. Be that as it may, while the search for an acceptable definition of terrorism and terrorist continues, President George W. Bush has signed an order allowing special military tribunals to try foreigners charged with terrorism. “Such tribunals would not necessarily be public” and “might operate in Pakistan and Afghanistan” (IHT November 15). Under the order, the President himself is to determine who is a terrorist and therefore subject to trial by the tribunal. These tribunals would limit a defendant’s rights even more severely than a military trial. They do not require proof of guilt beyond a reasonable doubt and would not require strict rule of evidence like those in military and civilian courts. The accused in such a court would have dramatically fewer rights than a person would in a Court-Martial. The order establishes a court that departs in important respects from core aspects of American criminal justice. Mr. Bush has, in effect, established an Imperial Presidency, and acquired a dominance over American government rivalling even Franklin Roosevelt’s command. Henceforth, a single individual in Washington is going to decide whether a foreign national at the far end of the globe is a terrorist

or not. And an American kangaroo court setup in Pakistan or Afghanistan will decide whether he has to live or die. This is outrageous. This is preposterous. It is plainly illegal in terms of international law, recent UN Resolutions notwithstanding. It is corrosive of civil liberties and democracy in US. Americans can do what they like in America. They may set up military courts or military tribunals in their country and hang people, guilty or innocent, but why on Pakistan soil? Why has Pakistan been chosen for this dubious distinction? Does it have the approval of our government? Or was the approval of our government taken for granted? Will these tribunals be subject to the jurisdiction of our superior courts? Or has the jurisdiction of our courts been ousted? And how is the establishment of foreign Military Tribunals on our soil consistent with our sovereignty? The people of Pakistan feel entitled to raise such questions and demand their answers.

Theodore Roosevelt once told a story that illustrates the current American folly of being too eager to inflict punishment on persons suspected of terrorism. The story concerned a group of cowboys who apprehended a man they suspected of being a horse thief. In the Old West, this was a capital offence and the cowboys quickly strung the man up. Shortly thereafter, they learned that another man had confessed to the crime. The cowboys designated the most tactful among them to inform the widow of the man mistakenly hanged. He knocked on the door of the cabin and when the man's widow appeared, he solemnly removed his hat and said "Ma'am, We hanged your husband as a horse thief but after we were finished we got word that somebody else did it. I guess the joke is on us". As it was with the cowboys, so it is with contemporary American leadership's urge to kill those accused, but not convicted, of terrorism (whatever that means) as quickly as possible. But the grim joke is on those who will suffer for crimes they did not commit.

In the best-selling children's series about Harry Potter, there is a character so disturbing that Harry Potter's friends refer to him only as "He who must not be mentioned" - - - as if pronouncing the name "Voldemort" would somehow solidify the demon's existence. Osama bin Laden is clearly President Bush's Voldemort. He wants Osama's head more than anything else. "Remember", Napoleon told his aides, "the words of a Roman Emperor: a dead enemy always smells sweet". Dead men they say do not bite. But who is naïve enough to think the possible capture of Osama, dead or alive, will do more than satisfy the need for someone to punish? One man, one martyr, and thousands more to take his place. It won't end with the killing of Osama because it is with an armed doctrine that America is at war.

A fundamental belief held by Americans is that if you are on land, you cannot be killed by a fish. So most Americans remain on land, believing they are safe.

Unfortunately, this belief-like so many myths-is false. Nobody can justify the terrible human tragedy in which thousands of innocent men and women lost their lives. We understand America's anger and we share its grief and pain. But why must America let its need for revenge blur its judgement, for the rage of a wounded giant can be irrational, its direction unpredictable. What is the justification for the relentless bombing of the poor, hungry, starving, defenseless people of Afghanistan? It reminds me of an ancient Chinese saying: "killing a chicken to scare the monkeys" (occasionally singling out a suspect for severe punishment as a warning to others). The tragic drama being enacted in Afghanistan has made it abundantly clear that the independence of third world countries is a myth and an illusion.

Basically, what the Americans are demanding is the world do it their way - or else; that it is their duty to remake themselves in the American image. One message is crystal clear. Don't mess with America unless you are a permanent member of the Security Council or allied with one, as Burma and North Korea are with China, or you possess nuclear weapons and, what is more important, you have the will and courage to use them in defense of your independence and national sovereignty. The lesson of history is that individuals and nations who do not know how to die, do not know how to live. Only where there are graves are there resurrections.

The US war in Afghanistan came under scathing attack from Professor Chomsky in his lecture in Islamabad a few days ago. The two-hour lecture was followed by a question - answer session. I asked Professor Chomsky, what was his advice to the poor, hungry, starving, defenseless, innocent Afghans, subjected to relentless bombing by the sole surviving super power in the world? Why had the entire world ganged up against them? Why was there no moral outrage and why was the intellectual community keeping so quiet? Professor Chomsky condemned the bombing and said, in effect, "what advice can I give? What can I say? People who should raise their voice are in the employ of the rich and the powerful" or words to that effect.

Pakistan has lapsed into langour, a spiritless lassitude. A sense of guilt, shame, danger and anxiety hangs over the country like a pall. It appears as if we are on a phantom train that is gathering momentum and we cannot get off. Today Pakistan is a silent, mournful land where few people talk of the distant future and most live from day to day. They see themselves as ordinary and unimportant, their suffering too common to be noted and prefer to bury their pain.

Pakistan is in a deep, deep, hole. When will she follow the first rule of holes? When you are in a hole, stop digging. Unfortunately the hole Pakistan has dug

itself into is really, really, deep. The problem for us is that you feel you are in a hole and you want to get out, and you hear all those noises, and all that activity, but you feel very much alone, with no one out there really wanting to stretch back to you and help you out. The country suffers from a malignant disease, but people think it is just a cold, so they continue taking small doses of medicine and wonder why it still hurts.

These days I feel like a fallen leaf blown by a gale raging outside. There is the end of the vision, of the hope, of the dream. Nothing seems to work. Speaking for myself, the moment I hear Mr. Jinnah's voice, I am smitten by a kind of sacred rage, and my heart jumps into my mouth and tears start into my eyes - Oh, and not only me, but lots of other men. 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.

The dawns are always spectacular on the vast South Asian sub continent. But false dawns abound year as well. When we see the sun coming, let us hope it is really rising, and if it is, let us do our part to keep it up there.

Our Afghan Policy

From the very inception of Pakistan, we played into Indian hands by treating Afghans as our enemies and their leaders as Indian or Soviet stooges. We failed to analyse our assumptions critically with the result that the foundations of our decision-making were seriously flawed. Is it, therefore, surprising that Afghanistan today is in a mess and Pakistan has no Afghan policy worth the name?

We cannot look back with much pleasure on our foreign policy during or after the cold war. First, we antagonized Soviet Union, one of the two super powers at that time, by joining the American camp. Then in conjunction with the United States, we accelerated the demise of Soviet Union by supporting the Afghan resistance and freedom fighters or terrorists as the Soviets used to call them. In doing so, we incurred the wrath of the Soviets who issued a public statement saying that Pakistan was in a state of undeclared war with Soviet Union in Afghanistan.

With the withdrawal of Soviet troops from Afghanistan, Pakistan outlived its utility to the United States. Our cold war ally and longtime friend started painting us in the darkest possible colours and threatened us with dire consequences if we did not follow the "right path". "It is a dangerous area and we are worried about Pakistan", the US National Security Advisor, Samuel (Sandy) Berger said in Jaipur, India. "It is a country with deep-seated problems. It has political problems. It has terrorist groups that are operating out of Pakistan, and I think in some ways one of the greatest dangers in this region is the potential failure of Pakistan", Mr. Hammer, another American spokesman, said in India. And to cap it all, before he left India, President Clinton publicly stated that there were elements in the Pakistan government, which were supporting terrorism in Indian Kashmir. However, as a token of friendship for the people of Pakistan, America's most allied ally for fifty years or so, President Clinton reluctantly agreed to drop in briefly on Pakistan and spend about four hours in Islamabad after a spectacular five-day visit to India.

All this changed dramatically when President Musharraf executed a 180 degree U-turn, disowned the Talibans and promised "unstinted cooperation" to President Bush in his war against terrorism, following the tragic loss of lives in the terrorist attack on New York and Washington. Under pressure from Washington, President Musharraf revamped the ISI and ordered it to switch almost overnight from overt operations supporting the Taliban to covert attempts to overthrow it and assist Americans with intelligence gathering to

capture Osama Bin Laden, dead or alive. Not surprisingly, Pakistan was back in the American harem. President Musharraf, like President Zia ul Haq before him, is now the darling of the West and can do no wrong.

However, there were no cheering crowds in Pakistan to applaud President Musharraf's decision to facilitate US bombing in Afghanistan - a decision which has very little popular support in the country and has aroused widespread anger and resentment. It is strange how unimportant, ordinary people often foresee the future more clearly than those who are engaged in shaping it. Whatever the official spokesman may say, in public perception, Americans have been allowed the use of our bases in sensitive areas close to the Afghan border for the sole purpose of enabling them to subject the poor Afghans to relentless day and night air strikes and topple their legitimate government. It is laughable to say that American air or ground operations are not directed against Afghanistan or the people of Afghanistan and are meant only for terrorists. It is also adding insult to injury and highly hypocritical for the government to say that they feel profound sympathy for the small but gallant Afghan nation in their hour of national grief and loss.

When I heard the news in Washington, I was profoundly distressed. My heart sank for I realized that we had sold our honor and compromised our national sovereignty to escape the wrath of the Americans. The government had to choose between saying no to American Diktat and shame. They chose shame. 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. In a similar situation President Daoud of Afghanistan told Brezhnev (who had asked Daoud to get rid of American experts working close to the Russian border) "what was just said could never be accepted by Afghans who view his statement as a flagrant interference in the internal affairs of Afghanistan. We will never allow you to dictate to us how to run our country and whom to employ in Afghanistan. How and where we employ foreign experts will remain the exclusive prerogative of the Afghan state. Afghanistan shall remain poor, if necessary, but free in its acts and decisions". The lesson of history is that nations which went down fighting rose again, but those which succumbed to pressure, sold their honor, surrendered tamely and capitulated were finished.

I feel myself torn between a sense of cowardly relief and shame. Today Pakistan is undergoing all the conflicting emotions of a virtuous maiden selling herself for really handy ready money. Never in my life did I feel so ashamed, so hurt, so small, so humiliated, so nauseated as I did when we offered, almost at gun point, "unstinted cooperation" and logistic support to the Americans in their war against a friendly, neighbouring Muslim country and its poor, hungry, starving,

war-ravaged people. The people are wondering if this is the first attack upon a small Muslim state to be followed by another. Will Iraq be the next course on the American menu?

All the rhetoric about fighting evil because it is evil does not impress anybody and leaves one cold. Adolf Hitler, the greatest terrorist of the last century, was the personification of evil and a threat to western civilization. Why did the allies (England, France and America) allow this evil man to absorb the Republic of Czechoslovakia? Why didn't they resist the outrage against Austria and the subjugation of beautiful Vienna? Why was Britain, almost disarmed, with triumphant Germany and Italy at its throat, left alone? Why did the United States remain neutral in this war between good and evil for two long years? America joined the war against evil on December 7, 1941 when Japan attacked Pearl Harbour. Not before that. Isn't it ironic that while the United States took two years to join the war against Hitler, the greatest terrorist of the last century, it took Pakistan not more than 24 hours to reverse its Afghan policy, disown Talibans and join the American-led coalition against Afghanistan!

Some people believe that President Musharraf had done a rather good thing; that they had been granted a reprieve and felt an immense sense of physical relief. The first ecstasy soon passed. The carpet bombing, use of cluster and penetration bombs and killings of innocent civilians including children, brought about a revolutionary change in feelings and opinions. It was not an explosion, but the kindling of a fire which rose steadily, day by day, hour by hour, to an intense furnace heat of inward conviction.

I doubt if the events of last month constitute the beginning of better things for Afghanistan or Pakistan. We are in the presence of a disaster of the first magnitude which has befallen the poor people of Afghanistan. Do not let us blind ourselves to that. Afghanistan is on fire. Soon the conflagration will engulf Pakistan.

At a meeting of the INTER - Action Council in HELSINKI, discussing Russia and the future of EAST - WEST relations, Robert McNamara declared that the United States has become "a rogue state". Mr. McNamara laughed a little after he said "rogue state", explaining that he didn't mean to be sensational. But he was worried about the growing tendency of the United States to act unilaterally "without regard to the concern of others". This is exactly what United States is doing in Afghanistan. The war is becoming highly Americanized. All anti-terrorist operations are wrapped in the American flag. Americans are talking to themselves and are not listening to the outside world. The war is fast becoming an American war of revenge against Afghanistan, with which the Islamic world, at least, has little to do.

The Afghans did not stab us in the back when we were at war with India. No Afghan government was as friendly to Pakistan as the incumbent Taliban government. By allowing Americans to use our territory as a platform for bombing Afghanistan, we have antagonized the Afghan nation forever and irretrievably lost their friendship. For the first time in the history of Pakistan, we have laid the foundation of permanent enmity with the people of Afghanistan. The passage of time has justified the saying that a close neighbour is better than a distant brother. A country can choose its friends and allies but it can't choose its neighbours. We cannot escape from geography. The people of Pakistan have no quarrel with the people of Afghanistan or their government. We are not at war with them. Why interfere in their internal affairs at the behest of others who have their own agenda?

We have enough trouble on our eastern border. There is always a war between India and Pakistan. The difference is only whether the guns are firing or not. It is bad enough to have a hostile neighbour on our eastern border. It is disastrous to alienate the Afghans on our western border and turn them into enemies. Afghans are very good friends but they are also very bad enemies. They do not forget and they do not forgive. In a crisis they could brew incalculable trouble for us in the "devil's kitchen of mischief" and set the frontier ablaze.

Late Commander Abdul Haq once predicted, "may be one day Americans, will have to send hundreds of thousands of troops (to Afghanistan). And if they step in, they will be stuck. We have a British graveyard in Afghanistan. We also have a Soviet graveyard. And then we will have an American graveyard". Commander Abdul Haq was not fated to see the dénouement, the final scene of this tragic drama.

God gave to President Musharraf as to no other and there is no more to give. People puzzle over his momentous and strange journey that has brought him so close to the place where history devours its heroes. "With primacy in power", as Churchill said, "is also joined an awe-inspiring accountability". President Musharraf is flying against the wind of public opinion in Pakistan. The country does not share his faith in American friendship and assurances. 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. Should the policy of "unstinted cooperation" with the Americans in their war against Afghanistan fail, then it would be upon the President's head that coals of wrath would fall.

In the history of states and peoples there comes a turning point which is often a battle or an episode during a revolution. A turning point may also occur in the people's mind. Today it is the people who hold Pakistan's destiny. That is the

turning point in the history of Pakistan. To march at their head and lead them? To stand behind them, ridiculing and criticizing them? Or to stand opposite them and oppose them? Every Pakistani is free to choose among the three, but by force of circumstances you are fated to make the choice quickly.

Bhutto denied access to BadaBer US Base in Pakistan

I was Deputy Commissioner Peshawar in 1959 when I first met Zulfikar Ali Bhutto. He was a Minister in the Ayub cabinet and was on a visit to Peshawar as a chief guest at a function organized by the Rural academy. After the speeches were over, Bhutto was visibly bored and wanted to get away but did not know how to handle the situation. I rescued him and together we went to the Peshawar Club where we spent a very pleasant evening. Bhutto was young, witty, well-read, well-dressed, more at ease in the company of young civil servants than his cabinet colleagues.

His next visit to Peshawar was as Acting Foreign Minister. On arrival, he told me that he would like to visit BadaBer, the American Base close to Peshawar, and before leaving for Warsak, made it clear that he would like to see all the facilities at the Base. I got in touch with the American Base Commander and requested him to receive the minister and make necessary arrangements for his visit to the Base. The Commander said the minister would be welcome to visit the cafeteria where he would be served coffee and sandwiches. He politely turned down Bhutto's request to visit the operational and other sensitive areas of the Base. However, in deference to my wishes, he promised to refer the matter to Washington. Half an hour later, the Commander called back to inform me that, except the cafeteria, no other facility would be shown to the Minister. Bhutto was visibly upset and asked me if the American knew that he was Pakistan's acting Foreign Minister. I said they did. Bhutto kept quite and the matter ended there. I was still in Peshawar when the U2 incident took place, which provoked Khrushchev into the dramatic gesture of drawing on the map, a red ring around Peshawar. The spy plane, as we learnt later, had taken off from Peshawar.

Bhutto took up the matter with President Ayub who decided to terminate the 1959 Communication Agreement which governed the Base and publicly announced his government's position on the Peshawar facility. President Johnson's reaction was quite sharp. He asked his ambassador to deliver the following letter to President Ayub.

Dear Mr. President:

In the spirit of honesty and frankness that has always been at the heart of our relationship, I feel I must tell you of my deep concern over the reports I have received during the past several weeks from Ambassador Oehlert about your Government's attitude toward our Communications facility at Peshawar. I have delayed writing to you personally until now because I hope that some mutually acceptable solution could have been worked out by this time.

I was surprised and disturbed that your Government saw fit publicly to announce its position on the Peshawar facility before any real discussion between our two Governments was possible. And it was particularly distressing to learn that your Government's action may have been taken because of threats and demands by another power.

I had thought you and I shared a conviction that our own security-- as well as the security of many other nations-- was well served by our cooperation in maintaining the Peshawar facility. Accurate technical and scientific information on the intentions and capabilities of others, can, as you know, be a stabilizing element in the present uncertain state of the world.

In all frankness, the actions of your Governments do not seem to me to be appropriate to the close relationship that has existed for so many years between our two countries and which has been manifested in our contribution of more than \$3 1/2 billion in aid to Pakistan.

I accept of course, your right to terminate the 1959 Communications Agreement, although I would hope that even now you could reconsider that decision. I do want you to know, simply and unequivocally, that closing down of the Peshawar facility in July 1969 will give us real problems.

In this connection, I must point out that this facility is a complex one. Some of its elements can be moved relatively easily. Others will take more time. Their hasty removal could result in significant gaps in our understanding of the intentions of others and thereby diminish the sense of security we both seek.

If, however, your decision is firm, I would hope and expect that you might allow our representatives to discuss an arrangement whereby the various elements of the facility can be phased down and closed but in an orderly way during a period beyond the formal termination date of July 17, 1969. I have asked Ambassador Oehlert to convey these views to you and to be prepared to enter into full discussion of them at an early date.

I cannot hide from you the fact that the loss of Peshawar facility will be a real blow to what I believe to be our mutual interests. But I do think that if we can agree to arrangements that will permit a reasonable withdrawal period it will lessen the impact. Such arrangements, if arrived at through imagination and good will on both sides, would make the transition easier to accomplish. I do not think, old friend, this is too much to ask.

Sincerely,

Lyndon B. Johnson

Ayub stuck to his position and did not oblige. The Base was closed down.

Cry, the Beloved Afghanistan!

Surely, to no nation has Fate been more malignant than to Afghanistan. The political testament Amir Abdul Rehman left to his successors in 1901 has not lost its relevance to this day. "Afghanistan", he said, "is a country that will either rise to be a strong, famous kingdom or will be swept altogether from the earth". Almost 100 years after Abdul Rehman's death, the fate of Afghanistan, once again, hangs in the balance.

After nine year of occupation, the last Soviet soldier left Afghan territory on Wednesday, February 15, 1989 at 11:55 A.M. local time. General Boris V. Gromov, a hero of the Soviet Union and commander of all Soviet forces in Afghanistan, walked across the Steel Friendship Bridge to the border city of Termez in Uzbekistan. "There is not a single soldier or officer left behind me", General Gromov told a television reporter waiting on the bridge. "Our nine-year stay ends with this". "The United Nations negotiated the Russian exit," said the Times of London on April 27. "Its job is now done. The world has no business in that country's tribal disputes and blood feuds". Americans walked away from Afghanistan. The rest of the world also forgot Afghanistan and abandoned the Afghans to their fate.

Twenty one years of unremitting war, including nine years of Soviet occupation, had left Afghanistan, a country of ruined cities, disabled war veterans, amputees, young widows, orphaned children, torn-up roads and hungry, starving people. Taliban, an ideological militia, who still rule 90% of the country, were desperately trying to restore law and order and consolidate their conquest. Since their dramatic appearance at the end of 1994, they had brought relative peace and security to the country. Their capture of Kabul in 1996 virtually terminated the civil war in which over 50,000 people had lost their lives. More than 10,000 buildings were destroyed in Kabul alone. They removed all roadblocks erected by warlords between Torkham and Kabul on one side and Chaman and Kandhar on the other. They opened up lines of communication. Trade and commerce began to flow freely. The irony is that, despite all these achievements, only three countries, namely, Saudi Arabia, UAE and Pakistan recognized Taliban rule. The rest shunned Taliban government because it was politically unacceptable to them. The wrong side had emerged victorious in the tussle for power and won the Great Game.

In the past, to ensure the survival of Afghanistan as an independent entity and a buffer between two rival empires, Amir Abdul Rehman had crafted a foreign policy aimed at keeping a certain balance between his two mighty neighbours. It was a rational, consistent policy dictated by geopolitical realities, the constant of

which was the preservation of Afghan independence. With the departure of the British from Asia, that balance was upset. No other outside power ventured meaningfully to replace Britain. Pakistan was, and is, too weak to play a decisive role in the affairs of Afghanistan. The Soviets agreed to withdraw but only when American weaponry and Afghan bravery raised the costs for Moscow. Even then, it took six years of skillful diplomacy that gave the Russians a way out. Ironically, it was the withdrawal and subsequent demise of Soviet Union in 1991 that placed Afghanistan, at the mercy of the United States, the sole surviving super power.

After a decade of total neglect, Americans re-discovered Afghanistan. With the Soviets gone, it was now their turn to intervene. On October 7, 2001, the United States launched a powerful attack on Afghanistan in retaliation against the suspected terrorist leader Osama bin Laden for the September 11 attacks on New York and Washington. The Talibans had not met US demands to turn over Osama Bin Laden and his Al Qaida militants. "Now", President Bush declared "the Talibans will pay a price. We are supported by the collective will of the world. We will not falter. We will not fail". With daily air strikes, involving cruise missiles and attack aircraft, pounding their cities, the Afghans braced themselves to face the full might of America. After one of these air strikes, I saw, on television, a vast smoky pall hung over Kabul. One exhausted fireman could be seen struggling to bring the fire under control. The amazing part of it is the cheerfulness and fortitude with which ordinary Afghans are seen doing their jobs under nerve-wracking conditions. "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". In the heaps of rubble that had once been homes, all you could see was a beam or two, one Afghan chappal and a few crushed pots sand pans. Watching these pictures on TV, day after day, night after night, I realized that human character can stand up to any thing, if it has to. Grim, defiant, dogged and serviceable, the Afghans adapted themselves to this new life, with all its terrors, with all its jolts and jars. And I felt, with a spasm of mental pain, a deep sense of the strain and suffering that was being borne by the poor people of Afghanistan. How long would it go on? How much more would they have to bear? What were the limits of their vitality? How many more innocent men, women and children have to die?

Meanwhile, the lush green Margalla Hills towering above Islamabad, the pleasant fields that lie at the foot of the hills, people going casually about their business, seem far removed from the shattered cities of Afghanistan, the gutted buildings and the stricken people. Instinctively, we turn aside from the killing fields over the border. Yet instinctively also, we know that we are not isolated from these suffering people. Try as we will, we cannot brush the pitiless picture of their destruction from our eyes or escape the profound effects of it upon the world in which we live. As long as we don't feel ashamed to be alive while

innocent Afghans are being killed, with our “logistical support”, not guilty, sick, humiliated because we were spared, we will remain what we are, accomplices by omission and commission. To watch this folly, to wait for the catastrophe, which one is unable to prevent, fills me with choking, impotent despair.

The Bush administration has convinced itself that America cannot address the problem of international terrorism by simply taking out Osama bin Laden and his associates. At the very least, the US, so the argument goes, will have to destroy the Taliban setup and clear the ground for a transitional authority headed by the former king Zahir Shah. This is easier said than done. Even if Taliban are driven out of the cities, they and their supporters would not simply disappear. They would fight a long guerrilla war from the mountains against foreign troops and would paralyze the puppet government formed and sustained by foreign invaders. A wide array of Afghans factions, convinced that Taliban will be dismantled by a US military strike, is now embroiled in a struggle for places in a future government in Afghanistan. In a country with internal fractures, bordered by nations with conflicting interests, and bombed and battered over the years by many of the same people now seeking to regain a share of power, common ground is elusive. People who fondly hope that the deposed king, Zahir Shah, with US support and in conjunction with UN, would play a critical role in calling a Loya Jirga and forming a future broad-based Afghan government, are unaware of the reality of the Afghan situation and betray total ignorance of the psyche, the spirit and soul of the Afghan nation.

Be that as it may, it is the question of political succession, which has bedevilled the entire Islamic world since the death of the Holy Prophet, that will be the most intractable of all the problems facing the decision-makers in post-Taliban Afghanistan. One of the principal causes of the instability of Muslim rule, past and present, all over the Islamic world, including Afghanistan, is the absence of a law of political succession in Islam, which inevitably led to uncertainty, civil wars, wars of succession throughout Islamic history. Theoretically, no Muslim is disqualified to rule his country and his title to rule is as good as that of anybody else. However, one of the lessons of Islamic history is that title to rule is in direct proportion to the length of the contender’s sword and the sharpness of its blade. Therefore, the question who will rule Afghanistan will be decided on the battlefield, not in the conference room. The only force which has established its authority and restored peace and tranquility in Afghanistan is the Taliban. The fall of Taliban will inevitably plunge Afghanistan irretrievably into the chaos of the 21st century. That will be the end of whatever order still prevails in that unfortunate country today.

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, in fact, unnecessary and unwinnable. "I want", McNamara wrote, "Americans to understand why we made the mistakes we did, and learn from them...the ancient Greek dramatist Aeschylus wrote, "the reward of suffering is experience". Let this be the lasting legacy of Vietnam". Their hindsight was better than their foresight. With painful candor and a heavy heart, McNamara concedes that the adage applied to him and his generation of American leadership. Will McNamara's successor ever confess error and explain how they stumbled into the war in Afghanistan and how all the best and the brightest in America went wrong, horribly wrong.

