

## Pakistan: a question of legitimacy

By Irfan Husain,  
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So far, Pervez Musharraf's coup against his own government has gone off without a hitch. The judiciary has been emasculated. His military high command is supporting him unflinchingly. The electronic media have been cowed [1] or taken off the air. Washington is onside, despite a few token statements. And the opposition parties are in disarray.

Above all, the judicially cleansed supreme court has rejected the appeals against his re-election as president. Indeed, it was his fear of an adverse judgment that triggered this latest bout of martial law on 3 November 2007 [3]. To pre-empt it, Musharraf imposed a state of emergency that suspended the constitution, and issued a Provisional Constitutional Order. Judges who refused to take a fresh oath under this PCO were removed from the bench. By this simple expedient, Musharraf was able in March to rid himself of chief justice Iftikhar Chaudhry, the independent-minded judge who had been a thorn in his side for over a year.

However, Nawaz Sharif's return [4] has cast a shadow over all of Musharraf's carefully laid plans to secure another term. Despite his personal appeal to the Saudi monarch to keep Sharif in the kingdom, at least until the elections on 8 January 2008, the ex-prime minister has stuck to his guns. The reason he has been allowed to end seven years in exile is that the Saudis decided it would be unjust to hold Sharif [5] when Musharraf had allowed another ex-PM, Benazir Bhutto, to return.

Although many opposition parties are calling for a boycott of the polls unless Musharraf takes off his uniform, lifts the emergency, and reinstates the judges removed from the supreme court as well as the provincial high courts, it is doubtful that mainstream parties will sit the elections out. Now that a pliant supreme court has removed all legal hurdles to his re-election, Musharraf will retire from his army post and take the oath [6] as civilian president on 29 November. And having gained the judgment he needed from both the supreme court and the electoral commission (which on 24 November ratified [7] his re-election), he will probably announce the end of emergency rule, and release all political prisoners. But he will certainly refuse to allow his arch-enemy, former chief justice Iftikhar Chaudhry, back on the bench.

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"Musharraf's own goals [2]" (27 March 2006)

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If he makes these concessions, the opposition will be under tremendous pressure to participate in the elections [8], thus legitimising them. Although nobody expects free and fair polls, no major politician will take the risk of allowing his rivals, or Musharraf's faction of the Muslim League, to have a free hand. And with Nawaz Sharif's return and registration [9] as a candidate in the January polls, the field is wide open.

The major beneficiary of this changed scenario is likely to be Benazir Bhutto as the anti-Pakistan People's Party (PPP) vote is likely to be split between the two factions of the Pakistan Muslim League (PML), particularly in Punjab, Pakistan's [10] biggest province. The next few days will see a flurry of coalition-building efforts with a view to isolating the ruling faction of the PML. A certain degree of cooperation between Bhutto and Sharif is expected.

While some 5,000 protestors have been released in the last few days, others have been picked up. The government is operating a revolving-door policy in which people are arrested and others are released. But Aitzaz Ahsan [11], the barrister who represented the chief justice remains in solitary confinement, as do several other senior lawyers. In anticipation of a big welcome for Sharif, hundreds of his supporters have been picked up.

### The legitimacy question

Imran Khan, the cricket star turned politician, was released [12] along with hundreds of other political activists on 21 November. If the wide publicity Khan's arrest received in the west helped him win his freedom, his brief incarceration must have come as a rude shock to him - for it was engineered by the *Islami Jamiat-e-Tulaba* (IJT), the student arm of the *Jamaat-e-Islami*, the hardline Islamist party Imran Khan had been very close to. Emerging from hiding to address students at Lahore's Punjab University, Imran Khan (whose *Tehrik-e-Insaf* (PTI) party is boycotting [13] the elections) was roughed up by IJT activists and handed over to the police. This perceived betrayal motivated thousands of the university's students to take to the streets against [14] the *Jamiat* and the emergency.

The *Jamiat's* role in this shabby episode underlines the confusion in the ranks of the religious parties. Although formally members of the MMA alliance, their leaders are sending out conflicting signals. Traditionally, they have cast their lot with military governments as they have lacked the electoral support necessary to come to power on their own. The exception was the 2002 election in which some judicious rigging by the Inter-Services Intelligence (ISI) gave them a majority in the North West Frontier Province, and an important part of the ruling alliance in Balochistan [14].

Now, despite their nominal opposition to the emergency, they have avoided bringing their supporters out on the streets. They realise that a path of confrontation may leave them out in the cold. Having tasted power, they are waiting to see which way the wind is blowing before they commit themselves one way or the other.