How will history judge American military involvement in Afghanistan, a most devastated, ravaged, country of demolished cities, starving and hungry people? It will certainly not go down in history as America's finest hour. Are Americans, once again, on the wrong side of history? Doesn't it reflect their profound ignorance of the history, culture and politics of Afghanistan and the complex personalities and motivations of their leaders? Are Americans destined to fail, once again, to recognize the futility of trying to wage a modern war on an ancient civilization that formed its 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 religious movements? Are Americans not naïve 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?

This is perhaps the biggest crisis Pakistan has ever faced since 1971. President Musharraf is pursuing a policy of a most decided character and of capital importance. He has his own strong views about what to do. He has his own standard of values; he has his own angle of vision. No one impugns his motives. No one doubts his convictions, his patriotism or his courage. Besides all this, he and he alone has the power to do what he thinks best. He has to take full responsibility for taking the course in which he sincerely believes. Is he following the right course? Final judgement on this vital issue can only be recorded by history.

Bismarck once remarked that asking him to pay attention to political and moral principles while conducting foreign policy was like asking him to walk through a dense forest with a 12-foot pole between his teeth. President Musharraf finds himself in a similar unenviable situation. One thing is quite clear. The decision to facilitate American bombing of Afghanistan has very little popular support in the country and has aroused a lot of anger and resentment among the people. And if

hands held together in prayer in thousands of mosques throughout the length and breadth of the country are also pointing in accusation, the government itself has to blame and must pay heed. It is a terrible thing to look over your shoulder when you are trying to lead your people in a national crisis - and find no one there. The cup is full. Let us not make it overflow.

In Defence of Machiavelli

He excited the interest and admiration of some of the brightest and the most formidable men of action of the last four centuries. Was he a man inspired by the Devil to lead good men to their doom, a devious Italian who poisoned everyone on sight, the great subverter, the teacher of evil as most Elizabethan dramatists and scholars describe him? Was he the 'Devil's partner - in - crime', a dishonorable writer and an unbeliever as the Jesuits called him? For the restorers of the short - lived Florentine Republic, he was nothing but a venal and treacherous toady, anxious to serve any master. And is the Prince, in Bertrand Russel's words, "a handbook for gangsters"? Contrariwise, is it a 'vade mecum' for statesmen as Mussolini (who wrote an introduction to the 'Prince') described it? Is he a political pragmatist and a patriot, as Macaulay describes him, who cared most of all for the independence of Florence. Marx called his history of Florence a 'master piece'. Engels speaks of him as one of the giants of the Enlightenment, a man free from petit - bourgeois outlook. "We are much beholden to Machiavelli", Bacon wrote, "who openly and unfeignedly declares and describes what men do, and not what they ought to do". There is something surprising about the sheer number and variety of interpretations of Machiavelli's political opinions. There is, prima facie, something strange about so violent a disparity of judgements.

The Italy that Machiavelli confronted was one divided into towns and city - states subject to coups d'etat, assassinations, aggressions, and defeat in war. In this chaotic situation, he wrote a textbook on the craft of ruling with the hope that someone somewhere would take control of the disintegration which Italy was then suffering. His advice as to where and how the 'Prince' should be ruthless or generous and what qualities should be required in subordinates, remains sound till today. Of late, in Third World countries, the question of leadership has been to the fore and the quality of the governments has been held up to ridicule. The Prince is a useful textbook for any ruler seeking to rule the sort of complicated and ungovernable city - state that Florence was and that many Islamic countries nowadays are.

Whatever else he was, Machiavelli was a passionate patriot, a democrat, a Republican and a believer in Liberty. In the opinion of many commentators, the Prince is in reality a satire and must have been intended (Spinoza is particularly clear on this) by its author to warn men of what tyrants could be and do. Perhaps the author could not write openly with two rival powers - those of the Church and of the Medici - eyeing him with equal suspicion.

What is the essence of Machiavelli's philosophy? Above all he warns one to be on one's guard against those who do not look at men as they are, and see them through spectacles coloured by their hopes and wishes, their loves and hatreds, in terms of an idealized model of man as they want him to be, and not as he is and was and will be. That is why even honest reformers, however, worthy their ideals, foundered and caused the ruin of others, largely because they did not learn from history, disregarded the wisdom of ages and substituted what should be for what is; because at some point they fell into un-realism. What all these people had in common was an inadequate grasp of how to use power. At the crucial moment they showed their lack of a sense of 'verita effettuale' in politics, of what works in practice. What has led and will lead such rulers to their doom? Often enough only their un-realism and their unbridled ambitions.

Machiavelli does not seek to correct the Christian conception of a good man. He does not say that saints are not saints, or that honorable behavior is not honorable or to be admired; only that this type of goodness cannot create or maintain a strong, secure and vigorous society. He points out that in our world men who pursue such ideals are bound to be defeated and to lead other people to ruin, since their view of the world is not founded upon truth - the truth that is tested by success and experience. He does not explicitly condemn Christian morality: he merely points out that it is incompatible with those social ends which he thinks it natural and wise for men to seek. 'One can save one's soul, or one can found or maintain or serve a great and glorious State, but not always both at once'. The qualities of the lion and the fox are not in them selves morally admirable, but if a combination of these qualities will alone preserve the state from destruction, then these are the qualities that a leader must cultivate.

Machiavelli is not sadistic; he does not gloat on the need to employ ruthlessness or fraud for creating or maintaining the kind of society that he admires and recommends. His most savage examples and precepts apply only to situations in which the politicians are thoroughly corrupt, and the state needs violent measures to restore it to health, for example where a new Prince takes over, or a revolution against a corrupt ruler has to be made effective. Nothing great has ever been achieved without violence. The sin of the old corrupt system can only be washed away in blood.

If you object to the political methods recommended by Machiavelli because they seem to you morally detestable, if you refuse to embark upon them because they are too frightening, Machiavelli has no answer, no argument. In that case you are perfectly entitled to lead a morally good life, be a private citizen or a monk, and seek some corner of your own. But, in that event, you must not make yourself responsible for the lives of others. In other words, you can opt out of the public world, but in that case he has nothing to say to you, for it is to the public world

and to the man in position of authority that he addresses himself. If a man chooses the world of politics, then he must suppress his private qualms, if he has any, for it is certain that those who are faint-hearted or too squeamish in a revolution or during the remaking of a society, will go to the wall. Who ever has chosen to make an omelette cannot do so without breaking eggs.

Like Frederick the Great, Machiavelli is, in effect, saying: once you embark on a plan for the transformation of a society you must carry it through no matter at what cost; to compromise, to fumble, to retreat, to be overcome by scruples, to succumb to pressure - this is to betray your chosen cause. To be a physician is to be a professional, ready to burn, to cauterise, to amputate, if that is what the disease requires, then to stop half way because of personal qualms, is a sign of muddle and weakness of character, and will always give you the worst of both worlds. One must learn to choose between them, and having chosen, not look back.

When you confer benefits (he says, following Aristotle), do so yourself but if dirty work is to be done, let others do it, for then they, not the Prince, will be blamed, and the Prince can gain favour by duly cutting off their heads; for men prefer vengeance and security to liberty! Do what you must do in any case, but try to represent it as a special favour to the people. If you must commit a crime do not advertise it before hand, since otherwise your enemies may destroy you before you destroy them! If your action must be drastic, do it one fell swoop, not in agonising stages. Do not be surrounded by over - powerful servants - victorious generals are best got rid of, otherwise they may get rid of you. Men will be false to you unless you compel them to be true by creating circumstances in which falsehood will not pay. The Prince must always remember that it is not exercise of power or habits of obedience which men resent, but the exercise of power which they consider illegitimate and obedience to a power which they think usurped and oppressive. And so on. 'When it is absolutely a question of the safety of one's country, there must be no consideration of just or unjust, of merciful or cruel, or praise worthy or disgraceful'.

He tells men above all not to be fools: to follow a principle when this may involve you in ruin is absurd, at least if judged by worldly standards. For Machiavelli, one chooses because one knows what one wants and is ready to pay the price. If others prefer solitude or martyrdom, he shrugs his shoulders. Such men are not for him. He has nothing to say to them, nothing to argue with them about. All that matters with him is that such men be not allowed to meddle with politics or any of the cardinal factors in human life; their outlook unfits them for such a task. In an imperfect world, Machiavelli says, a good man bent on doing good must know how to be bad. For Machiavelli, a policy is defined not by its excellence but by its outcome: if it isn't effective, it can't be virtuous.

Machiavelli's ideas influenced the Founding fathers of the United States. "Men are ambitious, vindictive, and rapacious", writes Alexander Hamilton, echoing Machiavelli. That is why James Madison preferred a "republic" (in which the whims of the masses are filtered through their representatives and agents) over direct "democracy", in which the people "exercise government in person..." The American constitution was conceived by men who thought tragically. Before the first President was sworn in, the rules of impeachment were established. James Madison wrote in Federalist No. 51 that men are so far beyond redemption that the only solution is to set ambition against ambition, and interest against interest: "if men were angels, no government would be necessary". The separation of powers, the pillar of the American Constitution, is based on that grim view of human behavior. The French Revolution, conversely, began with boundless faith in the good sense of the masses - and in the capacity of intellectuals to engineer good results - and ended with the guillotine.

If Machiavelli was indeed a "moral monster", then a long list of thinkers - including Aristotle, Saint Augustine, Saint Thomas, John Adams, Montesquieu, Francis Bacon, Spinoza, Coleridge and Shelley - all of whom "have advised, approved or borrowed Machiavellian maxims" - would form a legion of fellow immoralists.

"I do not wish to leave out an important branch of this subject - how not to be despised and hated and how flatterers should be avoided". Machiavelli wrote, "for it is a danger and a pest from which Princes are with difficulty preserved, unless they are very careful and discriminatory.

Conversation with Mr. Jinnah

“I called upon Mr. Jinnah this morning (December 9, 1947)”, wrote Sir L. Graftey Smith, High Commissioner for the United Kingdom, in Karachi, in a secret and a confidential despatch addressed to Mr. Noel Baker at the Foreign Office in London, “to welcome him back to Karachi after his long absence in Lahore. There have been alarming reports about his state of health, and I was relieved to find that he was not notably more feeble than before he went away five week ago. He is of course, wispiely frail in body, but he seemed to be completely master of his nerves. The fire of his fanatical ardour is certainly in no way diminished.

Mr. Jinnah developed, not for the first time, his personal opinion - (which has acquired the strength of an obsession) - that Lord Mountbatten is the person most directly responsible for the tragic events which followed on partition. He recalled the detailed information given in early July last to the Viceroy, and to the leaders of both parties, regarding the sinister intentions of the Sikhs rulers of Patiala and Faridkot, and of Master Tara Singh, and the general agreement then reached that the Sikh plot must be nipped in the bud. He described in some detail the Viceroy’s first reaction and his intention of drastic and deterrent action to prevent the consummation of Sikh plans, and he deplored that, in the event, nothing had been done to frustrate the conspiracy. He assumed that Lord Mountbatten had been persuaded by the Indian leaders to hold his hand.

Turning to Kashmir, Mr. Jinnah said that 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 unfavourable 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”.

Fifty four years after Mr. Jinnah’s death, we cannot look back with much pleasure on our foreign policy and the way we 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 the Indian leadership and accept Indian usurpation of Kashmir as a fait accompli. If we succumb to American pressure and Indian threats, silent, mournful, abandoned, broken, bleeding Kashmir will, almost certainly, recede into darkness and forgotten. But this will not be the end of our humiliation. This is only the first sip, the first foretaste of a bitter cup which will be proffered to us in the days to come.

The tragedy is that the world knows that in Kashmir, India is faced with what can only be described as a terminal colonial situation. It is now abundantly clear that India can hold its own in Kashmir solely by the application of brute force. The population does not welcome its presence and would not vote for the continuation of its control in any electoral process which was remotely free. And yet, the massacre of innocent men, women and children by Indian security forces continues without arousing the conscience of the West.

Today we are facing the greatest danger of our history since 1971. One million troops backed by artillery, tanks and missiles are on the border. Wars come very suddenly in the sub-continent. People are haunted by a fear that war might burst from a clump of trees, from a meeting of two patrols, from a threatening gesture, a black look, a brutal word, a shot! I have lived through a period when one looked forward, as we do now, with great anxiety and uncertainty to what would happen in the future. A great responsibility, therefore, rests upon those who hold power if, by any chance, against our wishes and against our hopes, trouble should come. The situation is incomparably more dangerous today. In the past, we had or we thought we had American support, the so-called American shield, against aggression. We cannot say that now. We stand alone in the ring.

We do not want war and we will not fire the first shot. But if a situation were to be forced upon us in which peace could only be preserved by liquidating what President Musharraf calls "our two core assets" then I say emphatically that peace at that price would be a humiliation for a country like ours to endure. As Bismarck once said, "he who seeks to buy the friendship of his enemy with concessions will never be rich enough". We would be well advised to heed these words of wisdom.

One day President Roosevelt told Mr. Churchill that he was asking publicly for suggestions about what the Second World War should be called. Mr. Churchill said at once, "the unnecessary war". Should war break out between India and Pakistan, the verdict of history would be that it too was "an unnecessary war", that never was a war more easy to stop than that which threatens our two countries today. Great quarrels, it has been well said, arise from small occasions,

but seldom from small causes. Strange, what has happened to us. What animosities thrive under conditions of excessive proximity? Two great masses are confronting each other - an irresistible force and an immovable object. The impending battle will be a clash between two great human masses, and the stronger or the more determined will win. At times of stress, Churchill often recalled some particular quotation...that expressed his feelings. The quotation read, "Fear not the result, for either shall thy end be a majestic and enviable one, or God shall perpetuate thy reign upon the waters".

We are at the crossroads. Sometimes, once in a long while, you get the chance to serve your country. It has fallen to General Musharraf to carry the awesome responsibility and the heavy burden Destiny has placed on his shoulders. He must prepare the people for the challenges that lie ahead and lead by example.

For Romans in Rome's quarrels

Spared neither land nor gold,

Not son, nor wife, nor limb, nor life.

Such, I believe, is the temper of the hour in Pakistan today.

The nation is prepared for every sacrifice so long as it has leadership, so long as the government show clearly what they are aiming at and so long as the nation is confident that those who are leading it, will not sacrifice its honour and its "core assets".

I will unsay no word that I have spoken or written about the failings of President Musharraf's government. But all this fades away before the grim spectacle that is now unfolding. The past, with all its bitter disappointments, its follies, its failures and its tragedies flashes away. This is no time for proscriptions. This is no time for recriminations. We should pass a sponge across the past. With the collapse of all civil institutions, the only cohesive force left behind is the army, and army alone. It is also the only shield we have against foreign aggression. Destiny has placed a grave and awesome responsibility upon General Musharraf. At this darkest hour in our history, the nation must stand solidly behind the army. The security of the nation, as they say, is not at the ramparts alone. Nothing should therefore be done to weaken the army. Nothing should deflect its attention from its primary task. Everything must be subordinated to the requirements of national defence. All for the nation. All for Pakistan. Such is my motto.

Alone in the Ring

We cannot look back with much pleasure on our foreign policy during or after the cold war. First, we antagonized Soviet Union, one of the two super powers at that time, by joining the American camp. When the U2 incident took place, it provoked Khrushchev into the dramatic gesture of drawing on the map a red ring around Peshawar. The spy plane, as we learnt later, had taken off from Peshawar, not far from the American base at Bada Ber. Not many people know that Mr. Bhutto, as acting Foreign Minister, was not allowed to visit this base. When a request was made to arrange the visit, the base commander told me (I was then Deputy Commissioner, Peshawar) that the Foreign Minister would be welcome to visit the cafeteria where he would be entertained and served coffee and sandwiches. Mr. Bhutto was keen to see the sensitive areas of the base and was, naturally very upset when I conveyed the American response to him. He asked me if the American knew that he was the acting foreign minister. I said they did.

Rightly or wrongly, Pakistan likes to believe that in conjunction with the United States, it accelerated the demise of Soviet Union by supporting the Afghan resistance and freedom fighters or terrorists as the Soviets used to describe them. In doing so, we incurred the wrath of the Soviets who issued a public statement saying that Pakistan was in a state of undeclared war with Soviet Union in Afghanistan. Soviet Union is dead and gone but now it is America, our cold war ally and long time friend, which is painting us in the darkest possible colours and threatening us with dire consequences if we do not follow the right path. "It is a dangerous area and we are worried about Pakistan", the US National Security Adviser, Samuel (Sandy) Berger said in Jaipur, India. "It is a country with deep-seated problems. It has political problems. It has terrorist groups that are operating out of Pakistan, and I think that in some ways one of the great dangers in this regions is the potential failure of Pakistan. And so, the message the President will give in Pakistan is 'you have got to decide what is important here in terms of your own future', Mr. Hammer, another American spokesman said in India. And to cap it all, before he left India, President Clinton publicly stated that there were elements in the Pakistan government which were supporting terrorism in Indian Kashmir. Once we could do no wrong in American eyes. Now we are in the dock facing all kinds of charges. We have achieved the impossible. We have the dubious distinction of alienating both the Super Powers. And to add insult to injury, America has found a new dance partner in India, our worst enemy. Pakistan is out in the cold, marooned, rejected, discarded.

President Clinton did not blink facts or mince words during his brief stopover in Islamabad. The Sermon on the Mount is the last word in Christian ethics. In his sermon on the Mount, President Clinton, in effect, asked us among other things, to bow our heads; give up our support for the Kashmiris; forget about their right of self-determination enshrined in umpteen Security Council Resolutions; forget all the promises made to the Kashmiris by Indian leadership and accept Indian usurpation of Kashmir as a fait accompli. The tragedy is that Americans know that in Kashmir, India is faced with what can only be described as a terminal colonial situation. It is now abundantly clear that India can hold its own in Kashmir solely by the application of brute force. The population does not welcome its presence and would not vote for the continuation of its control in any electoral process which was remotely free. And yet, the massacre of innocent men, women and children by Indian security forces continues without arousing the conscience of the West. At some future time there ought to be someone capable of writing about the suffering of the Kashmiris without his hand shaking uncontrollably or his note paper becoming wet with tears. But that person will not be me.

In November 1944, Churchill told General Charles De Gaulle: "the Russian occupation (of Eastern Europe) would not last. After the meal comes the digestion period". The Indians have strong appetite but poor teeth and weak stomach and are, therefore, having digestive problems in Kashmir. The world has seen the collapse of the Roman Empire, the Soviet Empire, the British and French Empires. How can the Indian Empire in Kashmir be an exception and survive history? Sooner or later, the Indians will have to quit Kashmir. How many more Kashmiris have to die before America realizes this and lends its support to the just cause of the Kashmiris as it did in the case of East Timor? It's a great pity that President Clinton did not condemn Indian atrocities in Kashmir and held out no hope to the poor Kashmiris during his five days stay in India. The war in Kashmir is like a fire and the great thing was to remove the inflammable material, the cause of the war. This President Clinton did not do.

We are facing the greatest danger and emergency of our history since 1971. Wars come very suddenly in the sub-continent. I have lived through a period when one looked forward, as we do now, with great anxiety and uncertainty to what would happen in the future. Today we are vulnerable as we have never been before. A great responsibility, therefore, rests upon those who hold power if, by any chance, against our wishes and against our hopes, trouble should come. The situation is incomparably more dangerous today. In the past, we had or we thought we had American support, the so-called American shield, against aggression. We cannot say that now. We stand alone in the ring.

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. If, God forbid, there arose a storm when we knew we were in the right, we should let it break on us and we would either survive or break. At times of stress, Churchill often recalled some particular quotation...that expressed his feelings. The quotation read, "Fear not the result, for either shall thy end be a majestic and enviable one, or God shall perpetuate thy reign upon the waters".

At this time all those among us who see the perils of the future must draw together and take resolute measures to secure our safety. God save Pakistan. I have never prayed for the safety of Pakistan with more heartfelt fervour than I did on March 25.

In the history of States and of peoples there comes a turning point which is often a battle or an episode during a revolution. A turning point may also occur in a person's mind. On May 28, when England stood alone, Churchill declared "that England would go on fighting no matter what happened: no matter what happened: there would be no negotiations with that Man". That was the turning point in the history of World War II. Churchill and Britain could not have won the Second World War; in the end America and Soviet Union did it. But in May 1940, Churchill was the one who did not lose it. Eighteen days before this, on May 10, Mr. Churchill had become Prime Minister. Late that afternoon, he was driven back from Buckingham Place to Admiralty House where he lived. Behind the driver, he sat with Inspector W. H. Thompson, his bodyguard. Churchill was silent. Then Thompson thought it proper to congratulate Churchill: "I only wish the position had come your way in better times for you have an enormous task". Tears came into Churchill's eyes. He said to Thompson: "God alone knows how great it is. I hope it is not too late".

Never in my life did I feel so hurt, so isolated, so lonely, so small, so humiliated, so threatened, so insecure as I did on that depressing day. Our moment of truth arrived on March 25. We are at the crossroads. Sometimes, once in a long while, you get the chance to serve your country. It has fallen to General Musharraf to carry the awesome responsibility and the heavy burden Destiny has placed on his shoulders. He must prepare the people for the challenges that lie ahead and lead by example.

For Romans in Rome's quarrels

Spared neither land nor gold,

Not son, nor wife, nor limb, nor life.

Such, I believe, is the temper of the hour in Pakistan today.

Before the October 12 coup, there lay in my memory 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.*

I hope the clattering train has better luck now that General Musharraf is in the driving seat.

Conversation with Morarji Desai

I spent the last two years of civilian rule (1957-1958) in Fort Sandeman and Dera Ismail Khan as Political Agent and Deputy Commissioner respectively. I had hardly settled down when General Ayub Khan (the Commander-in-Chief) came to Fort Sandeman for Chakor shoot and stayed at the Castle, my official residence, as my guest for four days. President Iskandar Mirza was also to come, but he had to cancel his visit because of a back problem. Ayub Khan's entourage consisted of General Burki, Yahya, Hameed and a number of other senior army officers. The drill was to leave early morning and return late in the evening. Later, the two of us would sit in front of a roaring log fire and discuss local and national issues. Ayub Khan took keen interest in the working of the civil administration and asked many searching questions.

I was a young Political Officer, but as representative of the Government of Pakistan, Ayub Khan treated me with respect and a good deal of affection - clear evidence of the supremacy of the civil power over the military in those days. Little did I know that in the darkness of the night President Mirza and General Ayub Khan would conspire to abrogate the Constitution and stab Pakistan's fledgling democracy in the back. On October 8, 1958, I was in D. I. Khan, when the army struck. I heard over the radio that martial law had been declared and civilian governments dismissed. Ayub Khan was now the Chief Martial Administrator. The man on horseback was home and dry - Iskandar Mirza, his principal rival, having fallen at the last fence. The military regime heralded a successful revolution and was promptly recognized as a "basic, law-creating fact" by the Supreme Court of Pakistan. It gave the lie to all that I had been taught: "there can be no martial law in peace time" we were told. The country was not at war and there was no civil commotion in the country preventing the Judges from going to courts - an essential pre-condition for the imposition of martial law in peace time according to Dicey. We Pakistanis need our myths in the same way as a reader of poetry needs "a willing suspension of disbelief" in Coleridge's phrase. The supremacy of civilian power and inviolability of the constitution was one such myth.

A telephone call from the local Colonel asking me to report to him along with my Superintendent Police brought me down to earth with a thud. Reality hit me like a ton of bricks. The scales fell from my eyes. The Colonel rattled off a string of directives for compliance within 24 hours: all unlicensed arms to be surrendered; all hoarded stocks of wheat to be unearthed; all prices, including price of gold, to be controlled. I got back to my office late in the evening in a much chastened mood. The days of civilian supremacy were over. An "iron curtain" had

descended on Pakistan. One could hear the “sound of heavy boots ascending the stairs and the rustle of satin slippers coming down”. All attempts on the part of my Commissioner to get in touch with me had failed. He was getting panicky because he genuinely thought I had been detained by the Assistant Martial Law Administrator who was now my real boss. It took me sometime to change gear, make necessary adjustments and reconcile myself to the new order. In the end, the instinct of self-preservation prevails. The country hailed a new Dawn and the Deliverers. Tragically, the imposition of martial law set in motion a train of events that ended in a bloody civil war in the eastern wing and the breakup of Pakistan.

A year later, I was relocated and posted to Peshawar where I met Morarji Desai, Finance Minister of the Government of India. He was visiting Pakistan as a guest of the government. On arrival in Peshawar, Morarji expressed a desire to pay a courtesy call on Abdul Ghaffar Khan. I was asked to make necessary arrangements and escort him to Utmanzai. On the way to Utmanzai, Morarji asked me how the freedom - loving Pukhtuns had reacted to the imposition of Martial Law. This triggered a lively discussion. “Was it for this”, Morarji asked, “that your people fought so tenaciously? You thought you had found freedom on August 14, 1947. But hasn’t it turned out to be another kind of slavery? Were all Mr. Jinnah’s brave words and deeds to end in this? Don’t you feel cheated and betrayed? I feel sorry for you. Your future looks very grim to me”. “Until recently, we were all Indians”, I replied. “We are as good and as bad as Indians are. We all share the same weaknesses. You are not much better than us. We have martial law today. You will have it tomorrow”? Morarji reacted sharply: “No General dare impose martial law in India”, he retorted. “And if he does, Morarji will be the first to face the Indian bullet”. On this grim note, the conversation ended. We had reached Utmanzai.

More than 40 years have passed since that thought - provoking conversation, but Morarji’s words still ring in my ears and haunt me to this day. Like all prophecies, Morarji’s predictions embodied a good deal of wishful thinking, but the fact remains that he was not far wrong. Every now and then, I ponder over what Morarji had to say and wonder why no member of our National Assembly or Senator is prepared to face the Pakistani bullet or make any sacrifice in defence of our political institutions or our fledgling democracy. Isn’t it a sad commentary on our chosen representatives that when honour calls, they all abandon the ship and swim ashore to safety?

At a dramatic session of the Third Estate on June 20, 1789 Mirabeau made his famous reply to a command from the King’s Grand Master of Ceremonies that they withdraw from the Assembly. “We are assembled here by the Will of the Nation, and we will not leave except by force”. Shortly afterwards, the King

yielded. It is inconceivable that any member of our Parliament will ever put up such a heroic resistance or utter such words of defiance.

All our rulers, both civil and military, left behind a splintered, ruined country, torn by conflict, hijacked by thugs and robber barons, and in doubt about its future. Each of them started with a blank cheque of goodwill and popular enthusiasm given to them by the people of Pakistan, and each of them ended with a bankruptcy of moral and political support, leaving the country in worse condition than he found it in. No wonder, people have lost faith in their rulers, elected or un-elected, civil or military. What is worse, they have lost faith in the entire democratic process. Nobody believes in the sanctity of the ballot box or the independence of the Election Commission any longer. Nobody believes in the independence or integrity of the Judiciary, or the objectivity and neutrality of the civil services. Nobody believes in free, fair and impartial elections in this country and nobody believes in accountability as it is understood in the west. Few Pakistanis seem ready to make any sacrifice or die for anything anymore. The entire country seems crippled by a national "defaillance". Is it any wonder that so few believe in the Pakistan Dream today?

Pakistan today presents an image of a country plagued by political, ethnic and sectarian divisions. Never before has public faith in the country's future sunk so low. There is a widespread and growing cynicism among the people. The country as a whole appears to be adrift, lacking confidence about its future. It is like being on a raft after being shipwrecked and drifting on the off chance of being picked up by a passing ship. Be this as it may, one trait specially developed by Pakistanis in the midst of gloom is their capacity to become inured to the worst possible condition of existence without perceiving that anything is wrong.

"If there is one principle more than any other", Morley, Secretary of State for India, said, "that has been accepted in this country since Charles I lost his head, it is this - that the civil power must be supreme over the military power". The British learned this lesson only when Charles I lost his head. Will Pakistan ever learn from history? One thing is clear. The federation cannot survive unless the principle of supremacy of civil power is accepted in letter and spirit.

The fate of the country and 140 million people is in the hands of President Musharraf and his military colleagues. Like small boys with their hands on a great machine, they take pleasure in casting aside the wisdom of the ages. The ill-fated referendum shattered President Musharraf's credibility and impaired his ability to govern. If you have credibility, nothing else matters. If you have no credibility, nothing else matters. The received wisdom is that Watergate teaches us one basic rule about politics. If a President and his team commit an egregious folly, a cover-up is always worse than the crime. A people may let a king fall, yet

still remain a people, but if a king lets his people slip from him, he is no longer a king.

Written in Despair

The history of Pakistan shows what happens to a country when its Justices turn political lackeys. From the country's first decade, our Judges have tried to match their constitutional ideas and legal language to the exigencies of current politics. The Supreme Court's short order validating the Referendum Order came as no surprise.

Every now and then, I unburden myself of the things that weigh upon my spirit: The sense of being in a blind alley, the perception of our collective guilt, the knowledge of all that has been irrevocably lost. On the eve of the Army takeover of October 12, I threw discretion to the winds, gave vent to my pent up feelings and wrote, "The state of things has been so insufferable that one longs for it to be decided as it must be now, one way or another. Unfortunately, the tyranny of the statusquo is too strong and only a crisis can produce a real change.... 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 elan 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. This is of course, asking for the impossible. But pursuing the impossible and asking for the impossible is one good definition of a Revolution...

"Is the dark long night about to end? And has the time come for us to leave the valley of despair and climb the mountain so that we can see the glory of another dawn? The darkest hour is just before the dawn and as generally happens in history, it is at the darkest hour that a bright star arises when you had almost

given up hope. When a nation is in crisis, it needs a man to match the time. 'You don't create such a man, you don't discover such a man. You recognize such a man'. The time cries out for leadership. Cometh the hour, cometh the man. The hour will find the man who has the will and power to restore the Pakistan dream. The people are anxiously scanning the horizon waiting to see if the cavalry will come riding down the hill to restore the Pakistan dream".

When the history of our benighted times comes to be written, it will be noted that the Pakistan Army was the one institution which served the nation most meritoriously in its hour of greatest need. It intervened to save the country at the darkest hour when we had almost given up hope. General Musharraf appeared on the scene like a *deus ex machina*. When he seized power on October 12, like millions of my compatriots, I welcomed the change and heaved a sigh of relief. Our long national nightmare was over. 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. For a brief ethereal moment, the country fell in love with him. His first address to the nation was a welcome relief to a people torn apart by corrupt leadership, rising crime wave and a sinking economy. His quiet dignity and lack of pretense provided exactly the stabilizing force that people sought.

In popular perception, what happened on October 12, was not a coup but a bloodless revolution triggered by a combination of factors including Kargil and nomination of General Zia Uddin as Army Chief by Nawaz Sharif. A coup, as every student of political science knows, is a seizure of power for power sake. It does not aim at changing the social, economic, and political structures of a society. It does not represent a threat to the elite and the corrupt, and most important of all, the broad masses are indifferent to its success or failure. What happened on October 12, was not a simple substitution of existing authority by fresh authority. It sounded the death knell of a corrupt, rotten socio-economic order. It was the expression of a revolution of expectations that had already taken place in the minds of the people. It was the embodiment of their fears, apprehensions, hopes and aspirations. That is why they welcomed it with tears of joy in their eyes. They gave it their full support because they regarded it as the Dawn of a new era. The old order represented by corrupt politicians had collapsed and was dead and gone, or so we thought. General Musharraf now 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. What the people wanted was not a cosmetic change, but a purifying, cleansing, surgical operation to purge the country of all robber barons - politicians, civil servants, judges and Generals. Times were ebullient, and yeast was in the air.

The old order had discredited itself. We would conjure up a new and better one in its place.

On October 12, General Musharraf assumed an awesome responsibility and faced a daunting task. He had one big advantage; his accession to power was hailed with jubilation and quite genuinely acknowledged as the only way out of the mess left behind by Benazir and Nawaz Sharif. Now that he was in power, he had to demonstrate to the people and the outside world that the assault on “democracy” and suspension of the constitution was fully justified by his subsequent performance and that his military rule was qualitatively superior to civilian rule. Unlike his democratic predecessors, he commanded absolute power and had no excuses. There was no reason why he could not challenge and demolish, brick by brick, the corrupt system he had inherited. Nothing could prevent him from bringing about an egalitarian economic and social order. Nothing prevented him from identifying himself completely with the poor people of Pakistan who looked upon him as a messiah. They did not expect a new heaven and a new earth but nothing prevented him from confronting their main anxieties.

“As we approached the October 12 anniversary, the hopes raised on that day dimmed and faded away. Even revolutions have a “morning after”. 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, has evidently not taken place. The economy shows little sign of recovery. Poverty has deepened. Investor’s confidence has not been restored because the law and order situation shows no sign of improvement and nobody knows what Pakistan will look like two years hence.

A year ago, ruthless accountability of corrupt holders of public office was on top of General Musharraf’s agenda. What prevents 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? And why exempt corrupt Judges and corrupt Generals?

The contrast between the current tide of public shock and disappointment and the grassroot enthusiasm two years ago is stark. Two years ago, President Musharraf 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 two and a half 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. It sees President Musharraf as a prisoner of the forces he vowed to tame. Instead of crushing the corrupt, he has been captured by them and they have become his political allies. People are asking; is he 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?

Few people had been offered the opportunity that lay open to General Musharraf. It is our misfortune that he did not walk through the door resolutely. On April 30 that door closed in his face with a bang. On that day, he took the fateful plunge in search of legitimacy. Whoever advised him to hold the Referendum in order to extend his rule by another five years, did great disservice to him and to the country. On that day the silent majority sent a message, loud and clear, with a vengeance. The Referendum numbers stink, he gets terrible press at home and abroad. His 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. With one throw of the dice he lost all that he had gained. Suddenly, the President who soared by standing on integrity, seemed to have been replaced by one who had failed to prevent manipulation and massive rigging of results. Manipulation of Referendum results has its own dynamism. It cannot be controlled and sometimes produces unintended results. It virtually invalidated the Referendum and denied the President the fruits of his pyrrhic victory. Disaster now roams the country's political landscape. Pakistan is once again on the skids. How did we get into this clinch with ignominy? How will Pakistan now take the high road out of this moral squalor? Or will it go on wallowing in it?

We have been through many difficult times. The only difference is in the past we more or less knew through which tunnel we were trying to move, and what kind of light we expected to see at the end of the tunnel. Today we don't even know if we are in a tunnel. We are in a mess. Are we at the beginning of a long slippery climb up a steep mountain or are we hurtling into the chasm beyond any hope of rescue? Either way it is a grim prospect.

The historian Charles Beard once said, "that a life time's reflection on history had taught him four things: when darkness comes, the stars begin to shine; the bees that rob the flowers provide the honey; whom God wishes to destroy, he first makes mad; the mills of God grind slowly, but they grind exceedingly small".

I passionately believed in General Musharraf when he seized power on October 12. But in the end, and I say it with deep anguish, he left us with nothing in which to believe, nothing to be proud of, and all too much to hold in contempt.

Witness to History

“A country’s constitution”, Thomas Paine cautioned in the Rights of Man, “is not the act of its government, but of the people constituting a government”. More than two centuries ago (1787) 55 Americans worked through the sweltering heat of a Philadelphia summer to forge one of the most enduring political compromises which has stood the test of time. In Pakistan too, a constitution committee, with Mr. Abdul Hafeez Pirzada as chairman and 24 members met in Islamabad on October 9, 1972, in the backdrop of a bloody civil war and loss of half the country, to prepare a draft of a permanent constitution of Pakistan.

I was lucky enough to have witnessed, from a ringside seat in the official gallery in the National Assembly, the passing of the Constitution Bill and the emergence of the 1973 Constitution. It was a momentous event in the chequered history of our country and I was not going to miss it. How could one resist the temptation to be present at the Creation? History was in the making. “History” writes C. V. Wedgwood in her biography of William the Silent, “is lived forwards but is written in retrospect. We know the end before we consider the beginning and we can never fully recapture what it was to know the beginning only”. None of the main characters in the constitutional drama - Zulfikar Ali Bhutto, the architect of the Constitution, Abdul Hafeez Pirzada who piloted the Constitution bill and Wali Khan who led the Opposition, knew, nor do any of us yet know, the end.

The Constitution committee was particularly conscious of the unfortunate constitutional history of Pakistan and past failures. It identified the causes which led, on more than one occasion, to the breakdown of the constitutional machinery. This, in the opinion of the committee, opened the way for usurpers and dictators to assume power at the cost of the oppressed people and the country. The committee was of the view that the vagueness and dichotomy in the past constitutional instrument with regard to the source and exercise of power enabled unscrupulous adventurers to destroy systematically all democratic institutions and processes.

As the people’s representatives for the first time elected directly by adult franchise, the members of the committee strived to arrive at a constitutional arrangement which would preclude any recurrence of past failures. The draft of the constitution, the committee hoped, would do away with the dichotomy between the fiction and reality of executive authority. The committee provided what it thought were effective deterrents against any attempt to abrogate or subvert the constitution, which offense was declared High Treason.

I still remember Mr. Pirzada thanking the Speaker for conceding the floor to him and his words still ring in my ears. "Mr. President, Sir, first time in the history of Pakistan of 25 years, tragic history of Pakistan, tragic constitutional history of Pakistan, for the first time we are not only on the threshold of giving a constitution through the most recognized and cherished democratic process but we are almost over that threshold...

Mr. Bhutto, who followed Mr. Pirzada said, " I hope that after a long and tortuous road we have reached a stage in our life which can be regarded as a culmination. For a long time we have not been able to find basic solution to many problems that affect the country. Again and again, the issues have been opened and re-opened with greater anger and with greater bitterness. Among these problems the answer to the constitutional problems of Pakistan can be regarded as the most important. After 25 years we have, after many disputes and quarrels, come to a point where we can say that we have a fundamental law; we have a constitution and nobody can deny that this constitution does represent the Will of the people of Pakistan; nobody can deny that this Constitution is a democratic constitution by any definition of democracy; nobody can deny that it is a Federal Constitution; nobody can deny that there is settlement over the quantum of autonomy and thank God for that; nobody can deny that it is an Islamic constitution; It contains more Islamic provisions than any of the past constitutions of Pakistan as well as any of the other constitutions of Muslim Countries other than monarchist Muslim countries... I would always want to meet you and to continue our dialogue and our discussions because I believe this is the best way, this is the only way. We cannot shoot our way through because we have seen that when you shoot your way through, you reach the grave, and there is no flower left. If the whole land becomes a waste land, we do not want to make our country into a waste land, we do not want to see those solutions which are regarded to be the easy and the obvious solutions, they are not the easy, and the obvious solutions as we saw in 1958 and as we saw to our peril in 1969. So, then these are the major problems.

To the young Law Minister, I would say that he has done great service to Pakistan and it is a good fortune of history that on his young and able shoulders fell the task of giving Pakistan a constitution, of piloting the constitution bill. This is not a privilege which can be easily had in our circumstances in the conditions of Pakistan. He has worked with great zeal and with untiring devotion. He has been in touch with the opposition leaders at all times. He has kept his mind open. He has acted with dexterity, with finesse, with a nimbleness and he has amply demonstrated great qualities of a legal mind, of a political mind.

I have continued my speech longer than I thought it would be but I would finish with only one note and that is this that: is this constitution a viable constitution? Its viability lies in the hands of the people, its viability lies in the consciousness of the people, its viability lies in our understanding of our conditions. If we do not take stock of the situation, if we do not learn from what had happened in the past, if we do not repeat the tragic errors that we have made in the days not so long ago, if we pause to think and consider what a certain action will contain and what will be the consequences and repercussions of certain acts either made out of lack of knowledge or out of sheer ambition or greed, then I believe that this document will stand the test of time. But if we think that it can be cast aside and that there are simple solutions and all that one has to do is to sit on a white charger with sword in hand and settle problems with its flash, in that case the tragedy of the greatest magnitude will befall Pakistan. Therefore, this document is in the vault of the people, the people hold the key to its viability. All we can do is to pray to Almighty Allah that at long last after many efforts, because no country has had to face as much of constitutional experiences and troubles as Pakistan - we would now consider this document to be a fundamental law worthy of respect of the whole nation and that the whole nation now and the generations following it will protect it with their blood and with their lives". That day I felt like I had a future. Pakistan was back on the rails or so I thought. Disillusion was soon to set in.

The 1973 constitution elevated the status of the Prime Minister while reducing the status of the President and incorporated provisions presumed to deter the army from interfering in politics. Mian Mahmood Ali Kasuri, a member of the drafting committee and Law Minister, concerned about the Head of State's "uncontrolled power" to dissolve the National Assembly, resigned his committee post and cabinet position. It is unfortunate that Mr. Bhutto violated the sanctity of the constitution and the constitutional Accord by a series of unilateral amendments in the constitution in the teeth of opposition from his political opponents. In the process, he destroyed the delicate political compromise which formed the basis of the 1973 constitution, weakened his position and exposed himself to vicious attacks. Ultimately, he was overtaken by forces he thought he had neutralized and had in fact re-empowered.

Zulfikar Ali Bhutto knew well the man responsible for the trouble he was in; he looked at him everyday while shaving. All of us have a black as well as a white horse to draw the chariot of the soul. Tragically, ZAB's horses were both black. It was a Greek tragedy. Mr. Bhutto was fulfilling his own nature. Once it started, it could not end otherwise. Coexisting with his better angels in his nature were demons from a darker hell. ZAB was like a quartz crystal: Some facets bright and shining and polished, others dark and mysterious.

On July 5, 1977, General Zia ul Haq, the COAS promoted by Mr. Bhutto in 1976 over the heads of several senior officers struck; staged a military take over, arrested Bhutto, and other members of his government, including Mr. Pirzada, sacked the Federal and Provincial governments, dissolved the assemblies, held the 1973 constitution in abeyance and declared martial law. Mr. Bhutto, the architect of the 1973 constitution, was convicted on a murder charge, taken to the gallows and hanged on April 4, 1979. So, it had all been in vain. In vain all the efforts, all the deliberations, all the debates, all the nocturnal sessions. We are back to square one like Sisyphus, the Greek errand in Greek mythology whose punishment in Hades was to push uphill a huge boulder only to have it tumble down again.

We are all bruised and battered by those who chose to play fast and loose with the Fundamental Law of the land. Once again the country is in the grip of a grave constitutional crisis. Pakistan is under military rule for the fourth time. The 1973 constitution is held in abeyance. Parliament stands dissolved. We have come to the brink of a chasm with only three alternatives before us:

- i. To turn back the way we came by;
- ii. To cross the gap by a legal bridge
- iii. To hurtle into the chasm beyond any hope of rescue

We can't go back in time and fix the mistakes of the past, but why do we have to repeat them in the expectation that it would produce a different result. 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 not get off?

As to the Referendum, Mussolini once uttered a warning in a different context, "Eun errore'. It is a mistake. If the result is satisfactory, people will say that it is not genuine. If it is bad, the situation of the government will be unbearable, and if it is inconclusive, then it is worthless". Even at this late hour, President Musharraf will be well advised to heed these words of wisdom. But "man", Hegel once said, "learns nothing from History except that man learns nothing from history".

Not the Straight Path

The die is cast. A Referendum is to decide whether President Musharraf's rule is to be extended by another five years or not. Chatham once famously remarked: "I know that I can save this country and that no one else can". President Musharraf's exhilaration comes from a similar inner conviction although it has a ring of dejavu about it. When I heard this announcement, my mind went back to July 6, 1947 when, as a young subordinate judge at Swabi, I presided over that historic Referendum held to decide whether the people of the North West Frontier Province wanted to join Hindustan or Pakistan. Both Mr. Gandhi and Abdul Ghaffar Khan apprehended large-scale disturbances and bloodshed. Pundit Nehru thought otherwise and supported the Referendum. In order to ensure peaceful conditions, British troops were deployed all over Swabi. At the insistence of the Congress, the Governor, Sir Olaf Caroe, was retired. The conduct of Referendum was placed in the hands of Sir Rob Lockhart, the Chief of the Southern Command of the Indian Army. He replaced Caroe as the Governor of the NWFP. The result was a foregone conclusion. The atmosphere of pro-Pakistan frenzy, which had engulfed the rest of Muslim India, now prevailed all over the Frontier. Both Sardar Patel and Mulana Azad believed that the Referendum results were a definite indication of the waning of the influence of the Khan brothers in the Frontier Province. This was my first direct exposure to the Referendum process - one of the most powerful tools in democratic politics.

The question of political legitimacy 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 actual practice, the question of succession was decided by the length of the contender's sword and the sharpness of its blade. Ex-post facto recognition was always granted by the Caliph in Baghdad - a role now played by the Supreme Court in Pakistan.

President Ayub faced the same dilemma: How was his rule to acquire legitimacy? He resorted to a national Referendum. The question he had formulated and put to the members of the Electoral College on February 25, 1960 was: "Have you confidence in the President, Field Marshall Muhammad Ayub Khan, Hilal-I-Pakistan, Hilal-I-Jurat"? Like all military dictators, Zia also had a legitimacy problem. He was conscious of the fact that he derived his power, not from the people, but from the barrel of a gun, and was desperately trying to gain public approval for retaining power. With this in view, he decided to hold a Referendum on December 19, 1984. The question put to the voters was: 'do you

endorse the process initiated by President of Pakistan, General Muhammad Zia ul Haq, for bringing the laws of Pakistan in conformity with the injunctions of Islam as laid down in the Holy Quran and Sunnah of the Holy Prophet (PBUH) and for the preservation of the ideology of Pakistan, and are you in favour of the continuation and further consolidation of the process and for the smooth and orderly transfer of power to the elected representatives of the people'? Every voter was required to answer 'Yes' or 'No'. On December 1, 1984, Zia had said "if the majority of the electorate respond to the question in 'Yes' it will be taken to mean that the people of Pakistan have expressed confidence in the present government, have endorsed its policies and have elected General Muhammad Zia ul Haq as President for the next five years".

The turn-out for the Referendum was embarrassingly low. Accompanied by the Director Intelligence Bureau, I visited a number of polling stations in and around Rawalpindi. They were all deserted. At a ladies polling station in Lalazar, I complimented the Presiding Officer and her staff on the quick and efficient disposal of voters in record time as I saw no voters waiting to cast their ballot papers. On hearing this, they all said with one voice that they had not seen a single voter since early morning and had been sitting idle. The fraud practised on the people of Pakistan in both cases fooled nobody and the subterfuge backfired. If Zia thought that the referendum would provide him with a popular mandate for another five years, he was sadly mistaken.

What is a Referendum? It is the right of the citizens in a democracy to force a binding vote of the people on legislation passed by the legislators. I prefer to quote Jefferson rather than anybody else on this topic regarding him as the most powerful apostle of democracy that has ever been. "At the dawn of a new nation", Thomas Jefferson declared, "I know of no safe depository of the ultimate power of the society, but the people themselves". Jefferson was a strong and vocal advocate of the Referendum process. Whereas the King of England spoke of the Divine Right of Kings and of his power to govern being decreed from God, Jefferson knew that even those chosen to represent the citizenry were only empowered by the people and exercised delegated authority. Nothing comes closer to this Jeffersonian ideal of "power to the people" than the initiative and Referendum process, which allows voters to enact new laws that their elected members - for what ever reason - won't, and to repeal bad laws that run counter to the needs of the people. For hundred years, Americans of every political stripe have used the initiative and Referendum process to foster debate and change the powers and priorities of their governments, and for hundred years the process has been a testament to the strength, intelligence, and passion for freedom, inherent in the American spirit.

The Founding Fathers were in essential agreement on the question of human nature and on the exercise of political power. Most of them shared the common fear that power might be misused if it were concentrated in the hands of a few men. So they assumed from the very beginning that, although power was necessary, it was also dangerous. They were too experienced in the ways of politics to take it for granted that “good” men would always do what was right or in the best interest of their country. Human nature, they believed, was universally fallible, and only built-in institutional safeguards could be counted on. “If” Madison observed, “men were angels, no government would be necessary”.

Both Madison and Jefferson knew too well the possibility that those chosen to rule can and would, on occasion, become consumed with their power and take actions not consistent with the constitution - actions that represented their self-interest and not the interest of the people. For this reason, a series of check and balances were placed in the constitution in order to right the errors caused when elected representatives chose to rule unconstitutionally or in their own self-interest. The Founding Fathers rightfully believed that government without the consent of the governed was tyranny and because authority, but not responsibility, can be delegated, a mechanism to un-delegate, when appropriate, was a proper check on the process of legislating. They believed that I & R was an effective check on the power of government and one that the people could use. When the interests of the represented and the interests of the representative are at odds, I & R are the means by which the represented assure that their interests ultimately prevail.

In America and Switzerland, citizens have the ability to adopt laws, or amend the constitution through the initiative process. They also have the ability through the process of Referendum to reject laws or amendments proposed by the legislators. These are tools placed by written constitutions in democratic countries in the hands of the citizens to rectify the acts of omission and commission of their representatives. Initiative is the means by which voters can correct legislative sins of omission and Referendum is the means of correcting sins of commission. Both are a great complement to the representative government. Not a replacement, but a complement: when representative government fails the people, the I & R process is there to help them. When the I & R process fails the people, representative government is there to help them. They are perfect complements - each designed to help the people - and both carefully constructed to balance the weaknesses of one with the strengths of the other.

Neither Initiative nor Referendum can be delinked from the democratic system and have no meaning or relevance and make no sense when the country is under

military rule, the Constitution is held in abeyance, and the Parliament dissolved. How can a credible Referendum be held in such an undemocratic environment? Referendum is not a power placed by the Constitution in the hands of a ruler to legitimate or perpetuate his rule or impose his will on the citizens. It is inconceivable that in any democratic country, the Referendum process will ever be used by any ruler to circumvent the provisions of the constitution in order to get himself elected.

Almost 55 years after I cast my vote for Pakistan, the country is, for the forth time, under military rule, has no constitution, no parliament, no elected government. And the quest for a stable political order remains as elusive as ever. The tragedy of Pakistan is that our rulers, like the Bourbons of France, don't learn from history and are doomed to repeat the same mistakes. Einstein once defined insanity as doing the same thing over and over again in the expectation that it would produce a different result. We have gone through the valley of the shadows before. Do we have to go through it again? How can such a highly controversial Referendum lead to the restoration of a stable, genuinely democratic political order? How can it stop the political pendulum from swinging from one extreme to the other as has been the case throughout our troubled history? How can such a dubious Referendum of doubtful value help President Musharraf acquire moral legitimacy? How can we raise a strong, stable, democratic superstructure on such a shaky foundation?

General Musharraf's first address to the nation was a welcome relief to a people torn apart by corrupt, inept leadership, rising crime, insecurity of person, property and honour. His quiet dignity and lack of pretense provided exactly the stabilizing force that people sought. We thought he was a crusader against high level corruption, a Tribune of the people who would bring about an egalitarian social and economic order. We hoped he would help the nation recover its elan vital, lance the poisoned carbuncle, clean the country of its mess, give the country the lift of a driving dream, stitch the country back together and drag the nation to its feet again. We didn't think he came to fiddle with the controls. We thought he came to change the direction of the ship, untangle the mess and restore Jinnah's legacy. He grasped the helm a little less than three years ago, but the country still doesn't know whether he has an inner compass or a course to steer or a port to seek. An aching sense of disappointment hangs over his Presidency today although I would still prefer him to both Benazir and Nawaz Sharif. But that is not saying much.

"Men by their nature", Jefferson once remarked, "are naturally divided into two camps. Those who fear and distrust the people and wish to draw all power from them into their hands, and those who identify themselves with the people, have confidence in them, cherish and consider them the safest and most honest, if

always the wisest repository of the public interest. These two camps exist in every country, and wherever men are free to think, speak and write, they will identify themselves”.

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? Why must President Musharraf follow in the footsteps of his military predecessors? Why follow this tortuous, devious, circuitous road back to the abyss?

Does Constitution Matter?

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". One of the most serious injuries the State can inflict on its subjects is to strip the body politic of its "transparent garment" and commit the people to lives of perpetual uncertainty. This kind of existence, as the people of Pakistan know very well, is like a journey, full of dangerous obstacles and risks, undertaken in total darkness.

'Imagine the situation of two people shipwrecked on a desert island. Caliban is powerful. He is also impulsive, violent, and selfish. Prospero is weak and old and terrorized by his companion. He lives his life at Caliban's whim. Where he goes, what he does, what he has, are all subject to interruption and destruction at any time. Assume, however, that Caliban has one moral capacity, the ability to keep promises. If Caliban can be prevailed on, in a moment of sympathy, to promise not to enter a certain physical space, or not to injure Prospero at certain times, or to announce his approach when he comes near, or to forego one or two particularly offensive forms of maltreatment. Prospero's life will be profoundly improved. This will be so even if we concede that in every other way Caliban remains as vicious as ever. Such an improvement will, moreover, be superior to one in which Caliban agrees merely to consider those interests and actually refrains, from time to time, from injuring him. Prospero might prefer the former reform even if he knew that, in a given period, Caliban would interfere with him, more often than he would under the latter. Only in the first case has Prospero acquired the capacity, however, limited, to live according to plan'. Will Pakistan ever have the opportunity to frame a constitution that everybody respects and venerates and nobody dare abrogate, or subvert?