(14 September 2007)

"Pervez Musharraf's desperate gamble" (5 November 2007)

"Pakistan's multi-faceted crisis [2]" (12 November 2007)

Also in **openDemocracy** on Pakistan under Pervez Musharraf:

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Ayesha Siddiqa, "Pakistan's permanent crisis" [14] (16 May 2007)

Paul Rogers, "Pakistan signals red [14]" (5 July 2007)

Benazir Bhutto [15] is also keeping her options open. Although thousands of her Pakistan People's Party activists were locked up, and she was twice placed under house arrest to prevent her from addressing anti-emergency rallies, she has not responded to opposition demands to boycott the general elections on 8 January. Her decision would be a key factor in determining the acceptability of the exercise, as well as Musharraf's legitimacy.

One reason for her hesitation is her experience of the PPP boycott of the party-less elections held under General Zia ul-Haq [16] in 1985. Although candidates were barred from declaring any party affiliation, voters were aware of which party was supporting which candidate. That election saw other parties dominate the assembly, with the PPP rendered largely ineffective. Thus, there is strong pressure from many of her party members to contest elections, despite the widespread perception that they will be massively rigged.

Another compulsion Bhutto is labouring under is the possibility that Musharraf might withdraw the deal between the two figures in the form of the national-reconciliation ordinance (NRO [17]) he had issued on 5 October, which entailed dropping the corruption charges being heard in Pakistani courts over the last eleven years (which Bhutto herself had been facing). The NRO has been challenged in the supreme court, and it would be a simple matter for Musharraf to instruct the new chief justice to dismiss this controversial ordinance, thus paving the way for the reopening of the cases.

But although it might seem that Musharraf is sitting pretty, legitimacy continues to elude [18] him. And now that he realises that working with Benazir Bhutto would be very difficult, he has no option but to rely on the alliance of the "Q" (Quaid-e-Azam [19]) faction of the Pakistan Muslim League, and the Karachi-based ethnic party, the Muttahida Qaumi Movement (MQM [20]). The administration is exert all its levers to ensure a majority for the alliance; to prepare the ground, a heavily partisan caretaker government [21] was sworn in on 16 November.

### **The civil-society test**

Despite all these steps aimed at ensuring the survival of Musharraf and his political allies, the agitation against their rule is unlikely to go away. While it would help Musharraf to have the PPP enter the ruling alliance on his terms, Benazir Bhutto is under tremendous pressure not to deal with the general. Meanwhile, Washington continues to urge both of them to cooperate in order to confront the rising tide [22] of extremism.

The valley of Swat in the northwest remains a battlefield [23] between the army and the extremist militia led by Maulana Fazlullah. Helicopter-gunships and artillery are being used against the insurgents, and thousands of locals have fled their homes. In Parachinar, fighting [24] between *Shi'a* and *Sunni* has resulted in over a hundred deaths. And Waziristan in the tribal areas is virtually under the heel of the Taliban and their local supporters. Thus, while Pakistan is locked in a major political crisis, the real enemy has walked in through the open gate.

So as we enter into a decisive stage of Musharraf's much-touted "third phase" of a transition [25] to democracy, Pakistan is sailing into choppy waters. Having received the judgment he needed

Paul Rogers, "Pakistan's peril [14]" (19 July 2007)

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Salman Raja, "Pakistan: inside the storm [14]" (9 November 2007)

Iftikhar H Malik, "Pakistan: misgovernance to meltdown [14]" (19 November 2007)

Saskia Sassen, "Lahore: urban space, niche repression [14]" (21 November 2007)

from the supreme court, he can finally shed his army uniform, thus satisfying a key demand. And he will also probably lift the emergency a couple of weeks before the elections to keep Washington happy. Pakistan's suspension [26] from the Commonwealth is an embarrassment, but ultimately, it is Bush's continuing support [27] that is the key to Musharraf's survival.

But the recovery in the stock market after the supreme court's favourable ruling for Musharraf is an indicator of his continuing popularity among the business community. Indeed, traders and industrialists are watching the growing political uncertainty with growing concern. These people have supported Musharraf consistently, as have large numbers in the Pakistani diaspora. For them, Musharraf has been a beacon of progress and stability [28]. They view most of Pakistan's squabbling politicians as corrupt and ineffective, and prefer the continuity provided by the army under Musharraf.

The Pakistani strongman cannot afford a fair and transparent election without risking an opposition majority in the next parliament. So *Realpolitik* demands [29] that he rig the election to get the result he requires. With the American leadership and his generals solidly behind him, Musharraf must feel he cannot be budged. But as long as civil society and the opposition challenge his rule and his legitimacy, he will be unable to feel entirely comfortable.

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