Constitutions are codes of norms which aspire to regulate the allocation of powers, functions, and duties among the various agencies and officers of government, and to define the relationship between these and the public. In modern times, countries have a constitution for the very simple and elementary reason that they wanted, for some reason, to begin again and so they put down in writing the main outline, at least, of their proposed system of government. This has been the practice since 1787 when the American Constitution was drafted and as the years passed no doubt imitation and the force of example have led all countries to think it necessary to have a constitution.

The Constituent Assembly of Pakistan was set up by the Governor General of India, Lord Mountbatten, by announcements of July 22 and August 10, 1947. The

main function of the Constituent Assembly was to prepare a Constitution for Pakistan. The Assembly failed to carry out these functions within seven years. A Draft Constitution would have been ready for signature on October 25, 1954 and would have been reported to the Assembly on October 27. On October 24, however, the Governor General issued a Proclamation asserting that "the constitutional machinery has broken down". He proclaimed a state of emergency and claimed that "the Constituent Assembly, as at present constituted, has lost the confidence of the people and can no longer function". Ayub Khan, the Commander in-Chief, was 'persuaded' to join the new cabinet of Muhammad Ali Bogra to act as "a buffer" between the politician and the armed forces.

Two years later, Chaudhry Mohammed Ali managed to produce a constitution which was promulgated on March 23, 1956. General Ayub Khan called it a "document of despair" and "a hotch-potch of alien concepts". On October 7, 1958, the coup d'etat led by President Iskandar Mirza and General Mohammad Ayub Khan replaced civilian with military rule. The first victim was the Constitution which was blamed for all the travails of the State. The 1958 laws (continuance in Force) order replaced the Constitution. However, virulent protests developed once limited political activity was allowed. Neither Ayub Khan nor his constitution survived organized resistance to his rule. Ayub Khan transferred power to General Yahya Khan who then promulgated martial law regulations anew.

With the breakup of Pakistan, a new National Assembly produced a new document, the 1973 Constitution. Its preamble declared: "now, therefore, we, the people of Pakistan do hereby, through our representatives in the National Assembly, adopt, enact and give to ourselves, this Constitution". For the first time, the military was made subservient to the Prime Minister. On July 5, 1977, however, General Zia ul Haq, the Chief of Army Staff, promoted by Bhutto in 1976 over the heads of several more senior officers, struck. He staged a military take-over, arrested Bhutto, sacked the Federal and Provincial governments, dissolved the Assemblies and imposed martial law. The Supreme Court, the guardian of the constitution, without any jurisdiction or power authorized the Chief Martial Law Administrator to dismantle the constitution brick by brick, and change it beyond all recognition. It remained suspended from 1977 until 1985 when martial law was withdrawn and civilian rule restored.

On October 12, 1999, the army struck again. General Pervez Musharraf toppled Prime Minister Nawaz Sharif and suspended the constitution. More than 50 years after its creation Pakistan's quest for a stable political order remains elusive.

Almost every State in the world today possesses a codified constitution. Constitutions are like door locks. These are clearly unnecessary to honest people

who pass the door, and equally are useless against the determined burglar. But they can and do deter the casual strollers who might otherwise come in and help themselves. Constitutions are constantly and continually torn up to make new ones. Moreover - so this line of arguments goes - Britain, New Zealand, and Israel have no codified constitutions but nevertheless follow with remarkable consistency and continuity what constitutional rules they do possess. Hence it is concluded - constitution are otiose: if the power holders exercise self-restraint, the written constitution is unnecessary. And if they do not then it is useless. However, the American constitution - makers were, convinced of the unique effectiveness of written law. A dictum of Jefferson's best expresses this attitude. "In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the constitution". Paper promises whose enforcement depends wholly on the promisor's goodwill have rarely been worth the parchment on which they were inked.

Constitutions are influenced by what people think of them, by their attitude to 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 the constitution against attempts to abrogate or suspend it. The chequered constitutional history of Pakistan makes it abundantly clear that Pakistan is one of those countries where constitution is treated with contempt and where the army is treated with more respect and fear than the constitution. In Pakistan what the constitution says is one thing and what actually happens in practice is another. Our constitution is not a realistic description of what actually happens, so is mostly fiction, bearing no relationship to what goes on. It contains fictive or decorative passages and omits many of the powers and processes met with in real life.

Addressing a press conference in Tehran, President Zia ul Haq said: "what is the constitution? It is a booklet with ten or twelve pages. I can tear them up and say that from tomorrow we shall live under a different system. Is there anybody to stop me? Today the people will follow wherever I lead. Is there anybody to stop me? All the politicians, including the once mighty Mr. Bhutto, will follow me with their tails wagging".

It is natural to ask, in the light of this discussion, whether constitution really matters in Pakistan which seems to be in a state of perpetual revolution? And isn't constitution - making an exercise in futility? Who is there to defend it? What is the sanction behind it? Nobody sheds a tear when it is torn up. Why keep it in a state of suspended animation? Why have a constitution which can be torn up, abrogated, suspended or held in abeyance every time the army strikes?

President 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?

One thing is clear. President Musharraf must guard against any dialogue with the dead. He should have nothing to do with the corrupt, discredited groups of opportunists, partners in crimes and accomplices of those who looted and plundered the country. To those among them who have escaped the arm of justice, and there are quite a few, and want to stage a comeback through the backdoor, we say: your role is played out; you belong to the dead past; you cannot be resurrected; go where you ought to go into the 'dustbin of 'history'. The country has so radically vomited up the corrupt past that it can never crawl down the people's throat again. It is a great pity that the army handled them with gloves and saved them from the wrath of the people. No matter what happens, the spirit of October 12 must not be compromised. What is sad about Pakistan is not that we have such a nasty habit of producing such corrupt leaders. That happens all over the world. It is that we seem to have such difficulty getting rid of them without simply replacing them with others.

Ceremonial Tree Planting

I was a 13 - year - old high school student when I first met Justice Kayani in mid 30s in Parachinar and shook his hand. In my mind's eye, I can still see him playing tennis on a hard court not far from where we lived. Planting trees, grafting roses and pruning hedges was his hobby for spare hours. It helped him, "to bear grief and to clear his thoughts". Describing his short car drive to the T.B. sanatorium just outside Quetta, Justice Kayani told a group of students in Lahore: "It is a few miles from the city, and after you have gone out, there comes a barren stretch of road, as bleak in appearance as the bleak rocks of Balochistan; not a tree on either side of the road, not a blade of something, not an idea even. Why this desolation? I asked. Why not grow trees? He (his companion) pointed to some dry stumps at regular distances and said those were trees that are dry stumps now. This sounded like Shakespeare's:

"Those are pearls that were his eyes"

My friend said he did not know what Shakespeare meant, but that those trees had withered... and drove on until we came to another stretch of the road, lined with trees, beautiful in habit, beautiful in foliage. "Hello, what!" I exclaimed, full of romance, full of hope. "Who has planted these"? "These", he said, "were planted by Englishmen, i.e. by these very natives under the orders of Englishmen". All the beautiful chinar trees brought by General Robert from Kandhar and planted on Lytton Road, as it was then known, are gone.

Planting trees is not a part of our culture. We have other priorities. How else can one explain the absence of trees in the Margalla Hill which forms the backdrop of Islamabad and was declared a National Park by the Federal Government in 1980. It is mostly covered with shrubs and only a few pine trees cling to the top of the ridge. Once it comprised ever green pine forest, hundreds of species of flowering plants and ferns. The irony is that, after it was sanctified as a National Park, the hill was exposed to activities which are prejudicial to its preservation and are incompatible with the objectives of the National Park. A cement factory was established in 1984 in the green area. Its requirement of raw material i.e. limestone is quarried in the National Park. Consequently, in addition to creating serious pollution, the park's features, its rock, soil, fauna, flora are being gradually destroyed. Hundreds of stone crushers were installed in four beautiful valleys in the National Park and rock-mining allowed. This destroyed the landscape, the natural geological formations, the 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, high truck traffic, worker's camps and polluted streams. Rawal Lake a part of the National Park and main source of drinking water for Rawalpindi, is threatened by pollution caused by unauthorized human habitations all around the lake.

It was in vain that I raised this matter with successive Presidents and Prime Ministers. 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. What is worse, thousands of trees planted by students were bulldozed and the ground leveled for a political convention? Benazir played a cruel joke on the country when she transferred some of her statutory functions to her spouse and made him responsible for the protection of the environment. 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. Instead, 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. Of the thousands of trees planted by us since 1989, over 10,000 pine trees have survived the vagaries of nature and ravages of man.

Quarrying in Kalinjar and Sinyari valleys was stopped under orders of Moin Qureshi, as caretaker Prime Minister. Mustafa Khar, as Minister of water and power, stopped stone crushing in Shahdara valley by simply ordering WAPDA to remove the transformers and discontinue power supply. With the crushers gone, nature has taken over and wild life has returned. The present regime has setup a Task Force to study the wanton destruction and decimation of Margallah Hill around Nicholson monument and submit its report.

Another endangered Park is Kirthar National Park, the first of its kind in Pakistan to be included in the United Nation's List of National Parks and Equivalent Reserves. Shell-Premier and more recently Premier are threatening to make inroads into this park for commercial gain. It has secured a No Objection Certificate from the Federal Government under rule 17 of the Pakistan Petroleum (exploration and production) rules 1986. In the absence of a Federal Law, the exploration license is illegal as no Authority can issue an exploration license in violation or disregard of laws of the land, whether Federal or Provincial.

Who among our leaders, elected or un-elected, in uniform or otherwise, will save our National Parks, our forests, our national heritage. Trees are symbols of hope for the future and are planted by people who have faith in the future of their

country. All over the world, except Pakistan, trees are venerated, respected. We bulldoze them. Not surprisingly, Pakistan has a forest cover of 4.57% - a dismal performance by any standard and an alarming annual rate of deforestation ranging from 2.5% to 3%. How tragic that our leaders are much better at planting ceremonial trees than they are at saving the forests of our nation. Perhaps, a ban should be imposed on political and ceremonial tree plantation until the nation's forests and parks are fully protected. People who have no faith in the future of their country do not plant trees. They loot and plunder and leave behind a treeless desert for posterity. These are sad thoughts, but our sweetest songs are those that tell of saddest thoughts.

Threat to the Islamic World

“You have committed great sins”, Genghis Khan, sole super power and terror of the world in the 13th century, told the people of Bukhara. “If you ask me what proof I have for these words”, he said. “I say it is because I am the scourge of God”. The year was 1219 AD. The Mongol forces had burst upon the Islamic world, ransacking and devastating Khurasan, Khwarizm and Afghanistan. In Khurasan, a refugee, asked to tell what had happened in Bukhara, replied with remarkable succinctness: “they came, ruined, burnt, killed, plundered, and left”. Jalal-ud-Din Khwarizm Shah, determined not to be captured alive by the Mongols, raced for the edge of the low cliffs that overhung the Indus River. Without hesitation, horse and rider leapt into air. How high was that famous leap, remembered over centuries in poem and story? Some say twenty feet, other fifty, others seventy; it hardly matters. It was high enough and the bravery of the escape was recognized at once by all who witnessed it for Genghis Khan himself gave the order to stop shooting. The year was 1220 AD.

The next Mongol blow on the world of Islam fell in 1258 AD when Hulagu, the grand son of Genghis Khan, attacked one of the central pillars of Muslim ascendancy, the Caliphate itself. When the siege of Baghdad 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 date was February 20, 1258 AD.

The fall of Baghdad plunged the Muslim world into a state of shock and terror. For the first time a significant part of the Islamic world had been subjected to the domination of a non-Muslim power - a fact that must have called into question the assumption made by Muslims that God’s favour for their community was revealed in its continuing political superiority. One incident illustrates the degree of abasement to which Islam was reduced. Kaikaus, one of the Seljuk Sultans of Asia Minor, in order to pacify the Mongol Prince, had his own portrait painted on the soles of a pair of boots. He offered these to Hulagu saying, “your slave

dares to hope that his king will condescend to honour his servant's head by placing upon it his august foot".

Once again, "events are in the saddle and ride mankind". The 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. God seems to have turned his face away from the Islamic world. Afghanistan is under foreign occupation and has ceased to exist as a sovereign, independent country. Afghans paid a horrible price for not meeting US demands and defying the world's sole superpower. Iran and Iraq, an 'Axis of Evil' as President Bush describes them, are next on the hit list. US troops are already engaged in military operations against Muslims in Southern Philippine. Indonesia is threatened with similar treatment. So are Yemen and Somalia.

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. There can be no friendship between the cat and the mouse. There can be no friendship between the strong and the weak or between unequals. The country does not share President Musharraf's faith in US friendship and assurances. By succumbing to American pressure, we managed to secure a temporary reprieve. But at what price? Pakistan is splattered with American fortresses, seriously compromising our internal and external sovereignty. Foreign troops stationed on our soil move in and out of the country without any let or hindrance. Pakistan has become a launching pad for military operations against neighbouring Muslim countries. We have been drawn into somebody else's war without understanding its true dimension or ultimate objectives.

Long before September 11, 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". The illusion of victory in Afghanistan has put the US in sole command of the World and it reserves to itself the right to wage war anywhere in the world and change any regime. After the President's State of Union address of January 29, many 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.

Why doesn't America understand that Islam is not its enemy; that the war on terrorism can only be won by identifying and eliminating the reasons that have brought about this menace; that it is not an honest broker in the Arab Israeli conflict; that Israel is a deadly symbol of the humiliation of Islam by America,

close friend and ally of Israel; that to go on a crusade against evil is one thing, to do so with evil at your side is another; that when young men turn themselves into suicide bombs, it is not because they are evil, but because they genuinely think that it is America which is evil.

With the second unsuccessful siege of Vienna in 1683 and the Turkish retreat that followed, a thousand years of Muslim threat to Europe came to an end and centuries of Western threat to Islam began. What has been the response of the Islamic world to this threat? One was to learn from the enemy in the whole range of what has come to be known as modernization. The other was religious revival, a return to the pure, authentic Islam of the Prophet and his Companions, a rejection and elimination of the accretions and innovations that had debased and corrupted the faith and enfeebled the Islamic society making it incapable of resisting its external enemies.

Kamal Attaturk opted for modernization. In the process he disestablished Islam, repealed Sharia, and adopted European practices. In order to understand what is happening in Turkey and elsewhere in the Islamic world there are two essential points that need to be grasped. One is the universality of religion as a factor in the lives of Muslim people, and the other is its centrality. The notion of Church and State as distinct institutions, each with its own laws, hierarchy, and jurisdiction is characteristically Christian and is alien to Islam. In Islam, religion is not, as it is in Christendom, one sector or segment of life regulating some matters and excluding others. It is concerned with the totality of life. In such a society, the very idea of separating Church and State is meaningless, since these are not two separate entities to be separated.

The second response to the external threat came from the Wahabis. They aimed at regenerating Islam and thus restoring Muslim power. In the early 19th century, the most significant movements of resistance to western imperialism were started by the Wahabis, inspired by charismatic leaders like Syed Ahmad Brelvi against the British in India, Abdul Qadir against the French in Algeria, and Shamil against the Russians in Daghestan. All three were defeated, and all three are remembered and revered.

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 wage Jihad against the local 'infidels' in the

Islamic world - the oppressors, the collaborators, the exploiters and the corrupt.
Jihad par excellence against the world outside can wait.

The End of Parliamentary Democracy?

Pakistan opted for parliamentary democracy at the dawn of independence. Eleven years later, with the full knowledge of the American Ambassador and the British High Commissioner, President Iskandar Mirza and Ayub Khan, his Army Chief, conspired to abrogate the constitution and stab Pakistan's fledgling democracy in the back. Pakistan's flirtation with democracy ended in a puff of smoke. There was not a ripple of protest nor any sign of agitation. Miss. Fatima Jinnah, the revered sister of Quaid-i-Azam, issued a statement: "a new era has begun under General Ayub Khan and armed forces have undertaken to root out the administrative malaise and the anti-social practices to create a sense of confidence and stability and eventually to bring the country back to a state of normalcy. I hope and pray that God may give them wisdom and strength to achieve their objectives".

"To plunge the army into politics", Ayub Khan wrote in his diary, "was like exposing my own child to unpredictable hazards". Ayub Khan committed the original sin. He knew that if the army once got drawn into political life - and this he knew was inevitable - it could not withdraw itself. It was Ayub Khan who inducted the army into the politics of Pakistan. He set a bad precedent. Others merely followed his example. Why did Pakistan lapse into dictatorship? Why has parliamentary democracy failed to hold the field in Pakistan? Let us go back to the beginning, so to speak, and look at the question in historical perspective. Perhaps we can find the clue to an answer if we glance at what has happened in India after independence. The success of parliamentary democracy in India stands out in contrast to its 'failure' in Pakistan. "If one is travelling in Asia", Professor Arnold Toynbee said in a lecture delivered at McGill University in 1961, "and enters India after having visited some of the other south Asian countries, one become conscious of a difference in human climate... Here is a country with a vast area, with a great and growing population, with the narrowest margin of production over the requirements of bare subsistence, with a low percentage of literacy, and with an experience of parliamentary government that was only 30 years old in 1947 - the year in which India's independence was achieved. There has never before been an electorate on the Indian scale; yet general elections in India appear to be efficiently organized and honestly conducted. The polling is heavy; the public interest in the political issues is keen. The practical difficulties arising from illiteracy have been surmounted by ingenious polling devices. In present - day India, parliamentary democracy is a reality. This is greatly to the credit of the Indian people as a whole, but even greater credit is due to the modern - minded minority in India that has been serving the country as a political leaven..."

Pakistanis and Indians are inhabitants of the same subcontinent. We were exposed to the same Western influences under the same Western colonial regime. We became independent states at the same date. "The difference in the political outcome", Toynbee said, "is a consequence of the difference in the respective reactions of Hindus and Indian Muslims to the impact of the west over a preceding period of nearly 200 years, beginning with the establishment of the British East India Company's rule over Bengal".

Democracy, in the sense in which it is understood in the West, is foreign to Pakistan and has very few supporters. Nobody in this country - neither the politicians, nor the judiciary nor the bureaucracy, nor the army believes in it. Democracy in the West means a political system marked not only by free and fair elections, but also by the rule of law, independent judiciary, an independent Election Commission, a neutral, de-politicized civil service, the protection of basic liberties of speech, assembly, religion and property. In Pakistan, democracy means a political system marked by rigged elections, absence of rule of law and independent Election Commission. Constitutional liberalism, as it is understood in the West, is foreign to Pakistan. Free, fair and impartial elections are rarely held in this country. The resulting governments are democratic only in name. No tears are shed when they are toppled. In fact, people heave a sigh of relief and welcome the usurpers.

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.

The army has struck Pakistan's nascent democracy four times and has been in power for nearly half the country's existence. It has shown a greater willingness to grasp 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 will act differently. After taking over, the first task of any military ruler is to address the nation on radio and television. On each occasion, the coup leaders have summoned as much sincerity as they could muster and have delivered carbon copy speeches. Ayub Khan pledged: 'our ultimate aim is to restore democracy'. Yahya Khan insisted: 'I have no ambition other than the creation of conditions conducive to the

establishment of a constitutional government'. Zia ul Haq, the least democratically - minded of the lot, gave the clearest assurance of all: 'My sole aim is to organize free and fair elections which would be held in October this year'. Most recently, General Pervez Musharraf has claimed that: 'The armed forces have no intention to stay in charge any longer than is absolutely necessary to pave the way for true democracy to flourish in Pakistan'.

A few days after the 1999 coup, General Musharraf's 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 judgement that stated he would remain in office for just three years. In June 2001, however, 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 for a further five years.

Pakistan's military rulers have had other traits in common. All of them have placed great emphasis on constitutional reforms for the better governance of the country. Ayub Khan devised the system of basic democracy which he dismantled with his own hands before he fell from power. Fifty four years after Ayub's coup, General Pervez Musharraf, the new military ruler, said he wants to create a more stable political system by giving the army a permanent role in decision-making, but there is little reason to believe that he will prove any more capable of establishing durable political institutions than his predecessors. His idea of a National Security Council on which the politicians and service chiefs work together is bound to fail. Like Ayub Khan before him, President Musharraf is unwilling to accept that trying to create a hybrid of military and democratic government cannot and will not work. The danger is that President Musharraf's authoritarian regime, far from being temporary, will, unless checked in time, acquire the mantle of legitimacy and permanence. The country will then 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.

Ultimately, the true guardians of democracy are the people of Pakistan. The lesson of history is that the only defence against a military coup 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 have no faith in their political institutions; if they have no respect for their political institutions; if they do not value representative government; 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, then they would not be able to maintain it. Isn't it a sad commentary on our chosen representatives that when honour calls, they all abandon the ship and swim ashore to safety? With such leaders, is it surprising that parliamentary democracy has failed to hold the field in Pakistan and can be snuffed out by the military any time it likes? "Perhaps no form of government", said the historian and diplomat Lord Bryce, "needs great leaders so much as democracy".

Fifty five years after its creation, Pakistan's quest for a stable political order remains elusive. 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? The argument that democracy has failed in Pakistan or that Pakistanis aren't ready for it just won't wash. The truth is that democracy was never given a fair trial. Democratization is a long and complex struggle marked by advances and setbacks. The process of genuine democratization is gradual and long-term, in which election is only one step. Without appropriate preparation, it might even be a false step. "Democracy is not just setting up elections. It is a way of life". Margaret Thatcher observed wisely. "Only then is it irreversible". Politicians elected during military rule face a difficult choice: they can either cooperate with the army, 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, thereby forcing a political crisis. The future of parliamentary democracy in Pakistan will depend on the choice they make.

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. 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 everywhere. And time will win.

Another False Dawn

Three years ago a democratically elected government was toppled in a military coup and replaced by the regime headed by General Pervez Musharraf. Now that elections to the National and provincial assemblies have been held, is Pakistan back on the rails and are we on the democratic path once again? Has President Musharraf redeemed the pledge he gave to the nation three years ago? Does Pakistan stand taller today? Is the common man better off than he was three years ago? 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. There will, of course, be more to say in the days to come.

The history of democratization in Pakistan is replete with failed attempts. Democratization is a long and complex struggle constantly marked by advances and setbacks. Elections, of course, are only part of the process of developing democratic culture, and they are certainly not a panacea for societies torn by conflict or countries wracked by poverty or economic crises. The principle that all men are born free and equal, and that no one has a right to rule them without their consent, has now swept the world. This has inevitably come to be understood as meaning that they cannot be ruled without their clearly expressed consent in the form of an election. Elections, open, free and fair and held for the purpose of electing rulers and nothing else are the essence of democracy, the inescapable "sine qua non". Governments produced by such elections are called democratic, no matter how inefficient, corrupt, shortsighted, irresponsible, dominated by special interests, and incapable of adopting policies demanded by the public good.

On the eve of the October elections, rules of the game were changed. The two mainstream political parties were decapitated and their leaders prevented from taking part in the election process. This took some of the passion and steam out of the electoral process. But what is worse, it reduced the process to a farce and diminished its credibility. Sadly for Pakistan, elections held on Oct 10 were only for the National and provincial assemblies, not for the Presidency, the most important and powerful office in the new political order. No meaningful transfer of power to the civilians will, therefore, take place as a result of these elections and an unelected but powerful President will rule Pakistan for another five years, if not more.

People of my generation would recall that absolutely free, fair and impartial elections were held repeatedly in pre-independence India under the Government of India Act 1935, but they were not called democratic because they were not

held for the purpose of electing our rulers. Despite free and fair elections, Indians were not given complete control over the government of their country; they could not change or amend their constitution; the Indian legislature was not a sovereign body and it was wholly incompetent to legislate on certain matters. Is history repeating itself? By exempting himself from the democratic process provided for in the Constitution, General Musharraf has denied the people the right to elect their President. Pakistan will therefore remain an illiberal autocracy of the Cromwellian type in which army has effectively ousted the front-ranking politicians and replaced them by Lieutenant Generals. "Whichever party comes out on top, "the London Times wrote "in reality, the vote will do no more than cloak continued military rule in democratic mufti."

When General Pervez Musharraf seized power on Oct 12, like millions of my compatriots, I welcomed the change and heaved a sigh of relief. 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. For a brief ethereal moment, the country almost fell in love with him.

However, the euphoria following the dismissal of Nawaz Sharif soon gave way to the sobriety of the morning after. The revolution we all expected and which seemed so certain at the time did not take place. President Musharraf slipped on one banana peel after another. The constitution was defaced, disfigured, defiled, decimated and changed beyond all recognition. The economy shows little sign of recovery. Poverty has deepened. Investor's confidence has not been restored because the law and order situation shows no sign of improvement.

Three 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 have they been 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? 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, no political compulsions. When expectations were not fulfilled, frustration set in, hopes raised three years ago dimmed and faded away.

I have been associated with the conduct of many elections since pre-independence days. Barring one or two exceptions, elections in Pakistan have always been disputed and lacked credibility in varying degrees. Allegations of official interference, rigging and manipulation of results are not uncommon in this country. But the extent and depth of involvement of the civil administration and the blatant, flagrant abuse of official machinery in support of the king's party in this election was unprecedented even by Pakistani standards and broke all previous records.

At the end of three years of military rule, the people looked forward to a new beginning and a better future for themselves and their children in a genuinely democratic Pakistan. Today the future has quite literally shrunk and the present has stretched out. The center of gravity, the locus of ultimate power, will shift from the parliament to the National Security Council, an unelected body dominated by armed force answerable to none. It is foreign to the parliamentary form of government and is inconsistent with the role of parliament as the "great inquest" of the nation.

There can't be two suns in the sky. There should be 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. Cohabitation hasn't worked well in France. President Zia tried it in Pakistan towards the end of his long military rule but it didn't work. He had to sack the Prime Minister and dissolve the National Assembly with disastrous consequences for the country. Why make the same mistake again? Why not learn from history? But as Hegel said long ago? "Man learns nothing from history except that man learns nothing from history".

Back to the Future

Constitution making is a never-ending process in Pakistan. Once again the country is in the grip of a grave constitutional crisis. Pakistan is under military rule for the fourth time. The 1973 constitution is held in abeyance. Parliament stands dissolved. We are back to square one like Sisyphus, the Greek errand in Greek mythology whose punishment in Hades was to push up hill a huge boulder only to have it tumble down again.

We have to travel in the past in order to find out what Pakistan's constitution looked like at the dawn of independence and where we stand today. It is necessary to have a thorough grasp of the main principle that underlay the Act of 1935 in order to be able to appreciate the fundamental change that was effected by the Act of 1947. The element of responsible government in the Government of India was first introduced by the Act of 1919, which was passed on the recommendations contained in the Montague - Chelmsford Report. The Act introduced in the sphere of Provincial Government the system of Diarchy which was based on the principle that Ministers, without being answerable for the reserved departments or for the policy on the reserved side, were jointly responsible to the popularly elected legislature in respect of the Transferred Departments. The system was extended by the Act of 1935, so as to cover, with some important exceptions, the whole field of government. It stated that the basic idea of the new Indian constitution would be diarchy at the centre and responsible government in the provinces. The special features of the Act were:

1. The polity of India was reconstituted on a Federal basis.
2. The provinces were granted autonomy and responsible government.
3. The Governor-General of India and the Governors of the provinces were granted extensive powers by way of safeguards, reservations, special responsibilities, overriding powers, and so on.

The executive powers of the federation were vested in the Governor-General, as he was the representative of the Crown. The Governor-General as head of the federal executive had supreme command of the military, naval and air forces in India.

Administrative functions with respect to defence, foreign relations were to be exercised by the Governor-General at his discretion. All other executive powers were to be exercised by the Governor-General with the help and advice of the

Council of Ministers, subject to the exercise by the Governor-General of special powers and responsibilities. The control of ministers over the administration of transferred departments was subject to following limitations:

1. Ministers had no right to tender advice on matters in respect of which the Governor-General was required to act at his discretion;
2. In cases where the Governor-General was empowered to exercise his individual judgement; and
3. When the Governor-General acted in the exercise of powers entrusted to him in the discharge of special responsibilities.

In all matters which involved his special responsibilities, the Governor-General was required to exercise his individual judgment as to the action to be taken. He could, however, seek ministerial advice, but he need not act thereupon.

The act placed a number of restrictions on the legislative powers of the Federal Legislature. These restrictions were set out in section 108 which provided: unless the Governor-General in his discretion things fit to give his previous sanction, there shall not be introduced into, or moved in, either chamber of the Federal Legislature any Bill or amendment which:

- (a) Repeals, amends or is repugnant to any provisions of any Act of Parliament extending to British India; or
- (b) Repeals, amends, or is repugnant to any Governor-General's or Governor's Act or any ordinance promulgated at his discretion by the Governor-General or a Governor.

The Governor-General was invested with extra-ordinary powers of legislation and could issue ordinances having the same force and effect as an Act of the Federal Legislature assented to by the Governor-General. The Governor-General was empowered to promulgate ordinances during the recess of the legislature. The Act contains special provisions enabling the Governor-General to act promptly in the event of a breakdown in the constitutional machinery. If at any time the Governor-General felt that a situation had arisen in which the government of the Federation could not be carried on in accordance with the provision of the Act, he could, using his discretionary powers, issue a Proclamation declaring that his functions now be extended to all or any of the powers vested in or exercisable by any federal body or authority, other than the Federal Court.

Subject to the provisions of the Act of 1935, the executive authority of each province extended to matters with respect to which the legislature of the province had power to make laws. It was provided that even though the Governor could act at his discretion, he should exercise his function with the help and on the advice of a Council of Ministers.

To summarize, the position under the act of 1935 was that, though in matters in which the Governor-General was not empowered to act in his discretion or in exercise of his individual judgement, the ministers could take action, which, as a matter of convention, was not to be questioned by Governor-General, there still remained a large sphere of action in which either the Governor-General did not consult the Ministers or he was not bound by their advice.

It cannot be denied that Government of India Act 1935, was not a perfect piece of legislation. It fell far short of the aspirations and demands of the people of India. Some of its shortcomings and defects were:

1. Indians were not given control over the government of their country.
2. They could not change or amend their constitution.
3. The Indian Legislature was not a sovereign legislature. It was wholly incompetent to legislate on certain matters.

These restrictions on legislation and control on government had therefore, to be removed if India was to become independent. Now for a country to be independent it is necessary -

- (i) That it should have a legislature with authority to legislate on all matters without any restrictions, including matters relating to the making of a constitution;
- (ii) Its government should be responsible only to its own people or its elected representatives and not to any other authority.

It is in the light of these principles that the Indian Independence Act has to be examined when it came into force on the midnight of August 14, 1947. The salient features and provisions of the act are:

1. A Governor-General was provided for each of the new dominions who was to be appointed by the Crown.

2. The legislatures of the two dominions were made fully sovereign and were given powers to make laws having extra-territorial jurisdiction.
3. The Constituent Assembly of each dominion was given the power to frame a constitution pending which each dominion was to be governed as nearly as could be in accordance with the Government of India Act 1935.
4. The Governor-General of each dominion was empowered till March 31, 1948 to make necessary omissions, additions, adaptations, and modifications in the provisions of the Government of India Act 1935.
5. Pakistan was not subject, as Canada and Australia were, to any disability to change its constitution. It could have any constitution or form of government it liked having no connection with the Commonwealth or the Crown or the Governor-General as the representative of the Crown.

Under the provisions of the Indian Independence Act 1947, the Government of India Act 1935 became, with certain adaptations, the working constitution of Pakistan. Under the original Act of 1935, the position of the Governor-General was unique. As the representative of British Crown in India, he was invested with the final political authority in the country and given the widest discretionary powers and special responsibilities. The Supreme command of the land, naval, and air forces was vested in him.

On August 14, 1947, all discretionary powers were restricted through an amendment in the Indian Independence Act 1947. Under section 8(c) of the Act of 1947, the powers of the Governor-Generals or any Governor to act at his discretion or to exercise his individual judgement 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 activity was brought under the control of the cabinet which was responsible to the legislature. All powers of the Governor-General were to be exercised on the advice of the cabinet.

Where do we stand today?

1. The constitution - the fundamental law of the land - has been repeatedly violated, defaced, disfigured, decimated and changed beyond all recognition.
2. Under the new dispensation, an un-elected President will rule Pakistan for another five years, if not more.

3. Parliament will not be sovereign and will not be competent to legislate on certain matters or amend the constitution or make any structural changes in it.
4. The Chief Executive, and not the parliament, will have the power to amend the constitution, as he considers necessary.

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. Pakistan opted for parliamentary democracy at the dawn of independence. Parliament is one of the chief instruments of our democracy. Is it consistent with the principles of parliamentary democracy to empower the President at the expense of the Prime Minister? And is it consistent with the principles of 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 National Security Council dominated by the armed forces answerable to none?

One thing is clear. We have drifted away from the democratic path and have 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 and go at any pace it can. Direction is more important than speed. Nobody travels along a road without knowing where it leads to. No captain of a ship sets out on a voyage without knowing where it leads to. No captain of a ship sets out on a voyage without his charts and, while sailing, without taking his position every day. But Pakistan travels through time without orienting itself in it. The ship of state is decrepit and creaky. The sea is turbulent. The captain has no compass and the crew is inexperienced. 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. 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? There seems to be a crisis of confidence in the country's future. There is widespread and growing cynicism among the people. 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. They have seen a number of false dawns of reforms and renaissance. 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.

My sadness in following the events since independence is deepened by bittersweet memories of the euphoria of the Pakistan dream that was being dreamed in the heady days of 1947 when Pakistan was so very new and hopes were so very high. Will Pakistan ever have a durable political system based on national consensus or a parliament which reflects the will of the people? Will Pakistan ever have a strong and independent judiciary to protect the citizen's inalienable rights? Will Pakistan ever have a strong and independent election commission as next door India has? Will Pakistan ever leave the valley of despair and recover its elan vital? Will I ever be able to say: "it is a fantastic feeling to be a Pakistani tonight"?

Next Stop Baghdad

As the conflict in Afghanistan winds down, President Bush has turned his attention to Baghdad. Iraq is now in the gunsights. President Bush has challenged the United Nations to stand up to Saddam Hussein and warned that the United States was prepared to act alone if the Iraqi President failed to comply with UN Resolutions demanding an end to his weapons development programme. The reasons for contemplating such drastic action have little to do with the events of September 11 and the subsequent crisis and much to do with the course of US policy toward Iraq since 1991. Russia, China, most Europeans and Secretary General Kofi Anan disagree with this quintessentially American view and believe that the UN Security Council is the only World body legally empowered to decide whether Iraq is to be invaded. President Bush, on the other hand, seems determined to bring about a change of regime in Baghdad with the support of the United Nations if possible, without it if necessary. And so, there is a distinct possibility that the United States could be at war with Iraq by Christmas or soon thereafter.

The 20th century began with western powers seeking to impose a new order on the Middle East. The 21st century has begun in similar fashion. Events are once again in the saddle and ride mankind. The Middle East, although it had been of great interest to Western diplomats and politicians during the 19th century, was of only marginal concern to them in the early years of the 20th century. The Middle East, as we know it today, emerged from decisions made by the allies during and after the First World War. Middle Eastern countries and their frontiers were created in Europe. Iraq and what we now call Jordan are British fabrications, lines drawn on an empty map by British politicians after the First World War; while the boundaries of Saudi Arabia, Kuwait and Iraq were established by a British civil servant in 1922. The frontiers between Muslims and Christians were drawn by France in Syria - Lebanon and by Russia on the borders of Armenia and Soviet Azerbaijan. At that time, the political landscape of the Middle East looked different from that of today. Israel, Jordan, Syria, Iraq and Saudi Arabia did not exist. Most of the Middle East still rested under the drowsy and negligent sway of the Ottoman Empire. Middle East, a conglomerate of artificially created states, became what it is today because the European powers willed it so.

The Arab nation consists of all who speak Arabic as their mother tongue, no more, no less. Today the Arab nation is fragmented into 21 independent states, each with its own national identity and trappings. The concept of international borders was introduced into the Arab world by Britain and France in the first quarter of the last century for its own reasons. The existence of separate nations

broke the cohesion, the sense of 'Umma' that had existed under the Caliphate. The new states have little or no popular support and are easily influenced or manipulated by western powers. With the creation of national flags and national anthems, the new national borders were sanctified. As the new states became established, ruling elites emerged with vested interests in maintaining the statusquo. The rulers are invariably autocratic and preside over inefficient machines of states. The elites make deals with Western nations to ensure their survival in power. Against this background, the Arab people feel isolated and impotent, manipulated and deceived both by their own rulers and by outside powers.

Today the politics of the Middle East present a completely different picture: they are explosive. There is a dry wind blowing throughout the Middle East, and the parched grasses wait the spark. Once the match is lit, and that will happen when the Americans invade Iraq, the blaze will spread like wildfire throughout the Middle East. All Middle East will then find itself in the eye of the storm. And the entire political system fabricated by Kitchener, Lloyd George and Churchill in 1922 will collapse like a house of cards and go up in flames.

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.

The United States finds itself today in a position similar to that of Nathan Rothschild, more than 150 years ago. The richest man in the world in the early decades in the 19th century, Rothschild died in 1837 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 been invented, and all of the vast military and economic might of the United States cannot secure what lies beyond the power of guns to compel and money to buy.

The biggest headaches for the United States are likely to stem not from the invasion of Iraq itself, but from its aftermath - the old conundrum of military history: what to do with the loser. Once the country has been conquered and Saddam's regime driven from power, the United States would be left "owning" an ethnically divided country of 22 million people ravaged by more than two decades of war and severe deprivation.

I was filled with alarm to hear what Secretary of Defence Donald Rumsfeld had to say last night (September 18). He told a senate committee that Iraq could not be trusted and the US must pre-empt it and other nations who may be friends today and may turn hostile tomorrow, from possessing weapons of mass destruction.

The Islamic world faces its greatest threat today. 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. God seems to have turned his face away from the Islamic world. Afghanistan is under foreign occupation and has ceased to exist as a sovereign, independent country. Afghans paid a horrible price for not meeting US demands and defying the world's sole superpower. Iran and Iraq, an 'Axis of Evil' as President Bush describes them, are next on the hit list.

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. There can be no friendship between the cat and the mouse. There can be no friendship between the strong and the weak or between unequals. "The strong do what they can", Athenians told the intractable Melians, "and the weak suffer what they must".

America - A Dream Gone Sour

No aspect of American society struck me more vividly during my stay there than the friendliness and warmth of the American people. Americans are also a very proud people. You tell an American that he lives in a beautiful country; he answers: "that is true. There is none like it in the world". You praise the freedom they enjoy, and he answers: "freedom is a precious gift but very few people are worthy to enjoy it". If there is one country in the world where one can hope to appreciate the true value of the Sovereignty of the people, and judge both its dangers and its advantages, that country is America. "The people reign over the American political world as God rules over the universe".

For two hundred years the principles of the sovereignty of the people have prevailed unchallenged in America. Throughout this period it has been not only the most prosperous but also the most stable of all the peoples in the world. While all the nations of the world have been ravaged by war or torn by civil strife, the American people alone have remained pacific. Almost the whole of Europe has been convulsed by revolutions; America has not even suffered from riots. Where else can we find greater cause of hope or more valuable lessons?

More than two hundred years ago, fifty Americans worked through the sweltering heat of a Philadelphia summer to forge one of the most enduring political compromises in the world, which has stood the test of time and is the envy of the civilized world. America has the world's best universities. Americans have won more Nobel prizes in the sciences than any other people. America has the best medical care in the world. Those who want to leave America and live in another country number in the hundreds. Those who want to leave their home countries and live in America, number in the millions.

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 represents 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, poor quality secondary education, rampant crime and violence, growing racial divisions and pervasive poverty.

Today the United States has the richest economy in the world. Economic power, however, is not the same as strength of national character. America is rich in

goods, but poor in spirit. America seems to be experiencing what Arnold Toynbee called "the dark night of the soul". To be both strong and rich is not enough. You must also be an example for others to follow.

Andre Malraux once observed that the United State was the only nation in the world to have become a world power without intending or trying to do so. Today we live in a world in which the United States is the only super power. Today America no longer faces the threat of aggression by a powerful foe. No nation currently has the power to threaten America without risking a devastating response. America's greatest enemy today is the enemy within. A century and a half-ago, Alexis de Tocqueville warned that universal obsession with materialism, the lack of enduring social bonds; and the shallowness of religious and philosophical thought in America had given rise to a "new despotism" - of mediocrity, of selfishness, of directionlessness.

America has daunting problems at home and because of these Americans are far less than they could be or should be. The richest country in the world has the highest per capita health care cost in the world and yet 38 million people are unable to get adequate medical care because they cannot afford it. The richest country in the world, with one-twentieth of the world's people, spends almost as much on illegal drugs as the rest of the world combined. The richest country in the world has the highest crime rate in the world. During the Persian Gulf war almost 20 times as many Americans were murdered in the United States as were killed on the battlefield. In the richest country in the world, a permanent underclass has developed that is rapidly making her great cities unsafe and unlivable.

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 trait 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".

Not very long ago, how wonderful was the position of the New World where man had no enemies but himself and to be happy and to be free it was enough to will it to be so. Today American troops are scattered around the world from the plains of Northern Europe to the mountains of Afghanistan and the Philippines in search of a phantom enemy, bombing and killing innocent Afghan men, women and children. Though it rejects imperial pretensions, it is for all its

protestations, perceived in the world as peremptory, domineering and imperial. US action in Afghanistan has been transformed from a limited police operation into 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 turn it into a base for projecting its power in central Asia, South Asia, Middle East and the Persian Gulf.

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 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 since September 11. They 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.

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?

“One of the great lessons of history”, British historian Paul Johnson wrote, “is that no civilization can be taken for granted. Its permanency can never be assured. There is always a dark age waiting for you around the corner if you play your cards badly and you make sufficient mistakes”. Today America has lost the high moral ground it once occupied. It stands alone in the comity of nations, forsaken by most of its erstwhile friends and allies. America was her true self only when she was engaged in a great enterprise. That is no longer the case. Without a great cause to inspire and galvanize it, America has ceased to be a great nation and the dream of the Founding Fathers has gone sour. This is certainly not America’s finest hour.

In his Iron Curtain speech in 1947, Winston Churchill said, “the United States stands at this time at the pinnacle of world power. It is a solemn moment for the American democracy. For with primacy in power is also joined an awe - inspiring accountability for future”. Those words are as true today as when Churchill spoke them 55 years ago.

I was in Washington on September 11 and 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. America must not let its need for revenge blur its judgement, for the rage of a wounded giant can be irrational, its direction unpredictable.

“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”. An “American war” against yet another Islamic country will not be in America’s national interest and will almost certainly produce unintended consequences. A great man has said that enemies never tell men the truth and it is seldom that their friends do so. That is why I have done so.

America really does not care about Democracy

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 bureaucratic combination and gave it the green signal to topple the civilian government. The irony is that the country was getting ready for the long-awaited elections under the 1956 constitution. I remember attending a meeting in Peshawar, called by F. M. Khan, the Chief Election Commissioner, to finalize the election arrangements.

On the eve of the coup, politics had no doubt become quite chaotic in Pakistan but the law and order situation was well under control. The people were demanding early elections, and a foreign policy meriting their respect. Leading in eloquence was Qayyum Khan, the President of the Muslim League, demanding early elections and an independent foreign policy. In Mirza's own words, as reported by the US embassy, 'we had reached a point where public meetings were being held outside the President's house...politicians shouted abuses and threats at me personally, while the loudspeakers directed the speech straight at my house'. In the summer of 1958, 'a group of young army officers warned him (Qayyum Khan) that the senior army officers would not allow the scheduled election to take place' and 'declared themselves ready to strike first with Muslim League backing, he (Qayyum Khan) discouraged them'. Short of elections, Qayyum announced publicly, nothing could save Pakistan from a military takeover similar to the July 1958 coup by Iraqi junior officers.

Bitter attacks on foreign policy by all the opposition parties inflamed the already deeply embittered military high command. The military high command's growing resolve to takeover the state apparatus was communicated to Washington between mid-May and mid-September 1958. A military coup was initially not the US ambassador's preferred strategy. The best hope of keeping Pakistan's foreign policy oriented to the West', Ambassador Langley had believed 'was to have Mirza in office, as well as Suhrawardy'. Washington had to decide whether the 'United States should discreetly attempt to affect the course of elections'. He hoped the State Department would have the 'principal say...even if the decisions were to be such that another agency were charged with the precarious assignment'. But already by May 19, 1958, Ayub and Mirza, in separate conversations with the US ambassador, had conveyed their opinion that 'only a dictatorship would work in Pakistan'. On October 4, 1958, Mirza confirmed to Langley that 'he would takeover the government of Pakistan probably within a week and simultaneously proclaim Martial Law'. Interestingly,

he claimed that the takeover was designed to 'prevent any army seizure of power in Pakistan'. US officials noted that Mirza had taken them 'into his confidence almost as soon as his plan of action was formulated and agreed to by the key military leaders involved'.

Amazed by the 'increasingly Byzantine and sterile characteristics of political activity, Washington's recently appointed ambassador James M. Langley, quickly concluded that the time had come to 'rethink...(the US) approach to the Pakistan problem'. By early 1957, President Eisenhower was telling the National Security Council that 'in some instances the neutrality of a foreign nation was to the direct advantage of the United States'. 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'. In any event, the State Department and the Joint Chief of Staff had not been seeing eye to eye on who was their 'best man' - Mirza or Ayub. The State Department thought, Mirza was 'more competent than Ayub', a view generally shared by the British, while the Joint Chiefs of Staff thought Mirza was 'no match for Ayub', so far as honesty and directness were concerned. 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.

So while 'seeking to extricate the US from the present worrisome situation', there could be no question of turning back on 'those elements which, for whatever motive, and however imperfect', were America's 'closest friends and supporters'. Consequently, any attempt at balancing Pakistan's military and economic requirements had to 'be conducted by and with Mirza and General Ayub and at all costs not against them'. Past American involvement in the Pakistan's military were in 'danger of being wiped out if something (was) not done to arrest the current deterioration in many aspects of Pakistani life'. In the American ambassador's colorful metaphor '...in Pakistan we have an unruly horse by the tail and are confronted with the dilemma of trying to tame it before we can let go safely...I have the uneasy feeling that far from being tamed, this horse we assumed to be so friendly has actually grown wilder of late'.

By the early morning hours of October 8, 1958, Ayub with Mirza's connivance had staged a successful coup. Before the people of Pakistan could hear of the news, the makers of the coup thought it politic to secure the blessings of

Pakistan's foreign allies. Mirza summoned the American ambassador and the British High Commissioner. Pakistan, he asserted in Ayub's presence, had been placed under Martial Law. But irrespective of changes at the domestic level, the new government 'would be even more pro-West than before'. Armed with the legitimacy they deemed to be important, Mirza at Ayub's behest, issued a proclamation suspending the constitution, dismissing the central and provincial governments, dissolving the three assemblies, banning all political parties, postponing election indefinitely and placing Noon as well as other members of the central cabinet under house arrest. Not a single shot was fired to protest against the imposition of Martial Law. The only hitch, as everyone realized, was that the 'duumvirate' of Ayub and Mirza could not last long. Neither had a solid constituency of support, but Ayub 'with his direct control over the army, had a clear edge over Mirza'. The US ambassador nevertheless thought it desirable that Mirza, a civilian, 'emerge as top man'. Yet Washington thought that 'wisest course' would be to 'take a rather neutral position between the two potential contenders for power while being friendly and equally frank with both of them'.

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. 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.

Forty-two years after the first military coup in Pakistan, we are back to square one. The country is under military rule for the fourth time. The parliament stands dissolved. The constitution remains suspended. The constitutional changes made by President Musharraf make a mockery of the promised October elections. The last 50 years or so 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.

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 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'.

In Search of a Constitution?

A question keeps coming up. Why did Mr. Jinnah not give a constitution? Some of his remarks on the subject are worth noting: "the constituent assembly may take some time to accomplish its task of framing the final constitution of our state. It is a stupendous task and it may take eighteen months or two years before it can come into full operation... Pakistan is now a sovereign state, absolute and unfettered and the government of Pakistan is in the hands of the people. Until we finally frame our constitution which, of course, can only be done by the constituent assembly, our present provisional constitution, based on the fundamental principles of democracy, not bureaucracy, not autocracy or dictatorship, must be worked". More than half a century after Mr. Jinnah uttered these words, Pakistan is still in pursuit of a durable constitutional framework. It has been a 55-year journey and Pakistan has not arrived yet. The country is under military rule; the constitution remains suspended. Parliament stands dissolved. The supreme power of the country is wielded by a single person. His word is law. He exercises sovereign power. Any discussion of the legality or illegality of his decree is without any practical value and is infact quite impertinent. For this reason, all the lengthy debates in the Supreme Court do not impress the people and leave them cold. It is a long story to tell how we have come to this pass, but in this retrospective account, I shall try to be brief.

It all started at the dawn of our independence. Under the Indian independence act of 1947, the function of the Legislature of the Dominion, including the making of the constitution, were to be performed by a constituent assembly which had also to function as the Federal Legislature. The framers of that act had before them the experience of other constituent assemblies in the world and believed that both the constituent assemblies (of India and Pakistan) would complete the work assigned to them within approximately the same time as other constituent assemblies had done. They never imagined that in this respect the constituent assembly of Pakistan would beat the world record. When the constituent assembly for Pakistan was setup, the longest time ever taken up by any constituent assembly in the world had been one year and nine months. The constituent assembly of India had begun its work in 1948 and it enacted the constitution of India on November 26, 1949. It took the United States of America one year and nine months to produce a written constitution which is the envy of the democratic world. During the same period of about two years, all that the constituent assembly of Pakistan accomplished was to adopt the Objectives Resolution which affirmed that sovereignty over the entire universe belongs to God Almighty alone and the authority which he had delegated to the state of Pakistan through its people for being exercised within the limits prescribed by

Him, was a sacred trust. After adopting the Objectives Resolution, the assembly resolved to appoint a Basic Principle's Committee to consider and report on the main principles on which the constitution was to be based. The interim report of the committee was presented to the assembly by the Prime Minister, Mr. Liaquat Ali Khan, on September 28, 1950. It was bitterly criticized in east Bengal and the Punjab, because of the principle of parity - cum - weightage embodied in it.

On April 17, 1953, the Governor General, Mr. Ghulam Muhammad relieved Khawaja Nazimuddin of his responsibilities as the Prime Minister and called upon Mr. Muhammad Ali, who was then Pakistan's ambassador to the United States, to form the government. Meanwhile, the provincial elections held in East Bengal in March 1954 completely eroded the representative character of the constituent assembly, as the dominant political party in it (the Muslim League) secured only two seats in the Provincial Assembly. On September 21, 1954 the Constituent assembly adopted the basic principle's committee report. The drafting committee prepared a draft of the constitution which was sent to the printer on October 16, so that it would be on the table of the house when the Constituent assembly reconvened to discuss it on October 27. Pakistan was to be declared an Islamic Republic on January 1, 1955. The document although printed, did not see the light of the day. The Governor General, Mr. Ghulam Muhammad, dissolved the Constituent assembly on October 24, 1954, ostensibly because, over the years, it had lost its representative character. The President of the dissolved assembly (Maulvi Tameez Uddin Khan) challenged the legality of the Governor General's action and a full bench of the Chief Court of Sindh held the dissolution to be unconstitutional. The decision was however, reversed by the Federal Court announced in March 1955.

The Governor General then called a Constituent Convention of parliamentarians and legal experts to frame a constitution. The elections to the convention were however, postponed because of the advice given by the Federal Court on a Reference made to it. In accordance with this advice the Governor General gave up the idea of calling the convention and, instead, promulgated Constituent assembly order 1955 for the election of a new Constituent assembly consisting of 80 members equally divided between the two wings of the country. On January 8, 1956, the government introduced the constitution bill in the Assembly which was finally adopted by it on February 29. The constitution was to come into force on Pakistan Day (March 23, 1956) marking a smooth change - over from the Government of India act to the Constitution of the Islamic Republic of Pakistan.

General elections under the new constitution were to be held in early 1959. Unfortunately, the constitution prepared after nine long years did not last longer than two and a half years. No general election was held under it because President Iskandar Mirza had lost control over the democratic forces in the

country. He was unable to influence the electoral process and was, therefore, not prepared to run the risk of holding a general election. Ayub Khan, the commander-in-chief, contemptuously dismissed the 1956 constitution as “hotch-potch of alien concepts which had already brought enough confusion and chaos in the country. The hour has struck. The moment so long delayed had finally arrived. The responsibility could no longer be put off”. In the darkness of the night General Ayub and President Mirza conspired to derail the political process. This was the beginning of the recurring periods of military rule in Pakistan.

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 a 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 in order to democratize the constitution. The situation deteriorated to such an extent that President Ayub wrote to the c-in-c, Pakistan army, General Agha Muhammad Yahya Khan on March 25, 1969: “I am left with no path but to step aside and leave to the defence force of Pakistan to takeover full control of the affairs of this country”. Martial law was re-imposed for the second time since independence and Pakistan’s second working constitution was demolished by its own creator.

After the breakup of Pakistan, General Yahya Khan was compelled to transfer power to Mr. Zulfikar Ali Bhutto, the Chairman of Pakistan Peoples Party. On December 29, the new President said: “As for as the constitution is concerned, we intend to move fast in that direction. I am going to have further discussions with the Chief Justice of the Supreme Court as well as with others. I am determined to move as fast as possible for the restoration of democracy”. On April 12, 1973 at a special session of the National Assembly 137 members affixed their signatures to the constitution of the Islamic Republic of Pakistan. After authenticating the constitution, marked by a 31-gun salute, the President 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. It is our hope and belief that under the inspiring guidance of God Almighty, the people of Pakistan will speak for their constitution and will protect it for all times to come”. 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 Ziaul Haq, Chief of Army Staff, staged a military take-over, arrested Mr. Bhutto, sacked the Federal and Provincial governments; dissolved the assemblies; and suspended the constitution. The evening before, I saw Mr. Bhutto for the last

time at the American Ambassador's reception. He was smoking a cigar and was huddled up with the Afghan ambassador.

Would it have made any difference if we had succeeded in making a constitution earlier than we did? Would it have deflected the grand currents of our history? Would it have prevented the imposition of martial law? Would it have prevented the breakup of Pakistan? I have my doubts. It might have slowed down the course of events but nothing more. The rot had set in long before the army struck. For years, the political landscape of Pakistan had been dotted with Potemkin villages - parliamentarians went through the motion of attending parliamentary sessions, question hour, routine legislation, privilege motions etc., endless debates which everybody knew were sterile and totally unrelated to the real problems of the common man. The loss of faith in the democratic process, the bankruptcy of our political leadership, palace intrigues etc. enfeebled and then ultimately brought down the rotten structure of Pakistan democracy. Like the Berlin wall, it came tumbling down because nobody believed in it strongly enough to defend it. Nothing could have stopped the army from taking over.

Successive governments, both civil and military, have disfigured, defaced, and defiled the 1973 constitution and changed it beyond all recognition. What will it look like when it is restored and how long will it survive? A written constitution makes sense only if people genuinely believe in the sanctity and supremacy of the constitution and are prepared to protect and defend it. It makes sense only if people have confidence in the independence and integrity of the Supreme Court which is the guardian of the constitution. A written constitution makes no sense if what it says is one thing and what actually happens in practice is another. It makes no sense if it is periodically abrogated, suspended or held in abeyance by people who have sworn to defend and uphold it. It makes no sense if it is treated as a parchment of dried leaves and torn to pieces whenever it suits the rulers. If that is how we are going to treat our written constitution, why have a written constitution at all? Whither, then, are we tending?

Constitution making is a hazardous business in Pakistan. 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. What is the moral of it all? Danton summed it up famously in his memorable words. Standing on the scaffold, he said: "It is better to be a fisherman than to govern men".

The Myth of Judicial Independence

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. 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. Today Pakistan is once again under military rule and engulfed in political turmoil. The courts are allowed to function but subject to limitations imposed by the military regime. Not surprisingly, the limits on judicial independence have influenced the force of judicial judgements. Inevitably, the stature of the courts has waned. The independence, integrity and impartiality of the judges are no longer beyond dispute in this country. Courts everywhere live in a delicate balance upholding and challenging the distribution of power, but courts in authoritarian states carry extra burdens.

In Pakistan, as in all Federations, the Supreme Court plays a crucial role. It is the sole and unique tribunal of the nation. 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. An awesome responsibility rests on the shoulders of the Supreme Court. 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.

For almost five decades the superior judiciary has played an usually important role in determining the fate of Pakistan. It faced its first real test when the Governor-General, Ghulam Muhammad, with the backing of the army, announced on October 24, 1954 that the constitutional machinery had broken down and declared a state of emergency. To provide the necessary background, it will be convenient at this point to recapitulate the sequence of events which led to the dismissal of the constituent assembly. It was on October 16, 1951 while addressing a Muslim League meeting at Paltan Maidan in Rawalpindi, that Pakistan's first Prime Minister fell victim to an assassin's bullets. Who really killed Liaquat? There are various theories but the people of Pakistan are farther away than ever from knowing the real motives behind the assassination. Whatever the final verdict on Liaquat's assassination, it was a turning point in the history of Pakistan and unleashed power struggles and jockeying for position between politicians, bureaucrats and generals. Khwaja Nazimuddin was saddled with the office of Prime Minister and replaced as Governor General by Ghulam Muhammad. On April 17, 1953, Khwaja Nazimuddin was summoned along with

his cabinet and ordered by the Governor-General to resign. Nazimuddin declined and was dismissed. On September 20, 1954 just before Prime Minister Muhammad Ali Bogra went off on a tour of Britain and the United States, the Constituent Assembly ratified a series of constitutional amendments aimed at whittling down the Governor-General's powers. Ghulam Muhammad consulted Justice Munir, the Chief Justice of the Supreme Court and summoned Bogra home. On October 23, when Bogra arrived at Karachi airport he was hustled into a car by a couple of army generals and taken straight to the Governor-General's house. In what is further evidence of the army's close involvement with the dismissal of the Constituent Assembly, before the Governor-General's Proclamation was published, troops were moved in from their barracks a few miles outside Karachi to the Transit Camp in the town in readiness for disorders beyond the power of the police to control. After threatening Bogra with Martial Law and worse, 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, he 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 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’etat 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 judgement 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 Ziaul 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 judgement 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 judgement 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 judgements in Tamizuddin Khan's case, the 1955 reference and Dosso's case.

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 judgements 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. 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 judgements 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. 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.

There can't be Two Suns in the Sky

Eighty two years ago, Woodrow Wilson took America into the 20th century with a challenge to make the world safe for democracy. President's Musharraf's challenge in the 21st century is to make democracy safe for Pakistan. Pakistan opted for Parliamentary democracy after independence and declared itself to be a Federal Islamic Republic on April 12, 1973. Parliament is one of the chief instruments of our democracy. In England parliament is Sovereign and "true it is, that what the parliament doth no authority upon earth can undo. It can, in short, do everything that is not naturally impossible. De Lolme has summed up the matter in the grotesque expression which has now become proverbial. "It is a fundamental principle with English lawyers that parliament can do everything but make a woman a man and man a woman".

In Pakistan the parliament is not supreme and not all that powerful either. Like the other two major institutions of government, its powers are defined and limited by the Constitution. The doctrine of legislative omnipotence finds no place in a federal system of government like ours. Our constitution is the fundamental law of the land and has superiority over all the institutions it creates, be it the legislature, executive or judiciary. None of the institutions of government can go beyond the powers vested in them by the Constitution.

Pakistan opted for the parliamentary form of government long ago, but we have till today not resolved two basic problems which have bedevilled the growth of our democracy. These are:

1. What should be the powers of the President and the Prime Minister in a Parliamentary form of government?

And

2. What should be the role of the army, in a democratic Pakistan with a parliamentary form of government?

India framed a constitution, like ours, on the Westminster model within two years of independence and has a parliamentary form of government. All their constitutional experts including Sir Chimanlal Setalvad, Sir Krishna Swamy and others made it abundantly clear right in the beginning that the executive responsibility for the governance of the country rests with the Prime Minister and President is neither an appellate authority over the Prime Minister nor a

supervisory authority over the Prime Minister or the cabinet. Doubts in regard to the precise powers of the President vis-à-vis the Prime Minister and the Council of Ministers were originally raised by India's first President, Dr. Rajendra Prasad who had earlier presided over the Constituent Assembly. Rajendra Prasad raised three points of constitutional importance and claimed that he was not bound hand and foot by the advice of the Council of Ministers. He contended that he had the power to withhold assent to bills in his discretion, dismiss a ministry or minister and order a general election and as a Supreme Commander of Defence Forces, send for the Military Chiefs, and ask for information about defence matters. The power, he argued, flowed from the President's oath of office.

Jawahar Lal Nehru, the Prime Minister, was taken completely by surprise and promptly sought the formal opinion of the Attorney General, M. C. Setalvad, a recognized legal colossus. Setalvad was clear in his opinion that in a parliamentary form of government, the office of the President was essentially that of a titular head like that of the British Monarch. He, therefore, held that the President was bound by the advice of the Council of Ministers and could not withhold assent to a bill as claimed by Rajendra Prasad. At the same time, however, he was of the opinion that the President could, like a Constitutional Monarch, assert his influence in other ways, as spelt by Bagehot, the acknowledged authority on British constitutional law. According to Bagehot, the Crown had "the right to be consulted, the right to warn, and the right to encourage" and nothing more. Setalvad's views were equally of interest on the two other issues. First, he said that the President could not send for the Service Chiefs but he could send for the Defence Minister. Setalvad further held that the President should avoid speeches which might embarrass the government. That settled the issue once and for all and that is where the matter rests today. Indian democracy has stood the test of time. The Executive is accountable to the legislature and legislature alone. There is no other check on the Indian Prime Minister or the cabinet. The constitution has kept the country united, allowed its democracy to survive and kept the armed forces at bay.

In our case, successive governments disfigured, defiled, defaced, decimated and destroyed the basic features of our Constitution with the help of a pliant and spineless Judiciary. We deviated from the principles of parliamentary form of government, gave vast powers to the President including power to appoint Service Chiefs, Governors, power to dissolve the National Assembly and power to supervise and oversee the working of the government. This, inevitably, led to trouble which persists till today. Is it consistent with the principles of parliamentary government to empower the President at the expense of the Prime Minister? And is it consistent with the principles of parliamentary government to divest the parliament of its constitutional role as the sole check on the Executive and pass on this function to an un-elected, extra-constitutional body like the

National Security Council dominated by the armed forces? The irony is that in spite of all the battering it has received, the constitution, which is now almost unrecognisable, is still described as the 1973 constitution of the Islamic Republic of Pakistan. It is like in ancient times, when the Emperor would test his ministers and courtiers by bringing out a donkey and calling it a horse. If you maintained that it was a donkey, you lost your head. If you called it a horse, then you got a promotion.

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 now appears to be irreversible. The only question for consideration, therefore, is: should this role be formalized through the NSC and made a part of the constitution or should it be left as it is. In my opinion, the army should be like an Emergency Lamp. When power fails, and power fails quite frequently in Islamabad, the Emergency Lamp comes into operation. When power is restored, the Emergency Lamp becomes dormant. Or to put it differently, the role of the army should be like that of a firebrigade. It should rush to the site of fire, extinguish the fire as quickly as possible, and then get back to the station. It must not stay at the site of the fire a minute longer than is absolutely necessary. If it lingers on, tarries too long, gets involved in the management and administration of the house, it ceases to be a firebrigade.

The Chief of Army Staff should, like the Emergency Lamp, remain in the background. If strain develops between the President and the Prime Minister and the country faces what is called the “deadlock of democracy”, he should act as a Referee, avoid becoming a participant or a partisan in the political power game and act as a peacemaker and peacekeeper without derailing the political process. In course of time, this arrangement will, hopefully, develop into a healthy convention and become a source of strength and stability for Pakistan’s democracy.

On the other hand, 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. There can’t be two suns in the sky. There should be 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.

“I think you listen too much to the soldiers”, Lords Salisbury wrote to Lytton, Viceroy of India. “No lesson seems to be so deeply inculcated by the experience of life as that you should never trust experts. If you believe the doctors, nothing is wholesome: if you believe the theologian, nothing is innocent: if you believe the soldiers, nothing is safe. They all require to have their strong wine diluted by a very large admixture of insipid common Sense”. I recalled Salisbury’s words of advice when I left the Chief Executive’s office after five hours of free, frank and open discussion with President Musharraf on the constitutional package. Contrary to popular belief, President Musharraf is a good listener, enjoys the cut and thrust of argument and is still open to conviction. What he needs more than anything else is civilian input.

The March of Folly

As I read the proposals of the Government of Pakistan on the establishment of Sustainable Democracy, I could only shake my head in despair. This administration seems determined to repeat the tragic mistakes of the past military rulers with a vengeance. Involving the army in politics is bad enough, but formalizing it and incorporating it in the constitution is an act of folly, a perverse persistence in political adventurism, patently unwise and demonstrably hazardous. Einstein once said that to keep trying the same thing over and over with the expectation of a different result is the definition of insanity. This is exactly what this government is doing.

General Tanvir Naqvi, Chairman National Reconstruction Bureau, on June 29, said the role of the armed force in politics was being formalized through National Security Council as it was, he said, "an open secret that the armed force played a part in politics and their defacto role was recognized by the politicians as well". It will be a sad day for Pakistan if this proposal was adopted and incorporated in the constitution. It will enthrone military rule and dictatorship forever and undermine whatever little faith people still have in democratic institutions. Above all, this is not what Mr. Jinnah envisioned for Pakistan.

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, according to Asghar Khan, 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 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".

Months later, during his first and only visit to Staff College Quetta, he expressed his alarm at the casual attitude of "one or two very high-ranking officers". He 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". The supreme irony of the event is that the Constitution of Pakistan was to be abrogated or suspended by some of the officers present in Mr. Jinnah's audience. Years later, General Zia, while addressing a press conference in Tehran, said, "What is the Constitution? It is a booklet with ten or twelve pages. I can tear them up and say that tomorrow we shall live under a different system". 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? No one can undo the past but why must we persist in this folly?

It is now abundantly clear and it gives me no pleasure to say that 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 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. In practice, it is the 'pouvoir occulte' which is the ultimate authority in the decision making process in Pakistan. They decide when to abrogate the constitution; when it should be suspended; when elected governments shall be sacked, and when democracy should be given a chance. The political sovereignty of the people is a myth. To apply the adjective sovereign to the people in today's Pakistan is a tragic farce.

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". This has been the problem of all military dictators of Pakistan. In order to convert their might into right and obedience into duty, they devised devious ways and means. Ayub Khan faced the same dilemma. How was he to acquire legitimacy? He created 80,000 basic democrats. Zia ul Haq held a fraudulent referendum. President Musharraf followed Zia's example and held a dubious referendum in a bid to acquire legitimacy.

Why make structural changes in the constitution now? Why open the Pandora's box? Why follow this tortuous, circuitous, devious road back to nowhere? Why not follow the straight path and restore the unamended 1973 agreed constitution? Far from detailing a system of checks and balances, the proposed constitutional framework is a veritable time bomb with the fuse box in the custody of the President. Even a cursory examination of the proposed amendments would show that the powers of the President far exceed those normally bestowed upon a ceremonial head of state in a parliamentary system of government. Before

independence the mighty viceroy could be recalled by London upon a simple request by the parliament, but the president of Pakistan in the proposed setup would be practically irremovable. Instead of introducing a presidential form of government based on the American pattern, the military government has ingeniously super-imposed it on a distorted version of the British Parliamentary system.

The flirtation with parliamentary democracy and Federalism is equally light-hearted. An examination of the statutory powers of the President - whether in relation to the cabinet or the parliament, furnishes proof of the troubles the authors of the amendment have taken to ensure the continued infirmity of the parliamentary government. The Prime Minister is described as the Chief Executive, but it is the President who would, in his discretion, appoint and dismiss the cabinet, thus undermining its collective responsibility to the parliament. The only stipulation against the president's powers is that he use his 'discretion' and appoint as Prime Minister a member of the National Assembly, not one who commands but is most likely to command a majority in the house. He will also have the power to remove the cabinet with the Prime Minister as its head in exercise in his discretion even if the Prime Minister commands a majority in the house. The President will have enormous powers of patronage. All cabinet ministers would be selected by him from among the members of the assembly. The President would have authority to interfere in the working of the cabinet. But nothing in the proposed amendments compelled him to act on its advice. In the event of disagreement, the head of state was sure to win hands down, not least because the Prime Minister remained in office at the pleasure of the President. The proposed amendments do not lay down precisely the conditions and the circumstances under which the President could justifiably decide whether or not a Prime Minister enjoyed the confidence of the National Assembly. A mere stroke of the presidential pen could suffice to make a perfect travesty of parliamentary government.

The President would have the power to appoint all key 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 and would exercise powers, identical to his, with respect to the provincial cabinets and assemblies. The President would nominate the Judges of the Supreme Court and the High Courts. So, without recourse to the emergency provisions, the President could direct, and control the functioning of the entire state apparatus. The President could at anytime intervene in provincial affairs, disrupt the political process and take charge of the entire administration either directly or through the Governor. To put it plainly, the President could arbitrarily suspend the entire political process indefinitely in the provinces as well as in the centre.

Pakistan is at the crossroads. Fifty five years after its creation, Pakistan's quest for a stable political order remains elusive. In the absence of a constitution, the country is, to borrow George Washington's words, united only by a "rope of sand". The number of choices that are available to it in determining how it will organize itself politically are fast diminishing. The lesson of our history is that army rule, with or without a civilian façade is a recipe for disaster; that by itself no army, no matter how strong, has ever rescued a country from social upheaval, internal disorder or prevented its disintegration. Cohabitation - the tortured, ineffectual, co-existence between the President and the Executive of conflicting ideological stripes has not been a great success in France. How can it work in Pakistan? Confrontation would be fraught with dangerous consequences for the very survival of the country. On the other hand, unless the principle of civilian supremacy is accepted, it will never be possible for Pakistan to breakout of this vicious cycle of civilian governments followed by military regimes and the country will go on swinging between fake democracy and naked dictatorship, going from one extreme to the other as has been the case throughout our troubled history. Isn't it time to end the permanent civil war among the people of Pakistan?

“Let Him Come With Me into Macedonia”

“The enemy we are fighting is a bit different than the one we war-gamed against”. Lieutenant General William Wallace, the Commander of US army forces in the Gulf told reporters. “Iraqi men in trucks took on American tanks and Bradley fighting vehicles with nothing more than light arms mounted in the beds of pickup trucks”. He termed such behavior bizarre. This turn of events is raising questions about Rumsfeld’s influence on military planning. His critics say that he was micro-managing the war from Washington, wanted to do it on the cheap and had turned down request from his commanders in the Gulf to send more troops. He is being criticized for keeping his force too small, too weak in armour, and too dependent on political decision-making in Washington. The planners, the critics say, depended too much on the cakewalk theory, putting too much emphasis on an unexpected Iraqi uprising against President Saddam Hussein and were not ready for the fierce resistance that US forces are now facing. Some of the initial hopes - even assumptions, that Iraqi resistance would crumble are not panning out. The air campaign that the Pentagon promised would “shock and awe” the Iraqi regime has done neither. Saddam has not lost his grip on power and Iraq’s military command and control system is still intact. Things are going badly for America. Some critics have asserted that the United States lacked a coherent military strategy in Iraq and if it had one, its assumptions were deeply flawed. Who is running this war, people are asking - the political leadership or the military - Rumsfeld or General Tommy Franks?

The issue of civil-military relations is one of the oldest subjects of political science. Plato’s Republic discusses the difficulties inherent in creating a guardian class who would at once be “gentle to their own and cruel to enemies”, men who like “noble dogs” would serve the ideal city’s guardians. To understand how statesmen manage their Generals in wartime, we should turn back to the year 168 BC. The place is the Senate of the Roman Republic, the subject - the proposed resumption of war against Macedonia, and the Speaker is Consul Lucius Aemilius: “Generals should receive advice, in the first place, from the experts who are both specially skilled in military matters and have learned from experience; secondly, from those who are on the scene of action, who see the terrain, the enemy, the fitness of the occasion, who are sharers in the danger, as it were, aboard the same vessel. Thus, if there is anyone who is confident that he can advise me as to the best advantage of the state in this campaign which I am about to conduct, let him not refuse his services to the State, but come with me into Macedonia. I will furnish him with his sea-passage, with a horse, a tent, and even travel funds. If anyone is reluctant to do this and prefers the leisure of the city to the hardships of campaigning, let him not steer the ship from on shore.

The city itself provides enough subjects for conversation; let him confine his garrulity to these; and let him be aware that I shall be satisfied with the advice originating in camp". The Consul's cry for a free hand echoes that of Generals throughout history.

"Generals are professionals, much like highly trained surgeons: the statesman is in the position of a patient requiring urgent care. He may freely decide whether or not to have an operation -, he may choose one doctor over another, and he may even make a decision among different surgical options but he may not select the doctor's scalpel, or rearrange the operating room to his liking. Even the patient who has medical training is well advised not to attempt to do so, and indeed his doctor will almost surely resent a colleague - patient's efforts along such lines. The result should be a limited degree of civilian control over military matters. To ask too many questions, (let alone to give orders) about tactics, strategy, particular pieces of hardware, advance or retreat is meddling and interference, which is inappropriate and downright dangerous. When political leadership assumes the military role of how the armed forces will perform their duty, the nation has a problem. For a politician to dictate military action is folly. On the other hand, when politicians abdicate their role in making policy decisions and blindly follow military advice, the nation has a serious problem. The civil hand must never relax, and it must hold the control that has always belonged to it by right".

As Clausewitz wrote, "no one starts the war - or rather no one in his senses ought to do so - without first being clear in his mind what he intends to achieve by that war and how he intends to conduct it". Every war is begun, terminated, and ended by political considerations. War and politics, campaign and statecraft, are Siamese twins, inseparable and interdependent; and to talk of military operations without the direction and interference of political leadership is as absurd as to plan a campaign without tactics, pay or rations. "War", Clausewitz said, "is merely the continuation of politics by other means". That is why great statesmen like Lincoln, Clemenceau and Churchill did not delegate war fighting to the Generals. They always queried, prodded, probed and, on rare occasions, ordered their professional subordinates. But a great statesman is a rarity and an average politician like Bush or Cheney or Rumsfeld who poses as a Lincoln or a Churchill or a Clemenceau may come to grief and inflict incalculable damage on his country.

The Vietnam War tore President Johnson apart and damaged his entire Presidency. One reason why the United States failed to achieve victory in Vietnam is that civilian leaders "made the military fight with a hand tied behind its back". At the end of the last Gulf war, then - President George Bush declared when he received the Association of the US Army's George Catlett Marshall

Medal: "I vowed that I would never send an American soldier into combat with one hand tied behind the soldier's back. We did the politics and you superbly did the fighting". The standard indictment of civilian leadership during the Vietnam War also includes a criticism of its preference for incremental uses of force, - rather than the sudden, massive application of power that the military would have preferred. In the Gulf war, Colin Powell, "ever the professional", George Bush wrote, "wisely wanted to be sure that if we had to fight, we would do it right and not take half measures. He sought to ensure that there were sufficient troops for whatever option I wanted, and then the freedom of action to do the job once the political decision had been made. I was determined that our military would have both. I did not want to repeat the problems of the Vietnam War where the political leadership meddled with military operations. I would avoid micromanaging the military". Rumsfeld rejected the doctrine of using overwhelming force which was promulgated by Colin Powell. Instead, he favoured the use of air power, more joint operations among army and marine units and the use of special operations. The result is that today the United States does not have a large enough force in Iraq to takeover the country. Is America sinking into quicksand? Is Bush's luck about to turn in the winds and sands of Iraq?

Americans don't seem to understand why Iraqi forces are putting up such a fierce fight? They don't understand that Iraqis, even those who detest Saddam, love their homeland and hate the idea of a US occupation and are ready to resist a foreign occupier, even one that claims to be a liberator. There is no question in my mind that creating an American colony in Iraq will do more to stoke radicalism than to contain it. Press commentaries in the past week or so have been full of reminders about previous failures to remake the Middle East, going back as far as the Versailles Treaty of 1919 when the maps of the current-day Middle East were drawn. 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". A misconception of similar scale afflicts US ambitions for Iraq today.

Winston Churchill once said, "Never, never, never believe that war will be smooth and easy, or anyone who embarks on the strange voyage can measure the tides and hurricanes he will encounter. The statesman who yields to war fever must realize that once the signal is given, he is no longer the master of policy but the slave of unforeseeable and uncontrollable events". Words of wisdom which Bush should heeded before unleashing the war against Iraq. The fact that Bush had embarked on a disastrous course carrying the nation into a major war - the first illegal war of the 21st century - does not appear to have

seeped into the American consciousness yet. However, the picture of the world's sole super power killing or maiming innocent men, women and children, while trying to pound a small Muslim country into submission on an issue whose merits are hotly disputed by the International community, is not a pretty one. It is revolting. Americans don't have the God-given right to shape every nation in their own image. Today they are on their own - Lone Rangers riding toward the sunset.

Save Margalla Hill National Park

At the crack of dawn, seven days a week, with Wordsworthian enthusiasm, when most of Islamabad is fast asleep, I wander about the Margalla Hill enjoying nature's richness and its luxurious fecundity. Fatigue, frustration and disillusionment all drop away. In solitude among nature's works and away from the selfishness of man, I seek in the Margalla communion with nature and a place to lose myself. The scented and invigorating air and the sight of distant snows act like an elixir. The Margalla Hill, which forms the backdrop of Islamabad, comprise largely subtropical, dry, semi-ever green forest and pine trees. No less than seventeen hundred species of flowering plants and fifty-three ferns occur in a diversity of habitats. In the spring, the Margalla is carpeted with flowers such as tulips, dandelions, buttercups, poppies, and many annual and perennial plants. Once within their embrace, the Margalla is designed by nature to dispel from the minds of visitors all thoughts and memories likely to sadden or oppress. To be in Margalla is not to be in Islamabad but to be suspended magically beside it, freed from the city's tensions and protected from the bureaucracy and the politicians. The Margalla is where people go to seek asylum from the rulers and the mandarins.

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 Margalla 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. Prime Minister Benazir played a cruel joke on the country when she transferred some of her statutory functions to her spouse and made him responsible for the protection of the environment. 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.

I believe there are urgent moral and practical reasons to conserve the Margalla's natural resources, not only for the benefit of the people today, but also to meet the needs and aspirations of the future generations. I raised this matter several times with successive governments, Presidents and Prime ministers with little or no success. Regrettably, protection of the environment of Margalla Hill National Park did not figure on their agenda. Their priorities were different. Preservation of the Margalla Hill National Park was definitely not one of them. No wonder, while Margalla was ablaze, the helicopter equipped for fire control in the National Park could not take off because the Cabinet Division and the CDA were locked in a senseless dispute over who should pay the operational cost. In this environment-unfriendly atmosphere, how could one protect the National Park or for that matter anything else worth protecting in Pakistan? Two years ago, I brought the problem to the notice of President Musharraf and sought his intervention. The helicopter has since been used on one or two occasions for fire control but the problem remains unresolved.

Tree plantation in the Margalla Hill National Park is one of our major activities. Of the thousands of trees planted by us since 1989, over 10,000 pine trees have survived the vagaries of nature and ravages of man. Unfortunately planting trees is not a part of our culture. We have other priorities. How else can one explain the absence of trees in the Margalla Hill. Thousands of trees planted by us with the help of students of Islamabad were bulldozed and the ground leveled by the CDA for a political convention. I protested and raised the matter with the President, Prime Minister, and the Minister for Environment but nothing happened. It was a major blow for us but it did not dim our enthusiasm. We did not give up. We mobilized the students of Islamabad and replanted the area with thousands of pine trees. Students are our only hope. They are the true guardians of our forests, our parks, our hills and our rivers. With the youth of the country on our side, there is nothing we can't do.

Quarrying in Kalinjar and Sinyari valleys in Margalla was stopped under orders of Moin Qureshi, as caretaker Prime Minister. Mustafa Khar, as Minister of water and power, stopped stone crushing in Shahdara valley by simply ordering WAPDA to remove the transformers and discontinue power supply. With the crushers gone, nature has taken over and wild life has returned. The military regime set up a Task Force two years ago to “study” the wanton destruction and decimation of Margallah around Nicholson monument. It has yet to submit its report! Meanwhile, the decimation and destruction of Margalla goes on round the clock, unchecked and uninterrupted.

Who among our leaders, elected or un-elected, in uniform or otherwise, will save our National Parks, our forests, our national heritage. Trees are symbols of hope for the future and are planted by people who have faith in the future of their country. All over the world, except Pakistan, trees are venerated, respected. We bulldoze them. Not surprisingly, Pakistan has a forest cover of 4.57% - a dismal performance by any standard and an alarming annual rate of deforestation ranging from 2.5% to 3%. How tragic that our leaders are much better at planting ceremonial trees than they are at saving the forests of our nation. Perhaps, a ban should be imposed on political and ceremonial tree plantation until the nation’s forests and parks are fully protected. People who have no faith in the future of their country do not plant trees. They loot and plunder and leave behind a treeless desert for posterity. These are sad thoughts, but our sweetest songs are those that tell of saddest thoughts.

Stray Thoughts

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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 Margalla Hills Society has been campaigning, in the teeth of opposition from powerful political elements and vestige interests, against this deliberate degradation and decimation of the environment of the National Park. Five years

ago, among other measures, the Society organized its first annual "Save the Margalla National Park Long March" from Islamabad to Khanpur Dam. It was a very enjoyable and memorable experience, which we repeat every year. This year the walk is planned for November 28. Against heavy odds we have achieved some limited success. We have succeeded in stopping stone crushing in Shahdara, Kalinjar, Sinyalri and Shah Allah Ditta valleys. Regrettably, round the clock stone crushing is still going on in the area around the Nicholson monument with the blessing of the administrations and the courts. It is a crusade that has earned me many enemies.

I believe there are urgent moral and practical reasons to conserve the Margalla's natural resources, not only for the benefit of the people today, but also to meet the needs and aspirations of the future generations. I raised this matter several times with successive governments, Presidents and Prime ministers with little or no success. Regrettably, protection of the environment of Margalla Hill National Park did not figure on their agenda. Their priorities were different. Preservation of the Margalla Hills National Park was definitely not one of them. No wonder, while Margalla Hills was ablaze, the helicopter equipped for fire control in the National Park could not take off because the Cabinet Division and the CDA were locked in a senseless dispute over who should pay the operational cost. In this environment-unfriendly atmosphere, how could we protect the National Park or for that matter anything else worth protecting in Pakistan? Two years ago I brought the problem to the notice of President Musharraf and sort his intervention.

Our Moment of Truth

On Christmas day 1991, the world witnessed the Red Flag coming down from the Kremlin for the last time. Soviet Union had committed suicide, turning the world upside down, leaving smaller countries like Afghanistan, Iraq and Pakistan at the mercy of the sole surviving super power. The skillful use of American power represented the best hope for advancing freedom and preserving peace. Many argued that the demise of Soviet Communism, the triumph of liberal democracy, and the end of the cold war had buried the idea of history as the armed rivalry of opposing ideologies. Many fondly believed that the United States not only had the resources to lead, but also seemed to have what all the others lack, the absence of any imperialistic aspirations or designs on other nations. The United States was perceived as benign, without territorial ambitions, uncomfortable with exercising its considerable power. All these dreams and high expectations of a new era of peace and freedom in the 21st century were crushed by a cascade of events from 9/11 to the American invasion and occupation of Afghanistan and the imminent attack on Iraq. Hopes of a new dawn after the end of the cold war have been cruelly frustrated.

For President Musharraf, the moment of truth has arrived. "With primacy in power", Churchill once said, "is also joined an awe inspiring accountability". At the summit where all decisions are reduced to yea and nay; where events transcend the faculties of men; where all is inscrutable, President Musharraf alone has to give the answers. His is the function of the needle. Right or left? Advance or retreat? War or peace? Support the American war against Iraq, oppose it or abstain from voting? The truth is that the brunt of such supreme decisions ultimately falls upon him. These are some of the tormenting dilemmas upon which President Musharraf has been impaled during the last more than three years of his rule. Does he have the capacity to look out from the mountaintop, foresee the trend lines of the future and bend history to serve the interests of Pakistan?

The first test came on September 13 when Colin Powell called him from Washington and presented him with seven non-negotiable demands. General Musharraf, to Powell's surprise, assured him that Pakistan would support US with each of the seven actions. He then executed a U-turn, disowned the Talibans and promised 'unstinted cooperation' and logistic support to President Bush in the war against a friendly, neighbouring Muslim country. Not surprisingly, there were no cheering crowds in Pakistan to applaud his decision to allow the Americans the use of our bases in sensitive areas close to the Afghan border for the sole purpose of subjecting poor Afghans to relentless day and night air

strikes and carpet bombing. Afghans are very good friends but they are also very bad enemies. They do not forget and do not forgive. We have enough trouble on our eastern border. Now we have a bitter enemy on our western border. In a crisis, a hostile Afghanistan could brew in calculable trouble for us in the "devil's kitchen of mischief" and set the frontier ablaze.

Now that Afghanistan is under American military occupation and has ceased to be a sovereign, independent country, the full might of the United States has been turned against Iraq which is the next course on the American menu. Bush seems to have reached the banks of his own Rubicon. He is determined to unleash a totally unjust, unprovoked, unwarranted war against another Muslim country for the sole purpose of toppling its regime and capturing its oil resources. In a desperate attempt to justify this naked aggression, the Bush administration has, again and again, cited evidence that turns out to be misleading, or worthless - "garbage after garbage after garbage", according to one UN official. Isn't it a fact that the last ten years have been the best behaved of Saddam's career? Isn't it a fact that during this period, he has committed no aggression and has threatened none? Isn't it now recognized the world over that the system of inspections is working well and producing results? Why then go to war? Why not give the inspectors more time if that is what they need? What is the hurry?

In a similar situation, Abraham Lincoln, though pressed by zealots of every political creed, electrified the nation by playing for time and putting action off: "My countrymen, one and all, think calmly and well upon this whole subject. Nothing valuable can be lost by taking time. If there be an object to hurry any of you in hot haste to a step which you would never take deliberately, that object will be frustrated by taking time, but no good object can be frustrated by it". Let Bush heed these weighty words! President Eisenhower, who led the European allies to victory in World War II and faced a similar crisis in Egypt, effectively chose containment rather than invasion, forced the invaders - France, Israel, and Britain to retreat and resolve the crisis peacefully. President John F. Kennedy chose to contain Cuba rather than invade it. President Reagan chose to contain Libya rather than invade it. Where then is the case for attacking Iraq? And why was action not taken against Saddam in the 1980s when Rumsfeld was cosying up to him and United States was shipping him seven strains of Anthrax? Why now?

It is now abundantly clear that a powerful combination of the corporation, the military and the oil lobby - the military - industrial complex as President Eisenhower described it, has set up a pre-fascistic atmosphere in America. "The dire prospect that opens, is that America is going to become a mega-banana republic where the army will have more and more importance in American's lives. It will be an ever greater and greater overlay of the American system. And,

before it is all over, democracy, noble and delicate as it is, may give way". Never has one single country joined so much power and so much arrogance and lack of responsibility, so much scientific knowledge and so much contempt for the rest of the world.

Pakistan is one of the six swing votes that the Bush administration desperately needs to win adoption of the American sponsored 'War Resolution' in the Security Council. How can Pakistan fail to raise its voice and register its protest against an unjust war? How can Pakistan abstain from voting when the lives of millions of innocent men, women and children in a Muslim country are at stake? How can Pakistan sin by silence? How can Pakistan remain neutral between fire and the fire brigade? How can Pakistan fail to stand up in the Parliament of Man and be counted on the side of peace? How can Pakistan fly against the wind of world opinion and the wrath of its own people? How can we bear to continue to lead our comfortable, easy lives in Pakistan, unwilling to pronounce even the word 'No', to a totally unjust, unprovoked war against another Muslim country? These are times that try men's souls. I feel torn between a sense of cowardly relief and shame. Today Pakistan is under going all the conflicting emotions of a virtuous maiden selling herself for really handy ready money.

I am astonished to hear with what composure and how glibly responsible people talk of the war against Iraq - a war that cannot be anything but a massacre, a cruel, heartrending, bloody, ruinous, one-sided affair. Isn't it a great tragedy that the Organization which the United Nations created at San Francisco for the preservation of peace, has become an idle name, a shield for the strong, a mockery for the weak, and a mechanism for legitimizing aggression by the strong against the weak. Will the attack on Iraq be the last attack upon a small Muslim country or will it be followed by another? Is this in fact a step in the direction of an attempt to dominate the world by force? Be that as it may, when the history of this tragic period comes to be written, let it not be said that Pakistan, under American pressure, took an unprincipled decision and failed to say 'No' to unprovoked aggression against a Muslim country.

Back to 1919

Colin Powell told a Senate Committee meeting recently, "I think there is also the possibility that success (in Iraq) could fundamentally reshape the region in a powerful, positive way that will enhance US interests". 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.

It all started in 1919. The Ottoman gamble had failed. Turkey had joined the war on the losing side. The Empire had melted like snow. The Arab territories had gone, from Mesopotamia to Palestine, from Syria down to the Arabian Peninsula. Between January and July 1919, much of the modern world was sketched out, bankrupt empires carved up, new countries created - Iraq, Yugoslavia, Israel - whose troubles haunt us still. "General attitude among Turks", reported an American diplomat, "is one of hopelessness, waiting for the outcome of the Peace Conference". Like so many other people, they hoped the Americans would rescue them. Almost everyone in Paris assumed that Muslims would simply do as they were told. When Edwin Montagu, the British Secretary of State for India, cried, "let us not for Heaven's sake, tell the Muslim what he ought to think, let us recognize what they do think". Balfour replied with chilling detachment, "I am quite unable to see why Heaven or any other power should object to our telling the Muslim what he ought to think".

"An American official told us in confidence", an Arab official said in private, "that an intervention in Iraq would be a prelude to political and geographic upheavals in the region". The Islamic world faces its greatest threat today. This is the darkest era in the history of Islam since the 13th century. The United States entered the Great war only when a German submarine sank a Cunard Liner, Laconia. It entered World War II when Japan attacked Pearl Harbour. Not before that. Today America is hunting for a pretext that would justify unprovoked aggression against Iraq. Today we live in a world in which the United States is the only super power. No nation currently has the power to challenge it without risking a devastating response. And yet the United States claims a right to use preemptive military force against any country and change its regime. Rumsfeld articulated a novel doctrine to justify preemptive action by stating that "absence of evidence is not evidence of absence of weapons of mass destruction"!

Some of the most intractable problems of the Middle East today have roots in the decisions made in 1919 in the salons of Paris right after the end of the Great War. Among them one could include the crisis over Iraq and endless struggle between

Arabs and Jews. One day during the Peace conference, Arnold Toynbee, an Advisor to the British delegation, had to deliver some papers to the Prime Minister. "Lloyd George to my delight had forgotten my presence and had begun to think aloud. 'Mesopotamia; Palestine...yes...the Holy Land...Zionism...we must have Palestine; Syria...h'm...what is there in Syria? Let the French have that". Thus the lineaments of the Peace settlement in the Middle East were exposed: Britain seizing the chance; the need to throw something to the French; a homeland for the Jews, oil; and the calm assumption that the peacemakers could dispose of the former Ottoman territory to suit themselves. For the Arabs Middle East, the peace settlement was the old 19th century imperialism again.

At their meeting in London in December 1918, the conversation on the Middle East between Lloyd George and Clemenceau was short and good-humoured. "Well", said Clemenceau, "what are we to discuss". Lloyd George replied, "Mesopotamia and Palestine". Clemenceau: "tell me what you want". Lloyd George: "I want Mosul". Clemenceau: "you shall have it. Anything else?" Lloyd George: "Yes. I want Jerusalem too". Clemenceau: "you shall have it but Pichon will make difficulties about Mosul". Mosul was about to become important because of oil. Britain and France got away with it temporarily because the United States did not choose to involve itself in the spoils. Its turn would come later.

At the luncheon meeting with Ibn Saud on board the cruiser Quincey, in the Suez Canal, President Roosevelt brought up the question of a Jewish homeland in Palestine. He made a long appeal on behalf of the Jewish people who had suffered so much under Hitler. Ibn Saud gravely replied that he did not see why the Arabs had to expiate the sins of Adolf Hitler when there were other countries in a much better position to help. "Arabs would choose to die rather than yield their land to the Jews", he said. The President assured the King that he would make no move hostile to the Arabs. But the matter did not end there. Truman, who succeeded Roosevelt, realizing that his chances for re-election were dim, called in some of his advisors to discuss whether or not, because of the Jewish vote in the United States, the embargo on arms to Palestine should be lifted to help the Zionist organization battling the British. The President turned to General Marshall and asked his view. Marshall said he assumed that the President wanted his opinion". "With the bark on", Marshall who in his military tradition did not exercise his right to vote, went on, "I am not going to vote anyway but if I were I would vote against you if you so demeaned the office of the President of the United States". Truman hastily said to the General, "this is what I expected from you", and decided not to lift the embargo. But against the advice of all his advisors, and within minutes of the declaration of independence by Ben Gurion, Truman announced recognition of the Jewish State. Today Jews

wield decisive influence over US foreign policy in the Middle East. Those who criticize Israeli policy invite painful and relentless retaliation and even loss of their livelihood. Presidents fear the Jewish lobby. Congress does its bidding. Prestigious universities shun academic programmes and grants which it opposes. Giants of the media and military leaders buckle under its pressure.

“My greatest complaint”, Tocqueville wrote almost two hundred years ago, “against Democratic government, as organised in the United States, in 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”. 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 it stood for. Two hundred years ago, America caught the imagination of the people because of the ideals which it stood for. Americans were seen as altruistic, reliable and generous. Americans didn’t need to keep telling themselves, “we are the greatest”, or “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”. Today America’s example is tarnished with military adventurism and conflicts abroad. America seems to be experiencing what Toynbee called, “the dark night of the soul”. Most of us who once admired America now see it as a swaggering giant, imperialistic, pushy, condescending and self-certain. Today I know no country in the free world 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. Woe to the man or woman who goes beyond it. Today America stands alone. Washington prefers to call it anti-Americanism. This is not true. It is hostility to American foreign policy that is characterized by unilateralism, militarism, and cynical self-interest. Against the advice of the whole world, Bush is threatening to unleash a totally unjust unwarranted and unprovoked war of aggression against Iraq to capture its oil resources and reshape the region as Britain and France sought to do in the salons of Paris in 1919. Once again, America is on the wrong side of history. By attacking yet another Muslim country, America shall be giving a most dangerous stimulus to Muslim passions throughout the Islamic world. Sooner or later, sullen resentment may burst into savage frenzy. And if that anger results in another September 11, it will mean the end of open society everywhere and the death of all that makes life worth living.

In another century it was said that war was too important to be left to the Generals. Today world peace is too fragile to be left to the whims and ambitions of one man who is playing with fire. Winston Churchill once said, “Never, never, never believe that war will be smooth and easy, or anyone who embarks on the strange voyage can measure the tides and hurricanes he will encounter. The

statesman who yields to war fever must realize that once the signal is given, he is no longer the master of policy but the slave of unforeseeable and uncontrollable events". Let Bush give heed to these weighty words.

"I have come to the conclusion that force is right", Clemenceau said one day in Paris in 1919 over lunch to Lloyd George's mistress, Frances Stevenson, "Why is this chicken here? Because it was not strong enough to resist those who wanted to kill it. And a very good thing too". Iraq is now in the gunights, in imminent danger of losing its sovereignty and going under American military control. Iraq, the land of Hammurabi who gave the world the greatest civilization that has yet appeared on earth, will soon be laid in thrall and recede into darkness. We do not know if Iran and Pakistan will not suffer a similar fate. What Bush doesn't seem to realize is that it is simply not in America's national DNA to impose a new Pax Romana. The lesson of history is that the pursuit of empire is a prescription for certain failure. Every great empire in history, no matter how enduring, has fallen eventually to its own hubris; having built a tide of resentment among its subjects or enemies. The American empire is no exception and will almost certainly meet the same fate.

A few days ago I saw on television pretty little Arab girls in Baghdad, clad in uniform, with their satchels hung from the shoulder, going to their school. And I felt, with a spasm of mental pain, a deep sense of the strain and suffering borne by the innocent people of Iraq and the grim fate that awaited them. The amazing part of it is the cheerfulness and fortitude with which ordinary Iraqis are seen doing their jobs under nerve wracking conditions. "Everything 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". Instinctively, we in Pakistan turn aside from the tragedy about to be enacted in Iraq. Yet instinctively also, we know that we are not isolated from these suffering people. As long as we don't feel ashamed to be alive while innocent Iraqis are about to be killed, not guilty, sick, humiliated because we were spared, we will remain what we are: accomplices by omission and commission.

To watch this criminal folly, this Greek tragedy unfold itself, to wait for the catastrophe, suffocated by a sense of one's own irrelevance which one is unable to prevent, the deafening silence of the 'Umma', fills me with choking, impotent rage and despair. No one can prevent the Americans from attacking Iraq but what prevents brother Muslims from taking to the streets and protesting against an unjust and unprovoked war as millions are doing across the world? Why is there no spirit of protest in the Islamic world? Why is the voice of protest so muted? Why lend our silence to an unjust war? Why become accomplices and partners in crime in somebody else's war? Why sin by silence? Who will give voice to this oppressive silence?

“No General Dare Impose Military Rule in India”

“We have marital 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. More than 40 years have passed since that thought provoking conversation, but Morarji’s words still ring in my ears.

Three years ago I was digging up the treasure trove buried in the archives at the British Record office when a very interesting paper on this very subject attracted my attention. It was a note dispatched by Major-General J. D. Lunt, the British Defence Advisor in Delhi, to the Foreign Office in London. Just before this paper was received in London, the British High Commissioner had met with General Chaudhry, the Chief of Army Staff who revealed to the High Commissioner that Mr. Chavan, the Defence Minister, had consulted him during March 1966 on the possibility that circumstances might exist in which the Indian army would seize power from the civil authority. The COAS told the High Commissioner that they had discussed this matter at some length and he had expressed the categorical view that such a possibility did not exist. General Chaudhry based his belief on:

- a. His view that there was a deep-seated respect in India for constitutional government at all levels in the country.
- b. The size of India and the degree of decentralization of its government machine. From this he argued that it would be administratively and operationally impracticable for the army to seize power from both the Union and the state governments in a single operation.
- c. If the army were to attempt a coup against the Union government without seizing power in the states simultaneously, the Congress machine would remain operational and coup would almost certainly be ineffectual.
- d. If the coup were directed against one or more of the states, it would present the same weaknesses as above in even greater measure. Moreover, the army commander who directed such a coup would place a critical strain on the loyalty of the army, since state loyalties and rivalries are a real factor in the army. In these circumstances, the organizer of the coup would find himself in a civil war situation.

- e. COAS agreed that there would probably be no great difficulty if the Union government directed the army to take over a particular state or region – though even then he himself would require reasonable time to redeploy troops and assemble a select force whose loyalty would be strained as little as possible. COAS agreed that there would probably be no great difficulty if in a situation of political and administrative chaos, the President of India might, independently of the Union government or even against its wishes, order the army to takeover from the civil authority. If this ever happened, he would do his best to execute the order. He believed that Presidential authority would be adequate cover and that the operation could probably be carried out successfully. But he was thankful that there was no prospect of such an order being given before his retirement.

The fact that General Chaudhry was prepared to discuss such a delicate topic with the High Commissioner shows that it was not so far below the surface in the minds of the government and of the army. This was confirmed by a speech made by Kamaraj, the Congress President, in Madras, in which he said that if violence continued on the scale recently seen in the Punjab and Bengal, the military might conclude that democracy was unworkable and themselves takeover the government.

In an accompanying note on the subject, the Defence Advisor, summed up the position as under:

- a. The new generation of Indian officers is more deeply involved in politics than its predecessors were.
- b. The Indian army is badly paid. A large part of it is deployed in operational areas – Kashmir, Ladakh, Sikkim and N.E.F.A. where families are not permitted. Even in peace time garrisons, married accommodation is not easy to come by. Officers serving in New Delhi are particularly hard hit since rents are high and there are not enough quarters to go round.
- c. Pensions are absurdly meagre, a Major can expect 500 rupees, and a General Officer not much more than 1000 rupees a month.
- d. It is said that senior officers, who have reached the highest ranks in army, are so concerned during the last few years of their service with securing for themselves lucrative employment in the government or in business that they have little or no time to worry about their subordinates. On several occasions I have heard criticism levelled at General Chaudhry, the

- late Chief of Army Staff as well as at others. Lack of confidence in the integrity of their senior officers had led to the undoing of many armies, and not only to the Egyptian.
- e. The Indian army is finding it difficult to maintain officer's messes as an economic proposition.
 - f. A marked lowering of the social status of the officers in a country such as India, where great emphasis is placed on "izzat", could give rise to discontent. This will be even more the case if there is a great and growing difference between the facilities provided for the Generals and those provided for junior officers. Perhaps nothing has struck me so forcibly than this general lowering in status and the widening of the gap between army officer and his equivalent in business.
 - g. Marriage of one's daughter to an army officer is no longer sought after by ambitious parents. She would be far better wed to some up-and-coming young businessman. A former Chief of Army Staff is finding it extremely difficult to find a bride for his eldest son, a promising young captain in the army, whereas his youngest son was quickly snapped up in Burma-Shell. A corollary to this is that well-to-do parents or those coming from army families, are no longer keen to put their sons into the army. Many young officers are trying to leave and join business firms. All this can have an effect on the nation's view of the army and the army's view of the nation.
 - h. The Indian army inherited from the British the tradition that the army must always be subordinate to the civil power and that officers should keep out of politics. Despite the example of the neighbours, Indian officers have so far managed to follow this admirable precept, although there are differing views on how much longer they will continue to do so. To some extent they have been helped by the innate suspicion of the Indian politician for the soldier, who for nearly 200 years represented an army of occupation. The Indian journalist is equally ignorant and equally despised by the soldier. Moreover, the Indian army is stationed mainly on the frontiers in awkward and uncomfortable garrisons which offer no inducements for visits by the politicians, and to this extent it is isolated from the main trends of political thought.
 - i. I have been told that General Thimayya, the most popular and probably the most competent of all the Chiefs of Army Staff, who was forced to throw up the sponge, was urged in 1949 to head a coup but lack of support from the Navy led to the abandonment of the plot.

In conclusion, the Defence Advisor wrote: "It is difficult to sum up a paper such as this and I am not going to attempt to do so. I hope I have not been unduly cynical in my approach, nor over-inclined to pour cold water on the optimist who regard the Indian army as the last bastion of democracy in Asia. It has survived the stresses and strains of past 48 years with remarkable success and in the course of doing so has developed its own personality. I feel certain that elements exist within it, which could set it off in pursuit of political power, as has been the case in Pakistan, but I would judge that conditions would have to be far worse than at present before it took the plunge".

55 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. Is this an historical anomaly? Is India coup free? Can a coup be ruled out?

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. I have only one more word to add on this subject.

It is now abundantly clear that Pakistan cannot survive:

1. except as a democratic state based on the principle of the sovereignty of the people. There is nothing intermediate between the sway of democracy and the yoke of a single man.
2. except under a constitution which reflects the sovereign will of the people, not the whims of one individual person.
3. except under a system based on the supremacy of civilian rule.

4. except as a federation based on the willing consent of all the federating units.
5. if the rule of law gives way to the rule of man because the dykes of justice and law will then break and revolution will begin.

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.

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?

Silence of the Lambs

It is an established principle of law that the Executive cannot take away the life and liberty of a person on its authority unless it has the support of some legal provision for doing so and is acting within the bounds of law. In England, the right to personal freedom means a person's right not to be subjected to imprisonment, arrest, or other coercion in any manner that does not admit of legal justification. That anybody should suffer physical restraint is in England prima facie illegal and can be justified on two grounds only, that is to say, either because the prisoner or person suffering restraint is accused of some offense and must be brought before an ordinary court to stand his trial or because he has been duly convicted of some offense and must suffer punishment for it. The law provides for redress for unlawful arrest or imprisonment by means of a prosecution or an action, and deliverance from unlawful imprisonment by means of the writ of habeas corpus. Any disobedience to the writ exposes the offender to summary punishment for contempt of court.

The right to personal freedom is also guaranteed in our constitution but the courts seem helpless to enforce it. Dr. Amir Aziz Khan, a highly respected orthopedic surgeon was arrested on charges of having links with the Talibans and Al-Qaeda leadership and released after a month-long detention. Some 'unknown person' dropped him at his house in Lahore cantonment in the early hours of the morning. He was never produced before the Lahore High Court even though a writ petition was filed there by his mother. Following his early morning release, the 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 questioned me", Dr. Aziz told the press after he was released. In England, Dr. Aziz could have caused all the offenders to be brought to trial as criminals. He could have brought an action against each and all of them; he could have sued the policeman who arrested him and threw him into jail and the jailor who kept him there. In Pakistan, such remedies are unheard of and are not available to the citizen. No wonder, all the wrong doers went unpunished. Dr. Aziz got no compensation for the damage inflicted upon him by the wrong done to him. What is most regrettable is the failure of the court to cause Dr. Aziz to be brought before it in order to ascertain the reason why he was imprisoned and to set him free if his detention was unlawful.

Dr. Aziz's incarceration was not an isolated case. Within a month of his release, the FBI, assisted by its local allies, struck again. In the darkness of the night, Dr. Ahmed Jawed Khawaja, a highly respected physician and his family members were picked up on suspicion of involvement with Al-Qaeda. They were

interrogated by the CIA at a secret detention center in Pakistan where US due process does not apply. Lower level captives are normally handed over to local intelligence agencies with a list of questions the Agency wants answered. These "extraordinary renditions" are done without resort to legal process. In contrast to the detention center at Guantanamo Bay, Cuba, where military lawyers, news reporters receive occasional access to monitor prisoner conditions and treatment, the CIA's interrogation facilities in Pakistan are off-limits to outsiders, and often even to our own government agencies. Free from the scrutiny of military lawyers steeped in the international laws of wars, the CIA and its intelligence service allies in Pakistan have the leeway to exert physically and psychologically aggressive techniques. The alleged terrorists are blindfolded, bound in painful positions, subjected to loud noises and deprived of sleep. Prisoners are packaged for transport, fitting them with hoods and gags and binding them to stretchers with duct tape. In some cases, CIA is able to observe through one-way mirrors the live interrogation carried out by local agencies.

It all started with a telephone call by Armitage to General Mahmud, the ISI Chief, inviting him to a meeting at the State Department. "This is not negotiable", Armitage told General Mahmud, handing him a single sheet of paper with seven demands. "Pass the word to General Musharraf. You must accept all seven parts". At around 1:30 PM, General Musharraf, to General Powell's complete surprise, capitulated, conveyed total acceptance of the seven demands and promised, "Unstinted cooperation". "The strong do what they can", the Athenians told the intractable Melians, "and the weak suffer what they must". On the eve of World War II, a similar ultimatum was presented by Adolf Hitler to the Austrian Chancellor. "I repeat to you, this is the very last chance. Within three days I expect the execution of this agreement". At 11 PM, Chancellor Schuschnigg, signed the 'protocol'. As Papen drove back with Schuschnigg to Salzburg, he commented. "Yes, that is how the Fuehrer can be; now you have experienced it for yourself. But when you next come you will have much easier time. They Fuehrer can be really charming".

How can a sovereign, independent, self-respecting country allow foreign security and intelligence agencies to operate within its borders without any let or hindrance? What is the legal authority for allowing them to arrest and interrogate our nationals? How can a state which compromises its sovereignty and so shamelessly subjects its nationals to humiliation by foreign security agencies have any claim on the loyalty of its citizenry? Nothing is more unworthy of a nation than to be governed by people who inflict such indignities on their countryman?

Why is there no moral outrage? Why are the better sort of the nation so silent? To sin by silence when we should protest makes cowards of men. Why have we

sunk so low? What can you expect from a people who show no sign of life even when they lose half their country? 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. They deserve the fate that has now descended upon them. And this is not the end of our humiliation. This is only the beginning of the reckoning. This is only the first sip, the first foretaste of the bitter cup which will be proffered to us in the days to come. We lie in the grip of even worse perils and humiliations than those we have faced so far. An evil spirit now hangs over Pakistan. Is it our destiny that for us there must always be darkness at high noon, there must always be a line of shadow against the sun?

Pastor Martin Niemoeller, who was sent to Dachau for resisting the Nazis, summed up in his memorable words the plight of people like us who for one reason or another do not speak up. "They came first for the Communists, and I didn't speak up because I wasn't a Communist. Then they came for the Jews and I didn't speak up because I wasn't a Jew. Then they came for the trade unionists and I didn't speak up because I wasn't a trade unionist. Then they came for the Catholics and I didn't speak up because I was a Protestant. Then they came for me and by that time nobody was left to speak up". Where are the men to be found who will dare to speak out? If we do not speak up, who will? If we do not act, who will?

Jinnah's Concept of Good Governance

The principle that all men are born free and equal and that no one has a right to rule them without their consent, is the basis of democratic governance the world over. Addressing all those who rule by force, Rousseau said three hundred years ago: "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". You cannot govern if you don't acquire legitimacy by converting your might into right and obedience into duty. To govern, you must also have credibility. What you say, people must believe in.

In the 1980s and 1990s, the world made dramatic progress in opening up political systems and expanding political freedoms. Developing countries pursued democratization in the face of massive poverty and pervasive social and economic tensions. Several countries that took steps towards democracy after 1980 have since returned to authoritarian rule or military dictatorships. Pakistan, I regret to say, is one of those countries. My sadness is deepened by bittersweet memories of the euphoria of the Pakistan dream that was being dreamed in the heady days of 1947 when Pakistan was so very new and hopes were so very high. On August 14, 1947, I saw the sun set on the British Empire and Union Jack lowered for the last time. I witnessed the dissolution of the Empire and the emergence of an independent, sovereign, democratic Pakistan, a country earned for us by the sweat of one man, carved out by the iron will of a single man.

Mr. Jinnah envisioned Pakistan as a modern, progressive, democratic country drawing its inspiration from the true, dynamic, pristine, revolutionary Islam of its early years with its emphasis on egalitarianism, social justice and accountability. Jinnah was a fervent believer in the sovereignty of the people, the inviolability of constitution, supremacy of civilian rule, an absolutely independent, incorruptible judiciary, Rule of Law and a strong, neutral, honest civil service. The ruling passion of Jinnah's life was love of law and liberty. On innumerable occasions, before and after the establishment of Pakistan, he affirmed his faith in democracy, social justice and equality of man as taught by Islam. In a broadcast to the people of the United States of America in February 1948, he said, "The Constitution of Pakistan has yet to be framed by the Pakistan constituent assembly. I do not know what the ultimate shape of the constitution is going to be, but I am sure that it will be of a democratic type, embodying the essential principles of Islam...Pakistan is not going to be a theocratic state to be ruled by priests with a divine mission".

In a speech in Delhi in April 1943, Mr. Jinnah explained his concept of a just and egalitarian, social and economic order in the Pakistan of his dream, "Here I should like to give a warning to the landlords and capitalists. The exploitation of the masses has gone into their blood. They have forgotten the lesson of Islam. Do you visualize that millions have been exploited and cannot get one meal a day? If this is the idea of Pakistan, I would not have it...The constitution and government will be what the people want".

What was Jinnah's concept of the role of the military and civil bureaucracy in the governance of independent Pakistan? 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 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".

Months later, during his first and only visit to Staff College Quetta, he expressed his alarm at the casual attitude of "one or two very high-ranking officers". He 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". The supreme irony of the event is that the Constitution of Pakistan was to be abrogated by some of the officers present in Mr. Jinnah's audience.

In an informal talk to civil servants in Government House Peshawar in April 1948, Mr. Jinnah said: "The reason why I wanted to meet you is that I wanted to say a few words to you who are occupying very important positions in the administration of Pakistan". "Governments are formed, governments are defeated. Prime Ministers come and go, ministers come and go, but you stay on and, therefore, there is a very great responsibility placed on your shoulders. You should have no hand in supporting this political party or that political party, this political leader or that political leader - this is not your business. Whichever government is formed according to the constitution and whoever happens to be Prime Minister, coming into power in the ordinary constitutional course, your

duty is not only to serve that government loyally, faithfully, but at the same time fearlessly, maintaining your high reputation, your prestige, your honor and the integrity of your service...while impressing this upon you on your side, I wish also to take the opportunity of impressing upon your leaders and politicians in the same way that if they ever try to interfere with you and bring political pressure to bear upon you, which leads to nothing but corruption, bribery and nepotism - which is a horrible disease and from which not only your province but others too are suffering - if they try and interfere with you in this way, I say, they are doing nothing but disservice to Pakistan...May be some of you may fall victim for not satisfying the whims of Ministers, I hope this does not happen, but you may even to put to trouble, not because you are doing anything wrong but because you are doing right. Sacrifices have to be made and I appeal to you, if need be, to come forward and make the sacrifice and face the position of being put on the blacklist or being otherwise worried or trouble. If you will give me the instances of you sacrifices, some of you atleast, believe me, we will find a remedy for that very soon. I tell you that you will not remain on the blacklist if you discharge your duties and responsibilities honestly, sincerely and loyally to the State. It is you who can give us the opportunity to create a powerful machinery which will give you a complete sense of security”.

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 a government is to maintain law and order, so that the life, property and religious beliefs of its subjects are fully protected by the state...The next thing that strikes me is this: this great evil - the evil of nepotism and jobbery must be crushed relentlessly”. In the same address he said: “you are free to go to your temples. You are free to go to your mosques or to any other places of worship. You may belong to any religion or caste or creed - that has nothing to do with the business of the state”.

It has become common in recent years to hear policy makers and development experts describe “good governance” as the “missing link” to successful growth and democratic reforms in developing countries. But attention has focused almost exclusively on economic processes and administrative efficiency. For Mr. Jinnah, good governance meant democratic governance. From his perspective, good governance was inconceivable except within a system of democratic representation with well-functioning political parties, an electoral system that guarantees free and fair election, a strong, independent, incorruptible judiciary and last but not least, effective civilian control over the military and other security agencies.

How can you have good governance 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 good governance if people don't have the freedom to choose their President in

accordance with the constitution? How can you have good governance 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 good governance when known corrupt leaders are resurrected, foisted upon a poor, illiterate electorate unable to make an informed political choice and then sworn in as ministers? Good governance requires fostering fair, accountable institutions that protect human rights and basic freedoms. Good governance 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.

With Mr. Jinnah's death, it was as if a great light had gone out, and people were left groping in the dark. The hands of the nation's clock stopped the day the Quaid's heart stopped beating. Sometimes, I wonder if it ever occurred to Mr. Jinnah that, one day, Pakistan will be stripped of all its core values, the constitution, the supreme law of the land, will be abrogated or suspended, defaced, disfigured and changed beyond recognition; Pakistan will be ruled by corrupt civilian leaders or military dictators and his dream turn into a nightmare. We have a horrible past, a topsy-turvy present and an uncertain future. Pakistan is a case of failed leadership, not failed State. Until we get the right kind of leadership, Pakistan will continue to oscillate between long periods of authoritarianism and bouts of corrupt and sham democracy.

Looking for a Pony

Long ago, Karl Marx, famously borrowing from Hegel, said that “everything happens twice in history – the first time as tragedy, the second as farce”. The repetition of past mistakes qualifies as folly, when it is a perverse persistence in a policy demonstrably unworkable. Regrettably, this is what happening in Pakistan today. After three years of army rule, pre-poll rigging and horse-trading, Pakistan has an elected parliament and an elected Prime Minister once again. Not surprisingly, what has emerged is a distorted picture which does not reflect the ground reality and has aroused fears about the prospect of political stability ahead. The split verdict has created a hung parliament incapable of ending the political uncertainty. Consequently, there is hardly any reason to be optimistic as Pakistan steps into a democratic future.

In the post-election scenario, the substance of power remains in the hands of the President who is also the Chief of Army Staff and Chairman of the powerful National Security Council. Cohabitation – the tortured, ineffectual coexistence between the President and the Prime Minister, of conflicting ideological stripes, has not been a great success in France. How can it work in Pakistan? President Zia tried it towards the end of his long army rule but it did not work. He had to sack Muhammad Khan Junejo, his Prime Minister, and dissolve the National Assembly with disastrous consequences for the country. Why make the same mistake again? Why not profit from past experience and let the Prime Minister govern the country without the President breathing down his neck? Why keep the presidential sword hanging over his head? The history of Pakistan might have been different if Governor-General, Ghulam Muhammad, and his successors had not intervened and derailed the political process. “The commonest error in politics (Salisbury’s wrote to Lytton) is sticking to the carcasses of dead policies. When a mast falls overboard you do not try to save a rope here and a spar there in memory of their former utility. You cut away the hamper altogether. And it should be the same with a policy. But it is not so. We cling to the shred of an old policy after it has been torn to pieces; and to the shadow of the shred after the rag itself has been torn away”.

I was present at the swearing-in ceremony of Mr. Junejo at the State Guest House in Rawalpindi. He said all the right things in his speech and expressed the hope that he will have the blessing and support of the President in facing the arduous task that lay ahead of him. Not a bad beginning, we all thought and heaved a sigh of relief. But in his very first meeting with the President, without expressing a word of thanks, he said abruptly: “Mr. President, when do you plan to lift Martial Law”. Zia kept his cool but realized that he had made a wrong choice.

Relations between the two became frosty. They were soon on a collision course and a showdown was inevitable. Junejo was a democrat and made no secret of his determination to get rid of martial law and missed no opportunity to assert his independence. Zia resented this. What upset him most was that power was fast slipping out of his hands and flowing in the direction of the Prime Minister and he could do nothing about it. When I called on him at the Presidency in Rawalpindi a few days after Junejo was sworn in, deathly silence prevailed. There was not a scrap of paper on his table and he looked visibly under-employed and quite unhappy. Things had not worked out the way he had planned. He wanted Junejo to seek his prior approval in all important cases. Junejo was in no mood to oblige and was not prepared to be a puppet Prime Minister. There can't be two suns in the sky. Junejo's fate was sealed. His days were numbered. It was now only a question of time.

How will things pan out between President Musharraf and Prime Minister Zafar Ullah Jamali? Will history repeat itself? Musharraf is not Zia and Jamali is not Junejo. Musharraf is impulsive and not as cool as Zia was. On the other hand, Jamali is more tactful and flexible than Junejo. Will it make cohabitation between the two easier or more difficult? We have to wait and see. Mir Jamali's biggest problem in the days ahead will be the President, his benefactor, who got him elected as the Prime Minister of Pakistan. The notion that Pakistan Muslim League (Quaid-e-Azam) elected Mir Jamali as the Prime Minister reminds me of a rooster who took credit for the dawn.

Mr. Jamali has inherited a dysfunctional political system that most Pakistanis describe as democracy with a dictator sitting on top. He faces a daunting task. Pakistan is at the crossroads today. In the absence of the 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. General Musharraf has literally reappointed himself as the President of Pakistan on the basis of a dubious referendum. "No man ever willingly gives up public life", President Roosevelt once said, "no man who has ever tasted it". The people of Pakistan have been denied the right to elect their President in accordance with the constitution. President Musharraf's Legal Framework Order, the bedrock of the new political dispensation, is under attack and its legality in dispute. Major political parties refuse to take oath under the legal framework order which they reject and do not accept as a part of the constitution. Devolution, the brainchild of General Naqvi, trumpeted as a revolutionary concept, is in a mess, its future uncertain. The system of old district administration - which had stood the test of time for centuries - has been demolished with nothing, but chaos, to replace it. No one knows who is in command at the grassroots level.

From the time of Herodotus democracy has meant, first and foremost, the rule of the people. Every country gets the kind of democracy it deserves. Pakistan is no exception. How meaningful is our new democratic order replete with parliaments, cabinets, and political parties when crucial decisions are made elsewhere. 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. All our civilian Prime Ministers - Z. A Bhutto, Junejo, Nawaz Sharif and Benazir made a fatal mistake when they lost sight of this reality. ZAB paid the ultimate price. He went to the gallows. Benazir is a fugitive from justice, living the life of an exile in London and Dubai. Nawaz Sharif awaits an uncertain future in the holy land. Junejo died a frustrated and unhappy man. Mir Jamali will have to proceed warily if he is not to meet the same fate. It is difficult to predict how long he will last, but a ruler, history shows, has only the briefest time to make his mark before the power seeps away. Power is evanescent. It can come in a rush, but it also tends to evaporate overnight. Mir Jamali must therefore hurry up and draw upon it quickly, putting it to good use in public interest, or he will never achieve any result.

I am no longer young and the season for summing up is descending upon me with steady insistence. I was born in slavery. On August 14, 1947, I was a free man, proud citizen of an independent, sovereign, democratic country I could call my own, a country I could live for and die for. For me, and like me, for all those who belonged to my generation, Pakistan symbolized all our dreams, our hopes and aspirations. Today it 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 black hole of abject poverty. 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. Our entire political system has been pulled into a black hole

caused by periodic army intervention and prolonged army rule. People wonder if Pakistan will ever take the high road out of this moral squalor or wallow in it.

President Musharraf has one rare quality which none of his predecessors possessed. He has integrity. His hands are clean. But in politics probity isn't enough. You are expected to speak to the important needs of the country, not to your own personal rectitude. People focus on what you stand for – your political character, not your personal character. President Musharraf started with a blank cheque of goodwill and popular enthusiasm given to him by the people of Pakistan. But after three years of absolute rule, and I say it with deep anguish, he has ended with a bankruptcy of moral and political support, leaving the country in worse condition than he found it in. A perfectly good country has become the laughing stock of the world once again. The country is in the grip of a grave political crisis but President Musharraf does not seem to comprehend the gravity of the situation and genuinely believes that all is well and things are working out according to plan. Like Reagan, he is a born optimist. One of Reagan's favourite stories was about the two boys getting their Christmas presents. The first boy was a pessimist, the second an optimist. The pessimist got a roomful of toys. He is miserable because he is sure there is some catch involved. The optimist gets a roomful of horse manure. He is delighted. He digs around in the room for hours on end. With all that horse manure, he figured "there just had to be a pony in there somewhere". What do you do when your President ignores all the palpable facts, all the lessons of history, looking for a pony in a room full of manure?

To no country has fate been more malignant than to Pakistan. We thought the past was dead and gone on October 12. It is not even past. How wrong can one be? How flawed human judgment can be? Will Pakistan ever recover its élan vital and regain its lost dignity, its past glory? Will Pakistan ever convert itself into a more proud country, a more self-respecting and just country, a country that is truly sovereign, fiercely independent and authentically democratic? Will consensus on nation's core values ever breakout in this country and will the people ever protect and defend those values? Today, Pakistan has trouble agreeing on whether the sun will rise tomorrow morning.

Turkey's Fateful Choice

Last Sunday's parliamentary election result has radicalized Turkey's political landscape. The Justice and Development party, an untested party with Islamic roots, has won a landslide victory. The Turks have made their fateful choice. Will the generals now honour the people's verdict and allow the victorious party and its leader to form the next government? That is the key question.

The armed forces have always occupied a privileged place on Turkey's political landscape under the Republic no less than in Ottoman times. Ataturk would not have been able to drive out the foreign forces that occupied his country in the wake of World War I or to found the Republic on the ashes of the empire without the army's active assistance. Since 1960, Turkey has experienced a number of putsches and four successful coup d'etat. The latest, in February 1997, has come to be known in Turkey as the "virtual" or "post modern coup", because the troops never actually left their barracks: a thinly veiled ultimatum from the army high command sufficed to bring down the coalition government headed by the Islamist, Necmettin Erbakan. Every now and then, the "Pashas" erupt onto the political scene, disrupt the political process waving the banner of "Kemalism". It has two major elements: the indivisibility of the nation and its territory and the secularism of the Republic. It is significant that the generals who have championed the Kemalist doctrine have never hesitated to go against its very essence whenever Ataturk's policies got in the way or were found anachronistic. Ataturk laid down the strict principle that under no circumstances should Turkey involve itself in the internal affairs of foreign countries. However, his successors in the military have defended Turkish - speaking minorities in other countries - Greece, Cyprus, Bulgaria. Perhaps, the most poignant irony of Kemalism today is the fact that the "Father of the Turks" opposed any intervention by the armed forces in the affairs of state - a principle that his admirers have consistently violated for the last forty years or so.

Turkey today stands at a crossroads. It must enact far - reaching economic and political reforms and comply with the so-called Copenhagen rules if it is to join the European Union. These measures represent more than simple reforms: they mean the virtual dismantling of Turkey's entire state system. This system, which places the armed forces at the very heart of political life, is deeply rooted in a centuries - old culture and in practices that have been ingrained for decades. Whether Turkey will change them - and whether army will let it - remains uncertain. Even EU membership, the ultimate incentive, may not be enough to convince the Turkish military to relinquish its hold on the jugular of the Turkish state. The EU is trying to persuade Turkey to totally revamp a constitution - that

institutionalizes the army's dominant power and blocks any move toward democratization. One of EU's main target has been Article 118, which establishes the National Security Council, a kind of shadow government through which the generals can impose their will on parliament and the government. The NSC is made up of 6 high - ranking military officers and civilians. Once a month, decked out in full dress uniform, the Chief of Staff and the Head of the Army, Navy, Air Force, and National Police along with a sixth general acting as the Council's General Secretary, meet Turkey's President, Prime Minister, and the Ministers of Defence, Foreign Affairs, and the 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. Although the NSC acquiesced when its order to purge suspect civil servants was vetoed by President Sezer, the country's highest ranking judge and a known liberal, and sent to parliament for approval, the Council was far less indulgent in the case of Prime Minister Erbakan. When Erbakan had the temerity to send the NSC's 20 "recommendations" aimed at "eradication of Islamist reaction" to parliament in February 1997, the military had him ousted. Erbakan signed his death warrant by pretending not to understand that the "recommendations" constituted an ultimatum. Reminding Turks that the NSC'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 armed forces enjoy autonomy in the judicial domain, having their own laws, courts, and judges to deal with matters concerning military personnel - including cases where civilians are involved. Any public criticism of the military found to be "insulting" can result in prison sentences of up to six years. Crimes of opinion are tried in state security courts, until recently presided over by high-ranking officers. The EU has demanded the abolition of these special courts on the ground that they are incompatible with a democratic system. Equally unacceptable to the EU is Article 312 of the Penal Court which penalizes views judged contrary to ethnic and religious harmony. This was the article used in 1998 to strip the 75-year old Erbakan of his civic rights for five years. The same article was applied again to sentence him to one year in prison for a campaign speech he gave in 1995, a year before he was appointed Prime Minister.

The Justice and Development party has won a landslide victory despite the banning of its leader for propagating Islamic views. Will Recep Tayyip Erdogan - the popular 50-year old leader of Justice and Development party, who once openly campaigned on an Islamist agenda but now says he has changed his politics - be allowed to form the government? Erdogan was ruled ineligible

because of his 1998 conviction for “inciting religious hatred, something he allegedly did by publicly reciting a 90-year old poem calling minarets “our bayonets”, the domes of mosques our “helmets”, and the Muslim faithful as our “soldiers”. The military, in its guise of protecting the secular Turkish state, forced Erdogan out of the office of Mayor of Istanbul, just as it had previously forced the resignation in 1997 of Turkey’s first Prime Minister from an avowedly Muslim party. Such intervention has been embraced by President Musharraf, a great admirer of the Turkish system, who, after announcing the creation of a military – led National Security Council on the Turkish model, excluded his two leading civilian opponents from the October parliamentary elections. The same logic guides Washington’s announced policy on Palestinian reforms: Democratic elections must be held, but Yasser Arafat can’t win. The results in both cases have been dismal. President Musharraf succeeded only in shifting votes from secular to Islamic candidates while the Palestinian elections are on hold due to Arafat’s enduring popularity.

What does Turkey look like today? In a remarkably forthcoming book, Umit Cizre, a professor at Bilkent University in Ankara, laments that: “civil society has increasing latitude but no real strength; parliament contains opposition forces but has no real teeth; the judiciary operates with some independence at times but is by and large controlled politically”. Are Turkey and Pakistan following same path? Similarities abound.

Today Turkey stands facing two very different paths forward. Two very different visions of the country are now facing off in a contest the outcome of which is difficult to predict. On the one side stands what are called the “Kemalist Republicans”, those who see the military as the infallible interpreter of Ataturk’s legacy and sole guardian of the nation and the state. On the other side, stand what are called the “Kemalist Democrats”. They are proud of the revolution carried out by the founder of the republic eight decades ago, but at the same time they believe that Turkey must adapt to western democratic norms. This group includes intellectuals, businessmen, Islamists and Kurds, who maintain that Turkey needs democratization, globalization, non-interference by armed forces in affairs of state, independent judiciary etc. The key question is: will the Turkish military relinquish its hold on the jugular of the Turkish state? Will it accept the election result even though the wrong candidate has won?

The American diplomat, Richard Holbrooke pondered a 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. That is the dilemma”. Indeed it is, not just in Bosnia or Algeria or modern Turkey or Pakistan but in the entire Islamic world. Islam with its own code of egalitarianism, morality, concepts of political,

economic and social justice, is emerging as a challenge to pro-western military dictatorships and corrupt monarchs in the Islamic world. Why is political Islam now so appealing in the Islamic world? The answer lies in part in the failure of the existing political systems to address the underlying economic and social problems - poverty, inequality, rampant corruption, injustice. It is this failure which has made Islam the default choice for billions of Muslims in the Islamic world.

By seeking to separate Islam from politics, the Turkish generals ignore the reality that the two are intricately intertwined. Today no other ideology has remotely comparable sway in the Islamic world. The election result in Turkey reflects the disenchantment sweeping the Islamic world after decades of corrupt rule. In Pakistan, the resounding victory of the religious right in the two sensitive provinces of Frontier and Balochistan is the clearest demonstration to date of the growing backlash against American bombing of Afghanistan.

Nationalist parties in the Islamic world are weak and thoroughly discredited. The left is in disarray. Liberal democrats cannot even muster enough supporters to stage a demonstration in any Muslim capital. Like it or not, therefore, various forms of Islamism will be the dominant intellectual current in the Islamic world for a long time to come - and the process is still in its infancy. Islam, not the scholastic, institutionalized, fossilized Islam co-opted by authoritarian rulers, but the true, dynamic, pristine, revolutionary Islam of its early years, is perceived by the elite as the greatest threat to established order in the Islamic World.